

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

November 9, 1981

**FIRST SESSION DAY
FIRST CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

**PART I
PROCEEDINGS OF THE ASSEMBLY**

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, November 9, 1981

At 12 m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Edmund G. Brown Jr., Governor of the State of California, dated November 4, 1981, convening the Legislature of the State of California on this day in extraordinary session.

James D. Driscoll, Chief Clerk for the 1981-82 Regular Session, presiding.

Assistant Clerk Daniel McLean reading

ANNOUNCEMENTS

James D. Driscoll, Chief Clerk of the Assembly, announced that pursuant to the requirements of the Government Code, Section 9150, the following officers of the Assembly of the 1981-82 Regular Session of the Legislature would perform the duties of their respective offices:

James D. Driscoll, Chief Clerk, Anabel Fleury, Minute Clerk, and Charles Greene, Sergeant at Arms

ROLL CALL

The roll was called, and the following answered to their names—77:

Agnos	Floyd	Lancaster	Ryan
Alatorre	Frazee	Lehman	Sebastam
Baker	Frizzelle	Leonard	Sher
Bates	Goggin	Levine	Stirling, D
Bergeson	Greene	Lewis	Stirling, L
Berman	Hallett	Lockyer	Tanner
Bosco	Hannigan	Marguth	Thurman
Brown, D	Harris	Martinez	Torres
Brown, W	Hart	McAlister	Tucker
Campbell	Herger	McCarthy	Vasconcellos
Chacon	Imbrecht	Moore	Vicencia
Cortese	Ingalls	Moorhead	Waters, M
Costa	Ivers	Mountjoy	Waters, N
Cramer	Johnson	Naylor	Wray
Deddeh	Johnston	Nolan	Wright
Duffy	Kapiloff	Papan	Wyman
Elder	Katz	Robinson	Young
Farr	Kelley	Rogers	
Felando	Konnyu	Roos	
Filante	La Follette	Rosenthal	

PRAYER

Upon invitation of the Chief Clerk, the following prayer was offered by Reverend Walter Link, Chaplain of the Assembly for the 1981-82 Regular Session

Almighty God, We need Your help as we cope with the rigorous demands of this special session. Each segment of our population sees its own needs as the most critical. Lead us to those compromises which will permit all of us to bear some burdens and share some concessions. Keep us from concentrating only on what we want without regard to the desires of others. Make us sensitive to all the voices we hear and wise to distinguish the concern they represent. Thank You for caring for us each day—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of the Chief Clerk, Assemblyman Bosco then led the Assembly in the pledge of allegiance to the Flag

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On personal business, and waiving per diem Assemblymen Bane, Hughes, and Statham

RECESS

By unanimous consent, at 12 24 p m, the Chief Clerk declared the Assembly recessed, at the request of Assemblywoman Hallett.

REASSEMBLED

At 12 31 p.m., the Assembly reconvened

James D. Driscoll, Chief Clerk of the Assembly, presiding

PROCLAMATION OF THE GOVERNOR

The Chief Clerk directed that the Proclamation of the Governor convening the Legislature in extraordinary session be read.

Proclamation

Executive Department
State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session, now, therefore,

I, EDMUND G. BROWN JR., Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) of Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California on the ninth day of November, 1981, at 9 30 a.m. to legislate upon the following subjects

- 1 To consider and act upon legislation relative to State budget problems created by recent federal enactments and related court actions
- 2 To consider and act upon legislation relative to reapportionment

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fourth day of November, 1981.

EDMUND G. BROWN JR
Governor of California

[SEAL]

ATTEST
MARCH FONG EU
Secretary of State
by ANTHONY L. MILLER
Deputy Secretary of State

COMMUNICATIONS

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

November 4, 1981

To: All Assembly Members
From: Assembly Speaker Willie Brown
Re: Special Session

Fact Sheet on Special Session

1. The combined cost for the Senate and Assembly to reconvene in special session is estimated at about \$100,000 for 10 days—this compared to an estimated savings of between \$15 million and \$30 million to the State's taxpayers through the enactment of legislation to bring the State's welfare laws into conformity with the federal law.
2. The Legislature is being called into special session by the Governor at 9:30 a.m. on Monday, November 9. The Speaker will reconvene the Assembly at 11:00 a.m. on November 9 in the Assembly Chambers.
3. The specific subjects are cited in the Governor's proclamation which is attached. (basically fiscal and reapportionment)
4. It is my intent to deal only with the Board of Equalization Reapportionment.
5. The primary fiscal issue of this session will be to bring California's welfare (AFDC) program into conformity with the newly restructured federal law which changed certain eligibility and benefits levels of AFDC.
 - a. The Federal Omnibus Reconciliation Act of 1981 restructured the joint federal and state funding of welfare payments in many states including California.
 - b. This restructure affects about \$120 million worth of reduced benefits split approximately 50/50 between the state and federal government
 - c. AB 799 of this last session sought to save the State's share of the \$120 million, or approximately \$60 million, by bringing state law into compliance with federal law and reallocate some of that savings to other programs.

d The measure never passed and the state's economic picture is now less rosey, probably precluding any significant reallocation of funds to other programs as originally planned in AB 799.

e Therefore, if we now are to comply with the federal government we need to enact legislation to do this.

f If we act before about November 15 the feeling is that we can save about 2 months of the \$60 million shortfall, or about \$15 million dollars * Additionally, we might also escape any additional penalty the federal government could impose for non-compliance which would be an additional \$15 million or so

Summary

The special session, therefore, is needed to enact legislation to bring state law into compliance with federal law government thereby saving the state somewhere between \$15 million and \$30 million

While we are in session, it gives the Legislature the opportunity to complete its constitutional mandate to reapportion all districts. This would be completed with the passage of a Board of Equalization reapportionment plan

* The \$60 million is for an 8-month period By dividing the \$60 million by 8 months we get the \$15 million figure for 2 months

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

Assembly Republican Caucus

November 5, 1981

*Mr. Jim Driscoll, Chief Clerk
California State Assembly
Room 3194, State Capitol
Sacramento, California*

Dear Jim: The purpose of this letter is to notify you that Carol Hallett is the Assembly Republican Leader for the First Extraordinary Session. The following members are the officers of the Assembly Republican Caucus.

Caucus Chairman—Robert Naylor
Caucus Vice-Chairman—Ross Johnson
Minority Chairman/Ways and Means Committee—Charles Imbrecht

Minority Whip—Dennis Brown
Deputy Whip—Gilbert Marguth
Secretary—Don Sebastiani

Sincerely,

DON SEBASTIANI, Secretary

ANNOUNCEMENTS

The Chief Clerk announced that the next order of business was the nomination and election of officers of the Assembly for the 1981-82 First Extraordinary Session, and declared that nominations for officers of the Assembly were now in order

RESOLUTIONS

The following resolution was offered.

By Assemblyman Roos.

House Resolution No. 1

Relative to the election of Assembly officers

Resolved by the Assembly of the State of California, That the following named persons constitute the officers of the Assembly for the 1981-82 First Extraordinary Session

Honorable Willie L. Brown, Jr Speaker
Honorable Leo T. McCarthy Speaker pro Tempore

Resolution read, and taken up on motion of Assemblyman Roos

Nominations Seconded

Nominations of Hon. Willie L. Brown, Jr, for Speaker of the Assembly, and Hon. Leo T. McCarthy for Speaker pro Tempore of the Assembly, for the 1981-82 First Extraordinary Session, seconded by Assemblyman Berman

Motion to Elect Speaker and Speaker pro Tempore by Acclamation

Assemblyman Roos moved that the Assembly Rules, and precedent, requiring a recorded roll call vote for the election of Speaker and Speaker pro Tempore of the Assembly be suspended to permit the election of Honorable Willie L. Brown, Jr, as Speaker of the Assembly, and Honorable Leo T. McCarthy as Speaker pro Tempore of the Assembly, for the 1981-82 First Extraordinary Session of the Legislature, by acclamation of the Members of the Assembly

The roll was called, and the motion carried by the following vote

AYES—63

Agnos	Frazer	Lehman	Sher
Alatorre	Greene	Levine	Stirling, D
Baker	Hallett	Lewis	Stirling, L
Bates	Hannigan	Lockyer	Tanner
Bergeson	Harris	Marguth	Thurman
Berman	Hart	Martinez	Torres
Bosco	Heger	McAlister	Tucker
Campbell	Imbrecht	McCarthy	Vasconcellos
Chacon	Ingalls	Moore	Vicencia
Cortese	Ivers	Moorhead	Waters, M
Costa	Johnston	Naylor	Waters, N
Cramer	Kapiloff	Papan	Wray
Deddeh	Katz	Robinson	Wright
Elder	Kelley	Roos	Young
Farr	Konnyu	Rosenthal	Mr Speaker
Floyd	Lancaster	Ryan	

NOES—None

Speaker and Speaker pro Tempore Elected by Acclamation

The Chief Clerk declared that the Honorable Willie L Brown, Jr, had been selected as Speaker of the Assembly, and the Honorable Leo T McCarthy had been selected as Speaker pro Tempore of the Assembly, for the 1981-82 First Extraordinary Session of the Legislature, by acclamation of the Members of the Assembly.

OATHS OF OFFICE ADMINISTERED

Hon Willie L Brown, Jr, Speaker-elect and Leo T McCarthy, Speaker pro Tempore-elect, appeared at the bar of the Assembly, and took and subscribed to the following oath, administered by Bion Gregory, Legislative Counsel

OATH

I, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties upon which I am about to enter

At 12:40 p.m., Speaker Willie L Brown, Jr, 17th District, presiding.

ADDRESS BY THE SPEAKER

Speaker Willie L Brown, Jr, then addressed the Members of the Assembly

**At 12:41 p.m., Speaker pro Tempore Leo T. McCarthy,
18th District, presiding.**

RESOLUTIONS

The following resolutions were offered

By Assemblyman Papan

House Resolution No 2

Relative to the Assembly Rules

Resolved by the Assembly of the State of California, That the Permanent Standing Rules of the Assembly for the 1981-82 Regular Session are hereby adopted as the rules for the 1981-82 First Extraordinary Session, with the following exception

(1) Rule 7 Any standing rule of the Assembly may be suspended temporarily by an affirmative vote of 41 or more Members

Resolution read, and on motion of Assemblyman Papan, taken up, and adopted by the following vote

AYES—65

Agnos	Frazee	Levine	Strling, D
Alatorre	Frizzelle	Lewis	Strling, L
Bates	Greene	Lockyer	Thurman
Bergeson	Hallett	Marguth	Torres
Berman	Hannigan	Martinez	Tucker
Bosco	Harris	McAlister	Vasconcellos
Brown, D	Hart	McCarthy	Vicencia
Campbell	Heger	Moore	Waters, M
Chacon	Imbrecht	Moorhead	Waters, N
Cortese	Ingalls	Naylor	Wray
Costa	Johnston	Papan	Wright
Cramer	Kaploff	Robinson	Wyman
Deddeh	Katz	Rogers	Young
Elder	Kelley	Roos	Mr Speaker
Farr	Konnyu	Rosenthal	
Felando	Lancaster	Ryan	
Floyd	Lehman	Sher	

NOES—3

Baker	La Follette	Leonard
-------	-------------	---------

By Assemblyman Papan.

House Resolution No. 3

Relative to organization of the Assembly for the 1981-82 First Extraordinary Session.

Resolved by the Assembly of the State of California, (1) That the Chief Clerk or the Sergeant at Arms is hereby authorized to receipt to the Controller for all warrants for the payment of Members, Officers, and Attachés of the Assembly

(2) That the Chief Clerk is authorized to receipt from the Members of the Assembly, a mailing list of Histories, to be directed to libraries, chambers of commerce, and other public centers, and to individuals for general inspection. This list is to be limited to 10 names each, and shall be forwarded to the Legislative Bill Room for regular mailing. No member shall include on the list any state department or employee thereof except state colleges and universities. The Chief Clerk is further authorized to place accredited newspaper representatives on the regular mailing list as well as the Legislative Counsel, Governor, and Attorney General

Resolution read, and on motion of Assemblyman Papan, adopted by the following vote

AYES—64

Agnos	Floyd	La Follette	Rosenthal
Alatorre	Frazee	Lancaster	Ryan
Baker	Frizzelle	Lehman	Sher
Bates	Greene	Leonard	Strling, L
Bergeson	Hallett	Levine	Tanner
Berman	Hannigan	Lockyer	Thurman
Bosco	Harris	Marguth	Torres
Campbell	Hart	Martinez	Tucker
Chacon	Herger	McAlister	Vasconcellos
Cortese	Imbrecht	Moore	Vicencia
Costa	Ingalls	Moorhead	Waters, M
Cramer	Johnston	Naylor	Waters, N
Deddeh	Kapiloff	Papan	Wray
Elder	Katz	Robinson	Wright
Farr	Kelley	Rogers	Wyman
Felando	Konnyu	Roos	Young

NOES—None**APPOINTMENT OF SELECT COMMITTEE**

Speaker pro Tempore McCarthy appointed Assemblymen Greene, Deddeh, and La Follette as a Select Committee to notify the Senate that the Assembly is organized and ready to do business for the 1981-82 First Extraordinary Session of the Legislature

Speaker pro Tempore McCarthy appointed Assemblymen Roos, Bosco, Maxine Waters, Hallett, and Naylor as a Select Committee to notify the Governor that the Assembly is organized and ready to do business for the 1981-82 First Extraordinary Session of the Legislature

APPOINTMENT OF MAJORITY FLOOR LEADER

Speaker pro Tempore McCarthy announced that Speaker Brown had appointed Assemblyman Michael Roos as Majority Floor Leader of the Assembly for the 1981-82 First Extraordinary Session.

APPOINTMENT OF CHAIRMAN AND RULES COMMITTEE MEMBERS

Speaker pro Tempore McCarthy announced that Speaker Brown had appointed Assemblyman Louis J Papan as Chairman of the Assembly Rules Committee, for the 1981-82 First Extraordinary Session, and was granted unanimous consent that the members of the Rules Committee for the 1981-82 First Extraordinary Session be the same as the 1981-82 Regular Session

MESSAGES FROM THE SENATE

Senate Chamber, November 9, 1981

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

Senate Bill No 1

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

Senate Chamber, November 9, 1981

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

Senate Concurrent Resolution No. 1

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

FIRST READING OF SENATE BILLS

The following bills were read the first time, and ordered held at the Desk:

Senate Bill No. 1—An act to amend Section 11451.6 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

Senate Concurrent Resolution No. 1—Relative to the Joint Rules of the Senate and Assembly.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE CONCURRENT RESOLUTION NO. 1

Assemblyman Papan was granted unanimous consent to take up Senate Concurrent Resolution No 1 without reference to committee, print, or file.

Consideration of Senate Concurrent Resolution No. 1

Senate Concurrent Resolution No. 1—Relative to the Joint Rules of the Senate and Assembly

Resolution read, presented by Assemblyman Papan, and adopted by the following vote

AYES—72

Agnos	Floyd	Lancaster	Rosenthal
Alatorre	Frazee	Lehman	Ryan
Baker	Frizzelle	Leonard	Sebastiani
Bates	Greene	Levine	Sher
Bergeson	Hallett	Lewis	Stirling, D
Berman	Hannigan	Lockyer	Stirling, J.
Bosco	Harris	Marguth	Tanner
Brown, D	Hart	Martinez	Thurman
Campbell	Herger	McAlister	Tucker
Chacon	Imbrecht	McCarthy	Vasconcellos
Cortese	Ingalls	Moore	Vicencia
Costa	Ivers	Moorhead	Waters, M
Cramer	Johnston	Naylor	Waters, N
Deddeh	Kapiloff	Nolan	Wray
Elder	Katz	Papan	Wright
Farr	Kelley	Robinson	Wyman
Felando	Konnyu	Rogers	Young
Filante	La Follette	Roos	Mr Speaker

NOES—None

Resolution ordered transmitted to the Senate

APPOINTMENT OF STANDING COMMITTEES

Speaker Brown appointed the following committees for the 1981–82 First Extraordinary Session

Committee on Ways and Means, with the same Chairman and membership as for the 1981–82 Regular Session, with the exception of Assemblyman Goggin, who will be replaced by Assemblyman Cramer

Committee on Revenue and Taxation, with the same Chairman and membership as for the 1981-82 Regular Session

Committee on Human Services, with the same Chairman and membership as for the 1981-82 Regular Session.

Committee on Elections and Reapportionment, with the same Chairman and membership as for the 1981-82 Regular Session

TEMPORARY SUSPENSION OF ASSEMBLY RULE 47

Speaker pro Tempore McCarthy was granted unanimous consent that Assembly Rule 47, which requires the alphabetic calling of the roll for the purpose of bill introduction, be temporarily suspended

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO 1

Assemblyman Vasconcellos was granted unanimous consent to take up Senate Bill No 1, without reference to committee or file, for purpose of consideration at this time

Resolution to Dispense With Constitutional Provision

The following resolution was offered

By Assemblyman Vasconcellos:

Resolved, That Senate Bill No 1 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage

Resolution read, and adopted by the following vote:

AYES—71

Agnos	Frizzelle	Lancaster	Rosenthal
Alatorre	Coggin	Lehman	Ryan
Baker	Greene	Leonard	Sebastian
Bates	Hallett	Levine	Sher
Bergeson	Hannagan	Lewis	Stirling, D
Berman	Harris	Lockyer	Stirling, L
Bosco	Hart	Marguth	Tanner
Brown, D	Herger	Martinez	Thurman
Chacon	Imbrecht	McAlister	Tucker
Cortese	Ingalls	McCarthy	Vasconcellos
Costa	Ivers	Moorhead	Vicencia
Cramer	Johnson	Mountjoy	Waters N
Deddeh	Johnston	Naylor	Wray
Elder	Kapiloff	Nolan	Wright
Farr	Katz	Papan	Wyman
Felando	Kelley	Robinson	Young
Filante	Konnyu	Rogers	Mr Speaker
Frazee	La Follette	Roos	

NOES—3

Flood	Moore	Waters, M
-------	-------	-----------

Article IV, Section 8(b) of the Constitution was declared dispensed with

Consideration of Senate Bill No 1

Senate Bill No. 1—An act to amend Section 11451 6 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately

Bill read second time

Third Reading of Senate Bill No. 1

Senate Bill No. 1 (Alquist)—An act to amend Section 11451.6 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately

Bill read third time, and presented by Assemblyman Vasconcellos

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—64

Baker	Goggin	Lehman	Roos
Bergeson	Hallett	Leonard	Ryan
Berman	Hannigan	Levine	Sebastian
Bosco	Hart	Lewis	Sher
Brown, D	Herger	Lockyer	Stirling, D
Cortese	Imbrecht	Marguth	Stirling, L
Costa	Ingalls	Martinez	Tanner
Cramer	Ivers	McAlister	Thurman
Deddeh	Johnson	McCarthy	Vasconcellos
Duffy	Johnston	Moorhead	Vicencia
Elder	Kapiloff	Mountjoy	Waters, N
Farr	Katz	Naylor	Wray
Felando	Kelley	Nolan	Wright
Filante	Konnyu	Papan	Wyman
Frazee	La Follette	Robinson	Young
Frizzelle	Lancaster	Rogers	Mr Speaker

NOES—12

Agnos	Campbell	Greene	Rosenthal
Alatorre	Chacon	Harris	Tucker
Bates	Floyd	Moore	Waters, M

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

AYES—64

Baker	Goggin	Lehman	Roos
Bergeson	Hallett	Leonard	Ryan
Berman	Hannigan	Levine	Sebastian
Bosco	Hart	Lewis	Sher
Brown, D	Herger	Lockyer	Stirling, D
Cortese	Imbrecht	Marguth	Stirling, L
Costa	Ingalls	Martinez	Tanner
Cramer	Ivers	McAlister	Thurman
Deddeh	Johnson	McCarthy	Vasconcellos
Duffy	Johnston	Moorhead	Vicencia
Elder	Kapiloff	Mountjoy	Waters, N
Farr	Katz	Naylor	Wray
Felando	Kelley	Nolan	Wright
Filante	Konnyu	Papan	Wyman
Frazee	La Follette	Robinson	Young
Frizzelle	Lancaster	Rogers	Mr Speaker

NOES—12

Agnos	Campbell	Greene	Rosenthal
Alatorre	Chacon	Harris	Tucker
Bates	Floyd	Moore	Waters, M

Bill ordered transmitted to the Senate

ANNOUNCEMENTS OF COMMITTEE MEETINGS

Assemblyman Alatorre announced that the Committee on Elections and Reapportionment would meet on Tuesday, November 10, 1981 at 1 30 p m

Assemblyman Lockyer announced that there would be a joint meeting today at 2 p m , in Room 4202, of the Assembly Committee on Human Services and the Senate Committee on Health and Welfare

Assemblyman Vasconcellos announced that there would be a joint meeting tomorrow, November 10, at 9-30 a m , in Room 4202, of the Assembly Committee on Ways and Means and the Senate Committee on Finance

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time

Assembly Bill No. 1: By Assemblyman Vasconcellos—An act to amend Section 11451 6 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately

Assembly Bill No. 2: By Assemblymen Lockyer and Konnyu—An act to add Section 16367.5 to the Government Code, and to amend Sections 11008, 11155, 11157, 11158, 11201, 11250.6, 11250.7, 11253, 11308, 11310, 11350 1, 11403, 11450, 11451.6, 11457, 11475, 11475 1, 11475.2, 11476, 11476 1, 11476 2, 11477, 11478, 11478 5, and 14005.1 of, and to add Sections 11004, 11008 13, 11008.14, 11250 4, 11257, 11310 1, 11350 5, 11450 8, and 14007 5 to, and to repeal Sections 11004, 11104, 11255, 11257, and 11261 of, and to add Chapter 5 (commencing with Section 13000) to Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public social services and declaring the urgency thereof, to take effect immediately

Assembly Bill No. 3: By Assemblyman Alatorre—An act to repeal Chapter 5 (commencing with Section 30040) of Division 18 of the Elections Code, relating to redistricting

Assembly Bill No. 4: By Assemblyman Alatorre—An act to amend Section 51 of the Elections Code, relating to redistricting

Assembly Bill No. 5: By Assemblyman Alatorre—An act to amend Section 51 of the Elections Code, relating to redistricting

Assembly Bill No. 6: By Assemblyman Robinson—An act to amend Sections 1088, 1110, and 13021 of the Unemployment Insurance Code, relating to taxation, and declaring the urgency thereof, to take effect immediately

Assembly Bill No. 7: By Assemblyman Robinson—An act relating to fiscal affairs, and declaring the urgency thereof, to take effect immediately

Assembly Bill No. 8: By Assemblyman Robinson—An act to amend Sections 18009, 18685 03, 18685 05, 18686, 18687, 18688, 19062, 19091, 19111, 25901, 25901a, 25901b, 25951, 26080, 26107, and 26281 of, and to add Section 19269 to, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

Assembly Bill No. 9: By Assemblymen Imbrecht, Naylor, Hallett, Johnson, Baker, Bergeson, Dennis Brown, Felando, Filante, Frazee, Frizzelle, Herger, Ivers, Kelley, La Follette, Lancaster, Leonard, Lewis, Mountjoy, Rogers, Ryan, Sebastian, Dave Stirling, Larry Stirling, Wright, and Wyman—An act to repeal and add Article 17 (commencing with Section 16366 1) to Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, and to repeal Sections 1442 and 1442.5 of the Health and Safety Code, and to amend Sections 11008, 11155, 11157, 11158, 11201, 11250 6, 11250 7, 11253, 11308, 11310, 11350.1, 11403, 11450, 11451.6, 11457, 11475, 11475 1, 11475 2, 11476, 11476 1, 11476 2, 11477, 11478, and 11478 5 of, and to add Sections 11004, 11008 13, 11008.14, 11104, 11250 4, 11257, 11310 0, 11350 5, 11450 8, and 12301 to, and to repeal Sections 11004, 11104, 11255, 11257, 11261, and 12301 of, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately

Assembly Bill No. 10: By Assemblyman Naylor—An act to add Chapter 3 3 (commencing with Section 78 79) to Part 0 5 of Division 1 of, and to add Sections 17071 1 and 24271 1 to, the Revenue and Taxation Code, relating to public finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 1 01 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 Room 107A

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee

Assembly

Bill No

Committee

2-----	Human Services
3-----	Elections and Reapportionment
4-----	Elections and Reapportionment
5-----	Elections and Reapportionment
7-----	Ways and Means
8-----	Revenue and Taxation
9-----	Human Services

RECESS

By unanimous consent, at 1 02 p.m., Speaker pro Tempore McCarthy declared the Assembly recessed

REASSEMBLED

At 1 30 p m., the Assembly reconvened
Hon Willie L. Brown, Jr, Speaker of the Assembly, presiding

CAUCUS ANNOUNCEMENTS

At 1 33 p m, Speaker Brown was granted unanimous consent that the Democratic Caucus be permitted to meet at this time in the Assembly Lounge

VOTE ADDS

The following Members were granted unanimous consent to record their votes

On the motion to temporarily suspend the Assembly Rules relative to election of the Speaker and Speaker pro Tempore for the 1981-82 First Extraordinary Session Assemblyman Harris, "Aye"

On the urgency clause to Senate Bill No 1, and on the passage of the bill Assemblyman Duffy, "Aye"

REPORTS OF STANDING COMMITTEES

Committee on Human Services

Date of Hearing November 9, 1981

Mr Speaker Your Committee on Human Services reports

Assembly Bill No 2

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

LOCKYER, Chairman

Above bill re-referred to the Committee on Ways and Means.

INTRODUCTION OF GUESTS

Assemblyman Imbrecht, of the 36th Assembly District, introduced Jim and Lupe Gonsalves, from Ventura, son and daughter-in-law of former Assemblyman Joe Gonsalves

The Members of the Assembly joined in welcoming the above guests on their visit to the Assembly Chamber.

ADJOURNMENT

At 7 50 p m, the Assembly adjourned until 7 a m, Tuesday, November 10, 1981

WILLIE L. BROWN, JR, Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

November 10, 1981

**SECOND SESSION DAY
SECOND CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I

PROCEEDINGS OF THE ASSEMBLY

PART II

FULL TEXT OF AMENDMENTS CONSIDERED BY THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
 Tuesday, November 10, 1981

The Assembly met at 7 a.m.
 Hon. John R. Lewis, Member of the Assembly, 70th District,
 presiding.
 Chief Clerk James D. Driscoll at the Desk
 Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—73:

Agnos	Floyd	Lehman	Ryan
Alatorre	Frazee	Leonard	Sher
Baker	Frizzelle	Levine	Stirling, L.
Bates	Greene	Lewis	Tanner
Bergeson	Hallett	Lockyer	Thurman
Berman	Hannigan	Marguth	Torres
Bosco	Hart	Martinez	Tucker
Brown, D	Herger	McAlister	Vasconcellos
Campbell	Imbrecht	McCarthy	Vicencia
Chacon	Ingalls	Moore	Waters, M
Cortese	Ivers	Moorhead	Waters, N
Costa	Johnson	Mountjoy	Wray
Cramer	Johnston	Naylor	Wright
Deddeh	Kaploff	Nolan	Wyman
Duffy	Katz	Papan	Young
Elder	Kelley	Robinson	Mr Speaker
Farr	Konnyu	Rogers	
Felando	La Follette	Roos	
Filante	Lancaster	Rosenthal	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On legislative business Assemblymen Harris and Sebastiani

On personal business, and waiving per diem Assemblymen Bane, Goggin, Hughes, Statham, and Dave Stirling

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal.

November 10, 1981

*Honorable Willie L. Brown
Speaker of the Assembly
State Capitol, Room 3164
Sacramento, California*

Dear Mr Speaker I wish to be excused from session November 10, 1981, on legislative business I will be attending a press conference relative to my AB 312

Thank you

Sincerely,

ELIHU M HARRIS, Assemblyman
Thirteenth District

November 9, 1981

*Honorable Wilhe Brown, Jr
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Mr Speaker This is a request that I be excused from checking in for Session tomorrow, November 10, 1981, as I have a full schedule of legislative business to attend to in my district

Your consideration is appreciated

Sincerely,

DON SEBASTIANI, Assemblyman
Eighth District

COMMUNICATIONS

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

November 9, 1981

*Honorable Kenneth Cory
State Controller
State Capitol, First Floor
Sacramento, California*

Dear Ken Assemblyman Jim Cramer will be replacing Assemblyman Terry Goggin, who has resigned, on the Assembly Ways and Means Committee for the 1981-82 first extraordinary session

Sincerely,

WILLIE L. BROWN, JR
Speaker of the Assembly

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee

*Assembly
Bill No*

6-----Revenue and Taxation

REQUEST FOR UNANIMOUS CONSENT

Speaker Brown was granted unanimous consent that all bills reported from committees today be taken up without reference to file, for purpose of second reading; adoption of committee amendments; and that any amended bills be returned to the third reading file for the next legislative day.

REPORTS OF STANDING COMMITTEES**Committee on Revenue and Taxation**

Date of Hearing November 10, 1981

Mr Speaker Your Committee on Revenue and Taxation reports
Assembly Bill No 8

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

DEDDEH, Chairman

Date of Hearing November 10, 1981

Mr Speaker Your Committee on Revenue and Taxation reports
Assembly Bill No 6

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

DEDDEH, Chairman

Committee on Elections and Reapportionment

Date of Hearing November 10, 1981

Mr Speaker Your Committee on Elections and Reapportionment reports
Assembly Bill No 3

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

ALATORRE, Chairman

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP BILLS

By unanimous consent, the following bills were taken up, without reference to file, for the purpose of reading the bills a second time and adopting the committee amendments at this time

Second Reading of Bills by Unanimous Consent

Assembly Bill No. 8—An act to amend Sections 18009, 18685 03, 18685.05, 18686, 18687, 18688, 19062, 19091, 19111, 25901, 25901a, 25901b, 25951, 26080, 26107, and 26281 of, and to add Section 19269 to, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Ways and Means

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal)

Assembly Bill No. 6—An act to amend Sections 1088, 1110, and

13021 of the Unemployment Insurance Code, relating to taxation, and declaring the urgency thereof, to take effect immediately

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Ways and Means

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal.)

Assembly Bill No. 3—An act to repeal Chapter 5 (commencing with Section 30040) of Division 18 of the Elections Code, relating to redistricting

Bill read second time; amendments proposed by the Committee on Elections and Reapportionment read and adopted; bill ordered reprinted and to the third reading file

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal.)

ADJOURNMENT

At 5 p.m., the Assembly adjourned until 9.30 a.m., Wednesday, November 11, 1981

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

Amendments considered in the Assembly on this day follow in Part II of this day's Journal

PART II

**FULL TEXT OF AMENDMENTS CONSIDERED IN
THE ASSEMBLY ON NOVEMBER 10, 1981**

This part of the Journal contains the full text of amendments considered by the Assembly on this day, printed in the following order

Assembly Bills

3

6

8

81318 15:01 RECORD 9 30 REP NOV 10 1981

ADOPTED NOV 10 1981 PAGE NO. 1
ASSEMBLY RECORD RE 81 020614
NOV 10 1981 Substantive

1981-82 FIRST EXTRAORDINARY SESSION
ASSEMBLY TO ASSEMBLY BILL NO. 3

Amendment 1
In line 1 of the title of the printed bill,
after "to" insert:

and Section 10212 of, and to

Amendment 2
In line 1 of the title after "repeal" insert:

and add

Amendment 3
In line 2 of the title after the second "of"
insert a comma.

Amendment 4
On page 1, line 1, after "SECTION 1," insert:

Section 10212 of the Elections Code is amended to read:
Representative in Congress, State Senator, and Assemblyman
and MEMBER of the BOARD of EQUALIZATION in each
congressional, senatorial, and assembly and BOARD of
EQUALIZATION district following reapportionment acts of
the Legislature redesigning the boundaries of
congressional, senatorial, and assembly and BOARD of
EQUALIZATION districts, shall be a candidate in a
MAY AND SECTION 5 of ARTICLE III of the Constitution,
that candidate who shall be deemed the incumbent in a
given district for purposes of the election statute,
(a) That candidate who is running for the same
office which he then holds and who is running for the
same office in a district which has the identical
boundaries and number as the district from which he was
last elected.

(b) In the event there is no candidate to whom
the provisions of subdivision (a), (b), or (c) apply, the
incumbent shall be the candidate who is running for the
same office which he then holds and who is running for reelection in a
district which has the identical boundaries as the
district from which he was last elected, but which has a

different number.

(c) In the event there is no candidate to whom
the provisions of subdivision (a), (b), or (c) apply, the
incumbent shall be the candidate who is running for the
same office which he then holds and who is running for
reelection in a district which has the identical number as
the district from which he was last elected; provided,
however, that a candidate for the office of member of the
Assembly, State Senator, or Representative in Congress,
only if the district bearing the same number is located in
the same county as the district which previously bore that
number.

(d) In the event there is no candidate to whom
the provisions of subdivision (a), (b), or (c) apply, the
incumbent shall be the candidate who is running for the
same office which he then holds and who is running for
reelection in a district which contains some portion of
the territory previously contained within the district
from which he was last elected; provided, that in a new
district which contains portions of the territory of more
than one former district, the incumbent shall be the
candidate the greater portion of the territory of whose
former district is included within the new district.

If there is no candidate in a given district to
which any of the above provisions apply, the incumbent
shall be any person who is a candidate for the same office
in a district which meets the above requirements and the
requirements of law for candidacy within the district.
SEC. 2.

Amendment 5

On page 1, after line 2, insert:

SEC. 3. Chapter 5 (commencing with Section
30040) is added to Division 16 of the Elections Code, to
read:

CHAPTER 5. EQUALIZATION DISTRICTS

30040. The state is divided into four
equalization districts designated and constituted as
provided in this chapter in accordance with article III of
the California Constitution.
For purposes of this chapter, any reference to
"CR" shall mean any geographic unit or units
incumbent in that geographic unit as established
by the United States Bureau of the Census for the 1980

census, as described by maps and publication of the bureau, and any reference to "Census Division" shall mean that demographic unit as established by the United States Bureau of the Census for the 1980 census, as described by maps and publications of the bureau.

30011. The First Equalization District shall consist of the following whole counties:

- Butte
- Colusa
- Del Norte
- Fresno
- Glenn
- Humboldt
- Kern
- Kings
- Lake
- Lassen
- Nevada
- Sarna
- Sendocino
- Serced
- Sodoc
- Sapa
- Nevada
- Placer
- Plumas
- Sacramento
- San Joaquin
- Shasta
- Sierka
- Siskiyou
- Sonoma
- Stanislaus
- Sutter
- Tehama
- Trinity
- Yolo
- Yuba

together with that portion of Solano County not contained within the Second Equalization District, together with the part of Los Angeles County contained within the following whole census tracts:

- CTS 1011 through 1014
- CT 1021.01
- CT 1021.02
- CTS 1031.01 through 1034
- CTS 1041.01 through 1048

- CTS 1061.01 through 1068
- CT 1081
- CT 1082
- CTS 1091 through 1098.02
- CTS 1111.01 through 1114.02
- CTS 1131 through 1134.02
- CTS 1151.01 through 1154.02
- CTS 1171 through 1174
- CTS 1191 through 1199
- CTS 1201.01 through 1204
- CTS 1211 through 1219
- CTS 1221 through 1224
- CTS 1231.01 through 1239
- CTS 1241.01 through 1249.02
- CTS 1251 through 1256
- CTS 1271.01 through 1279
- CTS 1281 through 1289
- CTS 1311 through 1319
- CTS 1321 through 1329
- CT 1331.01
- CT 1331.02
- CTS 1341.01 through 1349.02
- CTS 1351.01 through 1352.03
- CTS 1371.01 through 1376
- CTS 1391 through 1398.02
- CTS 1411 through 1417
- CTS 1431 through 1436.02
- CTS 1438.01 through 1439.02
- CTS 2625 through 2628
- CTS 2711.01 through 2719
- CTS 2721 through 2723.02
- CTS 2731 through 2739
- CT 2741
- CT 2742
- CTS 2751.01 through 2756
- CTS 2761 through 2766.02
- CT 2768
- CTS 3201 through 3203
- CT 5990
- CT 5991
- CTS 7012.01 through 7023
- CT 7029
- CTS 9001 through 9005
- CTS 9001 through 9012.02
- CTS 9100 through 9110
- CTS 9200.01 through 9203.23
- CT 9302

81314 15:01
RECORD # 130 BP:

PAGE NO. 5
SB 81 020614

30042. The Second Equalization District shall consist of the following whole counties:

Alameda
Contra Costa
Monterey
Orange
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Ventura

together with the part of Solano County contained within the Vallejo Census Division.

30043. The Third Equalization District shall consist of the part of Los Angeles County not contained within the First Equalization District.

30044. The Fourth Equalization District shall consist of the following whole counties:

Alpine
Inyo
Imperial
Inyo
Mariposa
Mono
Orange
Riverside
San Bernardino
San Diego
Tulare
Tuolumne

- 0 -

ADOPTED
ASSEMBLY

NOV 10 1981
PAGE NO. 1
SB 81 020616

81314 14:47
RECORD # 30 BP:

NOV 10 1981

ORIGINAL COPY

Substantive

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 6

Amendment 1

On page 4, line 35, of the printed bill, strike out "with 50 or more full-time employees"

Amendment 2

On page 5, strike out lines 1 to 7, inclusive

Amendment 3

On page 5, between lines 22 and 23, insert:

(d) For the purposes of this section, the computation of the three thousand dollars (\$3,000) threshold for the eighth-monthly payment shall be at each payroll location of an employer in the same manner as the eighth-monthly collection requirement procedures are administered by the Internal Revenue Service for the collection of federal personal income taxes withheld by employees.

(e) There shall be no penalties and interest assessed against any employer who pays at least 95 percent of the eighth-monthly payment due pursuant to paragraph (3) of subdivision (a) provided the full amount is paid by the 15th of the next month for the first two months of a calendar quarter, and by the end of the next month for the third month of a calendar quarter.

(f) Notwithstanding the provisions of paragraph (3) of subdivision (a), any employee who is otherwise required to make a payment pursuant to paragraph (3) of subdivision (a) who has not made an eighth-monthly payment for the previous four calendar quarters may make a monthly deposit for the first month in which the employer has accumulated three thousand dollars (\$3,000) or more by the end of the month. This exception shall not apply if the undeposited tax is ten thousand dollars (\$10,000) or more.

Amendment 4

On page 5, line 33, strike out "January" and insert:

April

- 0 -

26

ASSEMBLY JOURNAL

Nov 10, 1981

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL 8

In line 1 of the title of the printed bill,
after "Sections" insert:

6489, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674,
768, 8130, 8151, 8754, 8777, 8803, 8976, 9155, 9174,
11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631,
12632, 12983, 13107, 14199.12, 14211, 15961, 15962, 15964,
16271, 16272,

Amendment 2

In line 1 of the title, strike out "18685.03,"

Amendment 3

In line 3 of the title, strike out "and 26281"
and insert:

26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366,
30406, 32253, 32254, 32271, 32291, 32405, and 32417

Amendment 4

In line 4 of the title, after the first comma,
insert:

and to amend Sections 803, 1111, 1113, 1129, and 1184 of
the Employment Insurance Code,

Amendment 5

On page 2, strike out line 1 and insert:

SECTION 1. Section 6459 of the Revenue and
Taxation Code is amended to read:

6459. The board for good cause may extend for
not to exceed one month the time for making any return or
paying any amount required to be paid under this part.
The extension may be granted at any time provided a
request therefor is filed with the board within or prior
to the period for which the extension is granted.

Any person to whom an extension is granted shall
pay, in addition to the tax, interest at the adjusted
annual rate of 4 percent per month, or ~~the rate thereof~~
established pursuant to Section 19269 from the date on

which the tax would have been due without the extension
until the date of payment.

SEC. 2. Section 6482 of the Revenue and
Taxation Code is amended to read:

6482. The amount of the determination,
exclusive of penalties, shall bear interest at the
adjusted annual rate of 4 percent per month, or ~~the rate~~
~~thereof, established pursuant to Section 19269~~ from the
last day of the month following the quarterly period for
which the amount or any portion thereof should have been
returned until the date of payment.

SEC. 3. Section 6513 of the Revenue and
Taxation Code is amended to read:

6513. The amount of the determination,
exclusive of penalties, shall bear interest at the
adjusted annual rate of 4 percent per month, or ~~the rate~~
~~thereof, established pursuant to Section 19269~~ from the
last day of the month following the quarterly period for
which the amount or any portion thereof should have been
returned until the date of payment.

SEC. 4. Section 6591 of the Revenue and
Taxation Code is amended to read:

6591. Any person who fails to pay any tax to
the state or any amount of tax required to be collected
and paid to the state, except amounts of determinations
made by the board under Article 2 (commencing with Section
6481) or Article 3 (commencing with Section 6511) of this
chapter, within the time required shall pay a penalty of
10 percent of the tax or amount of the tax, in addition to
the tax or amount of tax, plus interest at the adjusted
annual rate of 4 percent per month, or ~~the rate~~
~~thereof, established pursuant to Section 19269~~ from the date on
which the tax or the amount of tax required to be
collected became due and payable to the state until the
date of payment.

SEC. 5. Section 6907 of the Revenue and
Taxation Code is amended to read:

6907. Interest shall be paid upon any
overpayment of any amount of tax at the adjusted annual
rate of 4 percent per month established pursuant to
Section 19269 from the last day of the calendar month
following the quarterly period for which the overpayment
was made; but no refund or credit shall be made of any
interest imposed upon the person making the overpayment
with respect to the amount being refunded or credited.
The interest shall be paid.

(a) In the case of a refund, to the last day of

the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed, is notified by the board that a claim may be filed on the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 6. Section 6936 of the Revenue and Taxation Code is amended to read:

6936. In any judgment, interest shall be allowed at the ~~adjusted annual rate established pursuant to Section 19262 of 4 percent per month~~ adjusted annual rate established pursuant to Section 19262 of 4 percent per month upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 7. Section 7655 of the Revenue and Taxation Code is amended to read:

7655. Any distributor who fails to pay the amount of license tax shown to be due by his return on or before the first day of the second calendar month following the monthly period to which it relates must pay a penalty of 10 percent of the license tax, together with interest on such license tax at the ~~adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262~~ adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262 from the date on which the license tax became due and payable to the state until the date of payment.

SEC. 8. Section 7656 of the Revenue and Taxation Code is amended to read:

7656. The board for good cause may extend for not to exceed one month the time for making any report or return or paying any tax required under this part. The extension may be granted at any time; provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any distributor to whom an extension is granted shall pay, in addition to the tax, interest at the ~~adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262~~ adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262 from the date on which the tax would have been due without the extension to the date of payment.

SEC. 9. Section 7661 of the Revenue and Taxation Code is amended to read:

7661. All determinations so made, exclusive of

penalties, shall bear interest at the adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262 from the first day of the second calendar month after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 10. Section 7674 of the Revenue and Taxation Code is amended to read:

7674. All deficiency determinations, exclusive of penalty, shall bear interest at the ~~adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262~~ adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262 from the first day of the second calendar month following the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 11. Section 7706 of the Revenue and Taxation Code is amended to read:

7706. All jeopardy determinations including those made under Section 7704, exclusive of penalty, shall bear interest at the ~~adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262~~ adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19262 from the first day of the second calendar month following the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 12. Section 8130 of the Revenue and Taxation Code is amended to read:

8130. Interest shall be paid upon any overpayment of any amount of tax at the ~~adjusted annual rate established pursuant to Section 19262 of 4 percent per month~~ adjusted annual rate of 4 percent per month from the first day of the second calendar month following the monthly period for which the overpayment is made; but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, if the claimant files a claim on his own initiative or within 30 days after he is notified by the board that a claim may be filed, to the 10th day after the date upon which the claim is certified to the State Board of Control, otherwise to the 30th day after the date upon which claimant is notified by the board that the claim may be filed.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 13. Section 8151 of the Revenue and

Vol 13
2-316-Q

Taxation Code is amended to read:
8151. In any judgment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 of ~~4 1/2 percent per annum~~ upon the amount of the license tax found to have been illegally collected from the date of payment thereof to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 14. Section 8754 of the Revenue and Taxation Code is amended to read:
8754. The board for good cause may extend for not to exceed one month the time for making any return or paying any tax required under this part. The extension may be granted at any time, provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any user to whom an extension is granted shall pay, in addition to the tax, interest at the adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19269 from the date on which the tax would have been due without the extension to the date of payment.

SEC. 15. Section 8777 of the Revenue and Taxation Code is amended to read:
8777. The amount of the determination, exclusive of penalties, shall bear interest at the adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19269 from the last day of the month following the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.

SEC. 16. Section 8803 of the Revenue and Taxation Code is amended to read:
8803. The amount of the determination, exclusive of penalties, shall bear interest at the adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19269 from the last day of the month following the month for which the amount, or any portion thereof, should have been reported until the date of payment.

SEC. 17. Section 8876 of the Revenue and Taxation Code is amended to read:
8876. Any user who fails to pay any tax, except taxes determined by the board under Article 2 (commencing with Section 8776) or Article 3 (commencing with Section 8801) of this chapter, within the time required shall pay

a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the adjusted annual rate of 4 percent per month, or fraction thereof, established pursuant to Section 19269 from the date on which the tax became due and payable until the date of payment.

SEC. 18. Section 9155 of the Revenue and Taxation Code is amended to read:
9155. Interest shall be paid upon any overpayment of any amount of tax at the adjusted annual rate established pursuant to Section 19269 of ~~4 percent~~ per month from the last day of the calendar month following the period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

The interest shall be paid:
(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 19. Section 9174 of the Revenue and Taxation Code is amended to read:
9174. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part and Part 2 (commencing with Section 7301) of this division, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 of ~~4 1/2 percent per annum~~ upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 20. Section 11405 of the Revenue and Taxation Code is amended to read:
11405. If the tax is not paid on or before December 10th following the levy of the tax, a penalty of 10 percent of the amount of the tax shall be added thereto plus interest on the amount of the tax at the adjusted

Nov. 10, 1981

ASSEMBLY JOURNAL

~~annual rate of 4 percent per month, as ~~section thereof~~, established pursuant to Section 19269 from December 10th until the date of payment.~~

SEC. 21. Section 11430 of the Revenue and Taxation Code is amended to read:
11430. If the additional tax is not paid within the time specified in Section 11429, it is delinquent and a penalty of 10 percent of the amount of the additional tax shall be added thereto, plus interest on the amount of the additional tax at the ~~adjusted annual rate of 3 percent per month, as ~~section thereof~~, established pursuant to Section 19269~~ from the date on which the additional tax became due and payable until the time of payment.

SEC. 22. Section 11555 of the Revenue and Taxation Code is amended to read:
11555. Interest shall be paid upon the amount of any overpayment of tax at the ~~adjusted annual rate established pursuant to Section 19269 of 3 percent per month~~ upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the overpayment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board from the first day of the month following the month the tax becomes due. The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 23. Section 11576 of the Revenue and Taxation Code is amended to read:
11576. In any judgment, interest shall be allowed at the ~~adjusted annual rate established pursuant to Section 19269 of 3 percent per month~~ upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 24. Section 12258 of the Revenue and Taxation Code is amended to read:

12258. Any insurer who fails to pay any prepayment within the time required shall pay a penalty of 10 percent of the amount of the required prepayment, plus interest at the ~~adjusted annual rate of 4 percent per month, as ~~section thereof~~, established pursuant to Section 19269~~ from the due date of the prepayment until the date of payment but not for any period after the due date of the annual tax. Assessments of prepayment deficiencies may be made in the manner provided by deficiency assessments of the annual tax.

SEC. 25. Section 12287 of the Revenue and Taxation Code is amended to read:
12287. The retaliatory tax shall be due and payable on or before December 1st and shall be paid by remittance made payable to the Controller. If not paid on or before the due date, the amount of retaliatory tax shall bear interest at the ~~adjusted annual rate of 3 percent per month, as ~~section thereof~~, established pursuant to Section 19269~~ from December 1st until the date of payment, and there shall be paid in addition to the tax and interest, a penalty of 10 percent of the amount of the retaliatory tax.

SEC. 26. Section 12307 of the Revenue and Taxation Code is amended to read:
12307. Any insurer to whom an extension is granted shall pay, in addition to the tax, interest at the ~~adjusted annual rate of 3 percent per month, as ~~section thereof~~, established pursuant to Section 19269~~ from April 1st until the date of payment.

SEC. 27. Section 12631 of the Revenue and Taxation Code is amended to read:
12631. Any insurer who fails to pay any tax, except a tax determined as a deficiency assessment by the board under Article 3 (commencing with Section 12611) of Chapter 4 of this part, within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the tax, plus interest at the ~~adjusted annual rate of 4 percent per month, as ~~section thereof~~, established pursuant to Section 19269~~ from the due date of the tax until the date of payment.

SEC. 28. Section 12632 of the Revenue and Taxation Code is amended to read:
12632. An insurer who fails to pay any deficiency assessment when it becomes due and payable shall, in addition to the deficiency assessment, pay a penalty of 10 percent of the amount of the deficiency assessment, exclusive of interest and penalties. The

amount of any deficiency assessment, exclusive of penalties, shall bear interest at the adjusted annual rate of 4 percent per annum, or fraction thereof, established pursuant to Section 19269 from the date on which the amount, or any portion thereof, would have been payable if properly reported and assessed until the date of payment.

SEC. 29. Section 12983 of the Revenue and Taxation Code is amended to read:

12983. Interest shall be allowed upon the amount of any overpayment of tax pursuant to this part at the adjusted annual rate established pursuant to Section 19269 of 4 percent per annum from the due date of the tax for the year for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited. The interest shall be paid:

(4) In the case of a refund, to the last day of the calendar month following the date upon which the claimant is notified in writing that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 30. Section 13107 of the Revenue and Taxation Code is amended to read:

13107. In any judgment, interest shall be allowed, subject to the same limitations as are prescribed by Section 12984, at the adjusted annual rate established pursuant to Section 19269 of 4 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of the credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

SEC. 31. Section 14199.12 of the Revenue and Taxation Code is amended to read:

14199.12. When in any case the board of arbitration determines that a decedent dies domiciled in this state, the total amount of interest and penalties for nonpayment of the tax, between the date of the election and the final determination of the board, shall not exceed the adjusted annual rate established pursuant to Section 19269 or 4 percent of the amount of the taxes per annum.

SEC. 32. Section 14211 of the Revenue and

Taxation Code is amended to read:

14211. (4) The tax does not bear interest if it is paid prior to the date on which it otherwise becomes delinquent. However, if it is paid after that date it bears interest at the adjusted annual rate of 4 percent per annum established pursuant to Section 19269 from the date it became delinquent and until it is paid, or, in the case of any tax being paid in installments pursuant to Sections 14145, 14145.5, 14147, or 14149, or the adjusted rate of interest provided in subsection (b) of this section or at 4 percent per annum, whichever is lower, until the date prescribed for payment of such installment, and thereafter at the rate of 4 percent per annum.

(b) The actual adjusted rate of interest shall be 4 percent per annum. The Controller shall establish an adjusted rate of interest for the purpose of this section not later than October 15 of any year if the adjusted prime rate charged by banks (that being 90 percent of the average prime-rate rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System during the month of that year, rounded to the nearest full percent, or at least a full percentage point more or less than the adjusted rate of interest than is then in effect) by such adjusted rate of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent, and shall become effective on February 1 of the immediately succeeding year. Any adjustments provided for under this subsection may not be made prior to the expiration of 33 months following the date of any preceding adjustment under this subsection which changes the rate of interest.

SEC. 33. Section 15561 of the Revenue and

Taxation Code is amended to read:
15961. Except as otherwise provided in this article, if the tax is not paid before it becomes delinquent, it bears interest thereafter and until it is paid at the adjusted annual rate of 4 percent per annum established pursuant to Section 19269.

SEC. 34. Section 15967 of the Revenue and Taxation Code is amended to read:

15967. In the event that the date for filing the return is postponed, the tax bears interest during the period of postponement at the adjusted annual rate of 4 percent per annum established pursuant to Section 19269 from the time when it would have begun to bear interest had no postponement been allowed and until it is paid.

insert: On page 6, line 4, strike out "SEC. 11." and

SEC. 47.

insert: On page 6, line 14, strike out "SEC. 12." and
Amendment 16

SEC. 48.

insert: On page 6, line 23, strike out "SEC. 13." and
Amendment 17

SEC. 49.

insert: On page 6, line 35, strike out "SEC. 14." and
Amendment 18

SEC. 50.

insert: On page 7, line 5, strike out "SEC. 15." and
Amendment 19

SEC. 51.

insert: On page 7, line 19, strike out "SEC. 16." and
Amendment 20

SEC. 52.

insert: On page 7, line 30, strike out "SEC. 17." and
Amendment 21

SEC. 53.

Amendment 22
On page 8, between lines 5 and 6, insert:

Taxation Code is amended to read:
SEC. 54. Section 30171 of the Revenue and
30171. Any distributor who fails to pay any

amount owing for the purchase of stamps or meter register
settlings within the time required, shall pay a penalty of
10 percent of the amount due in addition to the amount
plus interest at the adjusted annual rate of 4 percent per
~~month, or ~~section amended, established pursuant to~~~~
~~Section 12462~~ from the date on which the amount became due
and payable until the date of payment.

SEC. 55. Section 30175 of the Revenue and
Taxation Code is amended to read:
30175. Interest shall be computed, allowed and
paid upon any overpayment for the purchase of stamps or
meter register settlings at the adjusted annual rate
~~established pursuant to Section 12462 of 4 percent per~~
~~month from the due date for payment of the purchase for~~
which the overpayment was made, but no refund or credit
shall be made of any interest imposed upon the claimant
with respect to the amount being refunded or credited.
The interest shall be paid:

(a) In the case of a refund, to the 15th day of
the calendar month following the date upon which the
claimant is notified by the board that a claim may be
filed or the date upon which the claim is certified to the
State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as
that to which interest is computed on the tax or amount
against which the credit is applied.

SEC. 56. Section 30185 of the Revenue and
Taxation Code is amended to read:
30185. Except as otherwise provided in Section
30172, the board for good cause may extend for not to
exceed one month the time for making any report or paying
any amount of tax required under this part. The extension
may be granted at any time provided a request therefor is
filed with the board within or prior to the period for
which the extension may be granted.

Any person to whom an extension is granted
pursuant to this section shall pay, in addition to the
amount of tax, interest at the adjusted annual rate of 4
~~percent per month, or ~~section amended, established~~~~
~~pursuant to Section 12462~~ from the date on which the
amount of tax would have been due without the extension to
the date of payment.

SEC. 57. Section 30202 of the Revenue and
Taxation Code is amended to read:
30202. The amount of the determination,
exclusive of penalties, shall bear interest at the
adjusted annual rate of 4 percent per month, or ~~section~~

Nov 10, 1981

ASSEMBLY JOURNAL

~~above, established pursuant to Section 12649~~ from the date the amount of the tax, or any portion thereof, should have been reported until the date of payment.

SEC. 58. Section 30223 of the Revenue and Taxation Code is amended to read:

30223. The amount of the determination, exclusive of penalties, shall bear interest at the ~~adjusted annual~~ rate of ~~4 percent per month, or decrease thereof, established pursuant to Section 12649~~ from the date the amount, or any portion thereof, should have been reported until the date of payment.

SEC. 59. Section 30281 of the Revenue and Taxation Code is amended to read:

30281. Any person who fails to pay any tax, except a tax determined by the board under Article 2 (commencing with Section 30201) or 3 (commencing with Section 30223) of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the ~~adjusted annual~~ rate of ~~4 percent per month, or decrease thereof, established pursuant to Section 12649~~ from the date on which the tax became due and payable until the date of payment.

SEC. 60. Section 30366 of the Revenue and Taxation Code is amended to read:

30366. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the ~~adjusted annual~~ rate ~~established pursuant to Section 12649~~ of ~~4 percent per month~~ from the 25th day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 25th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 61. Section 30406 of the Revenue and Taxation Code is amended to read:

30406. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this

part, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the ~~adjusted annual~~ rate ~~established pursuant to Section 12649~~ of ~~4 percent per month~~ collected from the date of found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 62. Section 32253 of the Revenue and Taxation Code is amended to read:

32253. The board for good cause may extend for not to exceed one month the time for making any report or paying any tax. Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the ~~adjusted annual~~ rate of ~~4 percent per month~~ or ~~decrease thereof, established pursuant to Section 12649~~ from the date the tax would have been due without the extension to the date of payment.

SEC. 63. Section 32254 of the Revenue and Taxation Code is amended to read:

32254. All taxes not paid on the date when due and payable shall bear interest at the ~~adjusted annual~~ rate of ~~4 percent per month, or decrease thereof, established pursuant to Section 12649~~ from and after that date until paid.

SEC. 64. Section 32271 of the Revenue and Taxation Code is amended to read:

32271. If the board is dissatisfied with the return or returns filed or amount of tax paid to the state by any taxpayer, it may compute and determine the amount to be paid based upon any information available to it. One or more additional determinations may be made of the amount of tax due for one or for more than one period. The amount of tax so determined shall bear interest at the ~~adjusted annual~~ rate of ~~4 percent per month, or decrease thereof, established pursuant to Section 12649~~ from the ~~15th day after the close of the period for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.~~ In making a determination, the board may offset overpayments for a period or periods against underpayments and penalties on the or periods and against the deficiency for which a underpayment. If any part of the additional amount due is made as found to have been occasioned by negligence or intentional

disregard of this part or authorized rules, a penalty of 10 percent of the amount of the determination shall be added, plus interest as above provided. If any part of the deficiency for which a determination of an additional amount due is made is found to be occasioned by fraud or an intent to evade this part or authorized rules, a penalty of 25 percent of the amount of the determination shall be added, plus interest as above provided. The board shall give to the taxpayer written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the taxpayer at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 65. Section 32291 of the Revenue and Taxation Code is amended to read:
32291. If any taxpayer fails to make a return required by this part, the board shall make an estimate, based upon any information available to it, for the period or periods with respect to which the taxpayer failed to make a return of all alcoholic beverages sold in this state by him. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus fixed a penalty equal to 5 percent thereof. One or more determinations may be made of the amount of tax due for one or for more than one period. The amount of tax so determined shall bear interest at the ~~advised annual rate of 4 percent per~~ advised annual rate of 4 percent per ~~month~~ month from the 15th day of the calendar month following the close of the period for which the amount of the tax, or any portion thereof, should have been returned until the date of payment. In making a determination the board may offset overpayments for a period or periods against underpayments for another period or periods and against interest and penalties on the underpayments. If any part of the deficiency for which a determination is

made is due to negligence or intentional disregard of this part or authorized rules, an additional penalty of 10 percent of the amount of the determination shall be added. If the neglect or refusal of a taxpayer to file a return as required by this part was due to fraud or an intent to evade the tax, there shall be added to the tax a penalty equal to 25 percent thereof in addition to the 5 percent penalty. The board shall give to the taxpayer written notice of the estimate and determination, the notice to be served personally or by mail in the same manner as prescribed for service of notice by Section 32271.

SEC. 66. Section 32405 of the Revenue and Taxation Code is amended to read:
32405. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the ~~advised annual rate established pursuant to Section 19262 of 4 percent per month~~ advised annual rate established pursuant to Section 19262 from the 15th day of the calendar month following the period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 67. Section 32417 of the Revenue and Taxation Code is amended to read:

32417. In any judgment, interest shall be allowed at the ~~advised annual rate established pursuant to Section 19262 of 4 percent per month~~ advised annual rate established pursuant to Section 19262 upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 68. Section 803 of the Unemployment Insurance Code is amended to read:

803. (a) As used in this section "entity" means any employing unit that is authorized by any provision of Article 4 (commencing with Section 701) of this chapter or by Section 801 or 802 to elicit a method of financing coverage permitted by this section.

(b) In lieu of the contributions required of employers, an entity may elect any one of the following:

(1) To pay into the Unemployment Fund the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for the entity and charged to its account in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions.

(2) Two or more entities may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions the fund shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such entities. The members of the joint account may share the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on the base period wages with respect to employment for such members and charged to the joint account in the manner provided by Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment or advance payment providing a good and sufficient bond to guarantee payment of contributions by the members of joint accounts, on the cost of benefits charged in the manner provided by Section 1026.

(c) Sections 1030, 1031, 1032, and 1032.5, and any provisions of this division for the noncharging of benefits to the account of an employer, shall not apply to an election under subdivision (b) of this section. The cost of benefits charged to an entity under this section shall include, but not be limited to, benefits or payments improperly paid in excess of a weekly benefit amount, or in excess of a maximum benefit amount, or otherwise in excess of the amount which should have been paid, due to any computational or other error of the Department of Employment Development Department or the Department of Benefit Payments, whether or not such error could be anticipated.

(d) In making the payments prescribed by subdivision (b) there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such

sums as he or she estimates the Unemployment Fund will be entitled to receive from each entity for each calendar quarter, reduced or increased by any sum by which he or she finds that his or her estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall give notice of the determination, pursuant to Section 1206, to the entity. The director may cancel any contributions or portion thereof which he or she finds has been erroneously determined. The director shall charge to any special fund, which is responsible for the salary of any employee of an entity, the amount determined by the director for which the fund is liable pursuant to this section. The contributions due from the entity shall be paid from the liable special fund, the General Fund, or paid from the liable special fund to the Unemployment Fund by the controller or other officer or person responsible for disbursements on behalf of the entity within 30 days of the date of mailing of the director's notice of determination to the entity. The director for good cause may extend for not to exceed 60 days the time for paying without penalty the amount determined and required to be paid. Contributions are due upon the date of mailing of the notice of determination and are delinquent if not paid on or before the 30th day following the date of mailing of such notice. Any entity which fails to pay the contributions required within the time required shall be liable for interest on the contributions at the adjusted ~~annual~~ annual rate of 4 percent per month ~~or less than the assessed~~ established pursuant to Section 12262 of the Internal Revenue Code from and after the date of delinquency until paid, and any entity which without good cause fails to pay any contributions required within the time required shall pay a penalty of 10 percent of the amount of such contributions. If the entity fails to pay the contributions required on or before the delinquency date, the director may assess the entity for the amount required by the notice of determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions, and the provisions of Chapter 7 (commencing with section 1701) of Part 1 of this division with respect to the collection of contributions, shall apply to the assessments provided by this section. The provisions of

Sections 1177 to 1184, inclusive, relating to refunds and overpayments, shall apply to amounts paid to the Unemployment Fund pursuant to this section. The provisions of Sections 1222, 1223, 1224, 1241, and 1242 shall apply to actions arising under this section.

(e) The director may terminate the election of any entity for financing under this section if the entity is delinquent in the payment of advances or reimbursements required by the director under this section. After any such termination the entity may again make an election pursuant to this section but only if it is not delinquent in the payment of contributions and not delinquent in the payment of advances or reimbursements required by the director under this section.

(f) Notwithstanding any other provision of this section, no entity shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(5) After the termination of any election under this section, the entity shall remain liable for its proportionate share of the cost of benefits paid and charged to its account in the manner provided by Section 1026, which are based on wages paid for services during the period of the election. Any such liability may be charged against any remaining balance of a prior reserve account used by the entity pursuant to Section 712 or 713. Any portion of such remaining balance shall be included in the reserve account of the entity following any termination of an election under this section which occurs prior to the expiration of a period of three consecutive years commencing with the effective date of such election. For purposes of Section 982, the period of an election under Section 803 shall, to the extent permitted by federal law, be included as a period during which a reserve account has been subject to benefit charges.

SEC. 69. Section 1111 of the Unemployment Insurance Code is amended to read:

1111. The director for good cause may extend for not to exceed 60 days the time for making a return or paying without penalty any amount required to be paid under this division. Any employer to whom an extension is granted and who pays the amount required within the period for which the extension is granted shall pay, in addition to the contributions, interest at the adjusted annual rate of 4 percent per annum established pursuant to Section 1249 of the Revenue and Taxation Code from the date on

which the payment would have been delinquent without the extension until the date of payment.

SEC. 70. Section 1113 of the Unemployment Insurance Code is amended to read:

1113. Any employer who fails to pay any contributions required of him or of his workers, except amounts assessed under Article 8 (commencing with Section 1124) of this chapter, within the time required shall become liable for interest on such contributions at the adjusted annual rate of 4 percent per month as established pursuant to Section 1249 of the Revenue and Taxation Code from and after the date of delinquency until paid.

SEC. 71. Section 1129 of the Unemployment Insurance Code is amended to read:

1129. The amount of each assessment, exclusive of penalty, shall bear interest at the adjusted annual rate of 4 percent per month as established pursuant to Section 1249 of the Revenue and Taxation Code from and after the last day of the month following the close of the calendar quarter, or from and after the 15th day of the month following the close of the calendar month, for which the contributions should have been returned until the date of payment.

SEC. 72. Section 1184 of the Unemployment Insurance Code is amended to read:

1184. If any refund or portion thereof is erroneously made, the director shall assess such amount to the employing unit or other person to whom the refund was made, together with any interest paid thereon, but no assessment shall be made with respect to any amount of worker contributions which the employer has refunded to his or her employees. The amount of the assessment shall bear interest at the adjusted annual rate of 4 percent per annum established pursuant to Section 1249 of the Revenue and Taxation Code commencing 30 days after the service of notice of such assessment, if not paid within such period, until the date of repayment. The director shall give the employing unit against whom the assessment is made a written notice of the assessment pursuant to Section 1306 1180.

Such notice shall be given within three years from the date the refund was made unless the employing unit waives this limitation period or consents to its extension. Sections 1115, 1116, 1222, 1223, and 1224 shall apply to assessments made under this section. The director shall collect the amount of any assessment made

81314 14:26
 RECORD 9 730 BF: BB 81 020607 PAGE NO. 23

under this section in the same manner that other assessments are collected.
 operative on February 1, 1982, with respect to all taxes and overpayments unpaid on that date.

amendment 23
 Inset: On page 8, line 4, strike out "SEC. 18." and

SEC. 74.

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

November 11, 1981
THIRD SESSION DAY
THIRD CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART II
FULL TEXT OF AMENDMENTS CONSIDERED BY THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, November 11, 1981

The Assembly met at 1 p.m.
Hon. Wadie P Deddeh, Member of the Assembly, 80th District,
presiding.

Chief Clerk James D. Driscoll at the Desk
Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called

Quorum Call of the Assembly

Assemblyman Tucker moved a quorum call of the Assembly.
Motion carried. Time, 1.05 p m

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

At 1:45 p.m., Speaker pro Tempore Leo T McCarthy,
18th District, presiding

Quorum Present

At 1 45 p m , Speaker pro Tempore McCarthy declared a quorum
of the Assembly present

The roll call was completed, and the following answered to their
names—73:

Agnos	Floyd	Lancaster	Sher
Alatorre	Frazeo	Leonard	Stirling, D
Baker	Frazzelle	Levine	Stirling, L
Bates	Greene	Lewis	Tanner
Bergeson	Hallett	Lockyer	Thurman
Berman	Hannigan	Marguth	Torres
Bosco	Harris	Martinez	Tucker
Brown, D	Hart	McAlister	Vasconcellos
Campbell	Herger	McCarthy	Vicencia
Chacon	Imbrecht	Moore	Waters, M
Cortese	Ingalls	Moorhead	Waters, N
Costa	Ivers	Mountjoy	Wray
Cramer	Johnson	Naylor	Wright
Deddeh	Johnston	Papan	Wyman
Duffy	Kapiloff	Robinson	Young
Elder	Katz	Rogers	Mr Speaker
Farr	Kelley	Roos	
Felando	Konnyu	Rosenthal	
Filante	La Follette	Sebastian	

PRAYER

The following prayer was offered by Assembly Chaplain Reverend Walter R Link

Lord God, Father of us all, You are the creator of all that exists, yet You know each one of us intimately. The entire universe is Yours, yet You care about our tiny problems as if they were Your own. Your love for us goes far beyond our capacity to comprehend. Continue to keep and guide us, we pray. Help us, through our words and deeds, to bring about a healthier and more responsible attitude among all the people of California —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore McCarthy, Assemblywoman Bergeson 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 Assemblywoman La Follette, seconded by Assemblyman Cortese

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On legislative business Assemblyman Nolan.

On personal business, and waiving per diem Assemblymen Bane, Coggin, Hughes, and Statham

Because of illness in their families Assemblymen Lehman and Ryan

EXPLANATIONS OF ABSENCE

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

November 10, 1981

*Honorable Willie L. Brown, Jr
Speaker, California Assembly
Room 217, State Capitol
Sacramento, California*

Dear Speaker Brown: Please excuse me from the Assembly session on Wednesday, November 11, 1981, as I will be in my district conducting legislative business.

Thank you for your attention to this request.

Sincerely,

PAT NOLAN, Assemblyman
Forty-first District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, November 11, 1981

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined Assembly Bill No. 3.

And reports the same correctly engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, November 11, 1981

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

Assembly Bill No 6

Assembly Bill No 8

And reports the same correctly engrossed

JAMES D DRISCOLL, Chief Clerk

Above bills re-referred to committee

REQUESTS FOR UNANIMOUS CONSENT

Assemblyman Larry Stirling was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bea Evenson, of San Diego.

Speaker pro Tempore McCarthy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Will and Ariel Durant.

Assemblymen Floyd and Leonard were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of all servicemen and servicewomen who gave their lives in the service of our country

RECESS

By unanimous consent, at 1.54 p.m., Speaker pro Tempore McCarthy, declared the Assembly recessed

REASSEMBLED

At 2:05 p.m., the Assembly reconvened

Hon. Leo T McCarthy, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT

Assemblyman Katz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Les River, of Los Angeles

At 2:09 p.m., Speaker Willie L. Brown, Jr., 17th District, presiding

REQUEST FOR UNANIMOUS CONSENT

Speaker Brown was granted unanimous consent that all bills reported from committees on this day be taken up, without reference to file, for purpose of second reading and adoption of committee amendments; and that amended bills be returned to the third reading file for the next legislative day

ANNOUNCEMENT RELATIVE TO SESSION ON NOVEMBER 12

Speaker Brown announced that the Assembly would convene at 8:30 a.m. on Thursday, November 12, and was granted unanimous consent that bills be placed on file for consideration in the following order. (1) Bills relating to reapportionment of the State Board of Equalization; (2) Bills relating to taxation, and (3) Bills relating to public social services

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

Date of Hearing November 10, 1981

Mr Speaker Your Committee on Ways and Means reports

Assembly Bill No 2

With amendments with the recommendation Amend, and do pass, as amended
VASCONCELLOS, Chairman

Date of Hearing November 11, 1981

Mr Speaker Your Committee on Ways and Means reports

Assembly Bill No 6

With amendments with the recommendation Amend, and do pass, as amended
VASCONCELLOS, Chairman

Date of Hearing November 11, 1981

Mr Speaker Your Committee on Ways and Means reports

Assembly Bill No 7

Assembly Bill No 8

With amendments with the recommendation Amend, and do pass, as amended
VASCONCELLOS, Chairman

SECOND READING OF BILLS—BY UNANIMOUS CONSENT

Pursuant to unanimous consent granted earlier this day, the following bills were taken up, without reference to file, for purpose of second reading and adoption of committee amendments

Assembly Bill No. 2—An act to add Section 163675 to the Government Code, and to amend Sections 11008, 11155, 11157, 11158, 11201, 11250 6, 11250 7, 11253, 11308, 11310, 11350 1, 11403, 11450, 11451 6, 11457, 11475, 11475 1, 11475 2, 11476, 11476 1, 11476.2, 11477, 11478, 11478 5, and 14005 1 of, and to add Sections 11004, 11008 13, 11008 14, 11104, 11250 4, 11257, 11310 1, 11350 5, 11450 8, and 14007 5 to, and to repeal Sections 11004, 11104, 11255, 11257, and 11261 of, and to add Chapter 5 (commencing with Section 13000) to Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public social services and declaring the urgency thereof, to take effect immediately

Bill read second time; amendments proposed by the Committee on Ways and Means read and adopted, bill ordered reprinted and to the third reading file

(NOTE For full text of the above amendments, see Part II of this day's Assembly Journal)

Assembly Bill No. 6—An act to amend Sections 1088, 1110, and 13021 of the Unemployment Insurance Code, relating to taxation, and declaring the urgency thereof, to take effect immediately

Bill read second time; amendments proposed by the Committee on Ways and Means read and adopted, bill ordered reprinted and to the third reading file

(NOTE For full text of the above amendments, see Part II of this day's Assembly Journal)

Assembly Bill No. 7—An act relating to fiscal affairs, and declaring the urgency thereof, to take effect immediately

Bill read second time; amendments proposed by the Committee on Ways and Means read and adopted; bill ordered reprinted and to the third reading file

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal.)

Assembly Bill No. 8—An act to amend Sections 6459, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 14199 12, 14211, 15961, 15962, 15964, 16271, 16272, 18009, 18685.05, 18686, 18687, 18688, 19062, 19091, 19111, 25901, 25901a, 25901b, 25951, 26080, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, and 32417 of, and to add Section 19269 to, the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, and 1184 of the Unemployment Insurance Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Ways and Means read and adopted, bill ordered reprinted and to the third reading file

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal.)

ADJOURNMENT

At 5:35 p.m., the Assembly adjourned until 8:30 a.m., Thursday, November 12, 1981, out of respect to the memory of Bea Evenson, of San Diego, on motion of Assemblyman Larry Stirling, out of respect to the memory of Will and Ariel Durant, on motion of Speaker pro Tempore McCarthy, out of respect to the memory of all of the servicemen and servicewomen who gave their lives in the service of our country, on motion of Assemblymen Floyd and Leonard; and out of respect to the memory of Les River, of Los Angeles, on motion of Assemblyman Katz

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

Amendments considered in the Assembly on this day follow in Part II of this day's Journal

PART II

**FULL TEXT OF AMENDMENTS CONSIDERED IN
THE ASSEMBLY ON NOVEMBER 11, 1981**

This part of the Journal contains the full text of amendments considered by the Assembly on this day, printed in the following order

Assembly Bills

- 2
- 6
- 7
- 8

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 2

Amendment 1
In line 1 of the title of the printed bill,
strike out "Section" and insert:

Sections 16366.35 and

Amendment 1.5
In line 1 of the title, after the second "to"
insert:

and to amend Section 12366.8 of,

Amendment 2
In line 5 of the title, after "11004," insert:

11004.5,

Amendment 3
In line 6 of the title, strike out "11310.1" and
insert:

11311

Amendment 4
In line 10 of the title, after "Code," insert:
and to repeal Section 3 of Chapter 1077 of the Statutes of
1981, and Section 7 of Chapter 1090 of the Statutes of
1981,

Amendment 5
In line 10 of the title, after "services"
insert:

, making an appropriation therefor,

Amendment 6
On page 6, between lines 1 and 2, insert:

SEC. 1.1. Section 16366.35 is added to the
Government Code, to read:
16366.35. Counties shall be granted various

flexibility in administering federal categorical and block
grant programs to the extent permitted by state planning
requirements. It is the intent of the legislature in
enacting this section to provide counties various
flexibility in setting priorities in these programs for
any reduced funding.

SEC. 1.2. Section 16366.8 of the Government
Code is amended to read:

16366.8. For those programs for which the state
does not assume full administrative responsibility under
the block grant consolidation act of 1981, but for which
state agencies have continued administrative and funding
responsibility, as reflected in the Budget Act of 1981,
the following criteria shall be used in allocating any
reduced levels of federal funds:

(a) The funds shall be utilized for the same
purposes as discontinued federal grants.

(b) The funds shall be distributed to the same
program and service providers serving special populations
except those service providers who withdrew from the
contracts or whose contracts have been terminated for
failure to meet the conditions of those contracts. In
those cases the amount of the contract shall be
allocated to another service provider serving the same
categorical population.

(c) The funds shall serve the special
populations which meet the criteria of need required by
federal categorical grant legislation and regulation.

(d) Reductions shall be prorated on an equitable
basis to counties, programs, or grantees receiving federal
funds in the next fiscal year. If the state or the
county administering those programs determines that a
particular program or service provider cannot feasibly
operate at the reduced level provided herein, the state or
county may terminate the program as the service provider's
contract, and any funds saved thereby shall be allocated
for the purpose of providing similar services to the same
target population.

(e) Funds shall be administered by those state
agencies currently administering the funds.

(f) To the extent that federal funds are
allocated to counties on the basis of county plan
submissions to appropriate state agencies, the county

plans shall be amended to reflect reduced federal funding. The county shall hold at least one public hearing regarding the proposed changes to the county plans affected. With respect to any plans which are required to be approved by the state, the amended plans shall be approved by the appropriate state agencies and shall comply with the criteria set forth in this section. The approval shall be conducted and completed within 30 days to prevent interruptions in services.

(g) The amount expended in the 1981-82 state fiscal year by the state and by service providers for program administration of all federal categorical and block grant programs shall not exceed the percentage levels of administrative costs approved by the Legislature for departments and providers as of July 1, 1981, and reflected in each service provider grant in effect on that date.

If a state department finds that compliance with the provisions of this section disproportionately burdens certain programs or categories of clients, the department may withhold up to 5 percent of the total amount awarded to the department for each such categorical grant in order to equalize service levels.

Amendment 7
On page 6, line 16, after the period, insert:

The crisis intervention program shall not include advocacy, community mobilization or community planning and education. The program shall include activities to enroll eligible individuals.

Amendment 8
On page 6, line 21, after "aid" insert:
or persons eligible for aid

Amendment 9
On page 10, line 26, after the period, insert:
If permitted by federal law, grant payments to be adjusted because of prior overpayments caused by agency errors shall be reduced to a level no lower than 95 percent of the grant when added to the family's liquid resources and income, appropriate to families in similar conditions to the assistance unit being adjusted.

Amendment 10
On page 11, after line 40, insert:

SEC. 3.5. Section 11004.5 is added to the Welfare and Institutions Code, to read:
11004.5. The State Department of Social Services shall submit a report by January 1, 1983, to the chairpersons of the fiscal committees of the Legislature and the Joint Legislative Budget Committee, which analyzes overpayment information collected as a part of the error rate sampling process, including the amount of overpayment by type of error, source or cause of error, and recommendations regarding corrective action.

Amendment 11
On page 14, line 1, after "natural" insert:

or adoptive

Amendment 12
On page 16, line 4, strike out "unsecured"

Amendment 13
On page 18, line 3, strike out "in an economic strike, as defined under the" and in line 35, strike out "National Labor Relations Act" and insert:

in a strike while employed pursuant to a current and valid collective bargaining agreement or within a 60-day period after the expiration thereof, unless the strike is in direct response to an employer's unfair labor practice or for participation in a walkout which is necessitated by an imminent health and safety hazard

Amendment 14
On page 18, strike out lines 37 and 38, and insert:

a strike while employed pursuant to a current and valid collective bargaining agreement or within a 60-day period after the expiration thereof, unless the strike is in direct response to an employer's unfair labor practice or for participation in a walkout which is necessitated by an imminent health and safety hazard, on the last day of the month, that

Amendment 15

On page 24, strike out lines 17 to 40, inclusive, and on page 25, strike out lines 1 to 24, inclusive, and insert:

SEC. 23. Section 11311 is added to the Welfare and Institutions Code, to read:

11311. The Employment Development Department, in consultation with the State Department of Social Services, shall contract with San Diego County, at the county's option, to provide experimental work experience assignments, for unemployed parents receiving aid under this chapter who have completed job search assistance workshops and are still unemployed and for whom such work experience assignments are appropriate based upon an assessment by the county under contract with the Employment Development Department. Primary participants will be the designated unemployed parent from two-parent AFDC families.

A work experience assignment shall provide all of the following:

(a) Appropriate standards for health, safety, and other conditions applicable to the performance of work.

(b) Assignments which do not result in displacement of persons currently employed, or the filling of established unfilled position vacancies.

(c) Reasonable conditions of work, taking into account the geographic region, the residence of the participants, and the proficiency of the participants.

(d) Participants shall not be required to travel an unreasonable distance from their homes or remain away from their homes overnight.

(e) The maximum number of hours in any month that a participant may be required to work is that number which equals the amount of aid payable with respect to the family of which such individual is a member divided by the greater of the federal or the applicable minimum wage. In no event shall the hours of required work exceed 32 hours in four days of any given workweek, the fifth day of the workweek remaining for job search.

(f) Transportation and other costs reasonably necessary and directly related to participation in the assignment.

The purpose of the work experience experiment shall be to determine the usefulness of such an approach in achieving the eventual employment of the unemployed

parent.

The work experience assignment shall be in public and private nonprofit agencies which meet the requirements of subdivision (e) of Section 5007.5 of the Unemployment Insurance Code.

The County of San Diego shall be responsible for the nonfederal costs of all work-related expenses, work incentives, and the administrative costs of operating the work experience assignments which are not funded under the Work Incentive Program or any other federal program. Any unemployed parent who refuses to participate in the work experience assignment without good cause as specified in Section 5007 and Chapter 4 (commencing with Section 5390) of the Unemployment Insurance Code shall be sanctioned consistent with the provisions of federal law for the Work Incentive Program.

The Legislative Analyst in cooperation with San Diego County shall evaluate the effectiveness of the work experience assignment and report to the legislature on this demonstration program by December 31, 1981.

This section shall remain in effect only until July 1, 1984, and on that date is repealed.

Amendment 16

On page 28, line 26, strike out "this subdivision shall be operative only to", strike out line 27, and in line 28, strike out "month in which it" and insert:

payments under subdivision (c) shall not apply to persons eligible under subdivision (a), except for the month in which birth

Amendment 17

On page 42, line 28, strike out "state federal funds" and insert:

the State General Fund

Amendment 18

On page 42, line 38, after the period, insert.

With respect to the second allocation of funds for other county services, no reduction shall be made so as to allocate less funds than were allocated in the prior year unless the board of supervisors has made such a reduction at a regularly scheduled meeting. The notice of such

action must be provided at least 7 days prior to the meeting at which such action is to be taken. Such notice shall be provided in the same manner as the county provides notice for its regularly scheduled meetings.

Amendment 19

On page 44, between lines 31 and 32, insert:

SEC. 42.5. Section 3 of Chapter 1077 of the Statutes of 1981 is repealed.

~~Sec. 3. This act shall only become operative if the provisions of AB 259 provide for funds necessary to carry out the purposes of this act and if AB 329 as chaptered during the 1981-82 Regular Session of the Legislature.~~

SEC. 42.6. Section 7 of Chapter 1080 of the Statutes of 1981 is repealed.

~~Sec. 7. This act shall become operative only if Assembly Bill No. 299 contains provisions for providing funds in order to carry out the purposes of this act and if Assembly Bill No. 299 becomes chaptered during the 1981-82 Regular Session of the Legislature.~~

SEC. 42.7. There is hereby transferred from Item 518-101-001 (a) of the Budget Act of 1981 the amounts specified and for the purposes specified in the following schedule:

(a) Three million dollars (\$3,000,000) to the In-home Supportive Services (Item 518-101-001 (c) (2) (a)) of the Budget Act of 1981.

(b) One million dollars (\$1,000,000) to protective services for children and foster care services for children (Item 518-101-001 (c) (1)).

(c) One million dollars (\$1,000,000) to the Employment Development Department for employment and training programs for AFDC recipients pursuant to Employment Preparation Programs and Chapters 1077, 1078, and 1080 of the Statutes of 1981.

This section shall be effective only if either Assembly Bill No. 6 or Assembly Bill No. 8 are enacted during the First Extraordinary Session.

Amendment 20

On page 44, line 32, strike out "No" and insert:

Except as provided in Section 42.7 of this act, no

Amendment 21

On page 45, line 7, strike out "any state agency" and insert:

the State Department of Health Services, the State Department of Social Services, the Employment Development Department, or the State Office of Economic Opportunity

- 0 -

81315 13:11
RECORD # 30 SF:

ADOPTED
ASSEMBLY
NOV 11 1981

NOV 11 1981
RM #1 020662
Substantive

OPTIONAL FORM
PAGE NO. 1

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 6
AS AMENDED IN ASSEMBLY NOVEMBER 10, 1981

Amendment 1

On page 4, line 40, of the printed bill, as amended in Assembly November 10, 1981, strike out "employees." and insert:

employers. Where an employer has more than one pay location, payment of the tax due may be made directly from each individual pay location.

Amendment 2

On page 5, line 9, strike out "employee" and insert:

employer

- 0 -

81315 16:03
RECORD # 30 SF:

ADOPTED
ASSEMBLY
NOV 11 1981

NOV 11 1981
RM #1 020664
Substantive

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 7
Amendment 1

In line 1 of the title of the printed bill, after "act" insert:

to amend Section 13322 of, and to add and repeal Section 13322.5 to, the Government Code.

Amendment 2

On page 2, strike out lines 4 to 21, inclusive, and insert:

SEC. 2. Section 13322 of the Government Code is amended to read:

13322. Before an appropriation, until enactment of the budget act contains the appropriation funding the fiscal year budget, the department may revise, alter, or amend any fiscal year budget, if, in its opinion, revision, alteration or amendment is required in the interest of the State. The department shall notify the head of the State agency or court of any revision, alteration, or amendment of its fiscal year budget.

The provisions of this section shall not preclude normal budget revisions the department may be authorized to make pursuant to control language in the annual budget act.

SEC. 3. Section 13322.5 is added to the Government Code, to read:

13322.5. (a) The department may make reductions in any appropriations of moneys as authorized by this section, no sooner than 30 days after notification in writing of the necessity therefor is given to the chairman of the committee in each house which considers appropriations and the chairperson of the Joint Legislative Budget Committee, or not sooner than a lesser time as the chairperson of the committee or his or her designee may, in each instance determine.

(b) In the event of a fiscal emergency, the department may make reductions in appropriations made by the Budget Act or any other provision of law not to exceed five percent. As used in this subdivision, "fiscal emergency" means that the Governor has determined that projected General Fund expenditures exceed 98 percent of

50

ASSEMBLY JOURNAL

Nov 11, 1981

projected General Fund revenues and reserves and so stated in an executive order declaring a formal "fiscal emergency." The department may make reductions in appropriations to reflect program changes determined by the department to be required in the interest of the state without regard to the existence of a fiscal emergency or any five percent limit.

The authority to make reductions in this section shall not preclude the department from making traditional fiscal year budget changes authorized by control provisions in the annual Budget act.

(c) The provisions of this section shall apply to any appropriations over which, and to the extent, the department could exercise control prior to the operation of the statute adding this section.

This section shall remain in effect only until March 1, 1982, and as of that date is repealed, unless a later enacted statute which is chaptered before March 1, 1982, deletes or extends that date.

- 0 -

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 8
AS AMENDED IN ASSEMBLY NOVEMBER 10, 1981

Amendment 1
In lines 4 and 5 of the title of the printed bill, as amended in Assembly November 10, 1981, strike out "14199.12, 14211, 15961, 15962, 15964, 16271, 16272,"

Amendment 2
In line 9 of the title, strike out "and to add Section 19269" and insert:
to add Sections 17071.1, 19269, and 24271.1

Amendment 3
In line 9 of the title, after the first comma, insert.
and to add Chapter 3.J (commencing with Section 78.79) to Part 0.5 of Division 1 of,

Amendment 4
On page 2, strike out line 2 and insert:
SECTION 1. Chapter 3.J (commencing with Section 78.79) is added to Part 0.5 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 3.J. REFUNDS OF 1978-79 SUPPLEMENTAL UNSECURED
PROPERTY TAX REVENUE

78.79. (a) There is hereby appropriated from the General Fund to the State Board of Equalization, hereafter referred to as "board," that sum of money equal to the amount necessary to make the payment of refunds to taxpayers who qualify for refunds pursuant to the provisions of this chapter. The amount of those refunds shall be determined in accordance with the provisions of subdivision (b).

(b) The refund provided for pursuant to this chapter shall be the amount of the "supplemental unsecured property tax" paid by the taxpayer, to be determined as follows.

(1) The board shall pay all refunds on or before

June 30, 1982. No refunds shall be paid on claims received after April 15, 1982.

(2) Out of the moneys appropriated pursuant to subdivision (a), the board shall refund to each taxpayer 100 percent of the amount of "supplemental unsecured property tax."

(c) As used in this chapter, "supplemental unsecured property tax" means the amount of property tax paid in this state by a taxpayer which is attributable to that portion of the property tax rate levied on the unsecured roll for the 1978-79 tax year, less the rate for voter-approved debt, which is in excess of four dollars (\$4) per one hundred dollar (\$100) of assessed value.

(d) Each taxpayer claiming the refund provided in this section shall, as part of that claim and under penalty of perjury, furnish any information the board prescribes on a form supplied by the board.

(e) The refund in this section shall be claimed on forms the board shall prescribe and shall be filed with the board no later than April 15, 1982.

(f) Each claim submitted by a taxpayer shall include the total amount of "supplemental unsecured property tax" paid by the taxpayer and shall be verified by either (1) a copy of the 1978-79 tax bill or bills, or (2) certification of the amount by the local tax collector. If the tax collector certifies the amount, a reasonable fee may be charged by the tax collector for the service.

(g) As used in this chapter, "taxpayer" means a taxpayer who was required to pay 1978-79 unsecured property taxes on an owner-occupied dwelling.

(h) As used in this section, "owner-occupied dwelling" is a dwelling which received a homeowner's exemption for the 1978-79 fiscal year.

(i) The board shall be responsible for distribution of forms for claiming the refund provided by this section and shall provide an adequate supply to each county tax collector.

(j) No interest shall accrue or be paid on the amount of refunds authorized by this chapter.

78.80. The tax collector for each County and city and county, on or before March 1, 1982, shall mail to each taxpayer who has paid supplemental unsecured property taxes (1) an information notice containing the amount of the supplemental unsecured property tax for the applicable property, (2) a claim form for refund of supplemental unsecured property taxes, and (3) a statement that is a collection of "supplemental unsecured property taxes" as a

constitutional requirement as determined by the State Supreme Court.

78.81. The board shall do all of the following: (a) prescribe rules, regulations, and directives to govern county and city and county tax officials in complying with the provisions of this chapter. Those rules, regulations, and directives shall be exempt from the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Bring an action in a court of competent jurisdiction to compel any county or city and county tax official to comply with any provision of this chapter, or any rule, regulation, or directive prescribed by the board pursuant to subdivision (a). The Attorney General shall represent the board in any action.

78.82. No suit or proceeding shall be maintained in any court for the recovery of any amount of supplemental unsecured property tax for which a claim for refund was not filed in the manner or within the time prescribed by this chapter.

78.83. Any taxpayer who makes any false or fraudulent claim for refund pursuant to this chapter in violation of a misdemeanor shall be fined not less than five hundred dollars (\$500), nor more than five thousand dollars (\$5,000), or be imprisoned for not more than six months in a county jail, or be subject to both such fine and imprisonment at the discretion of the court.

78.84. The Controller may recover any refund, or part thereof, which was erroneously paid or claimed, in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California within three years from the date the amount of erroneous refund is mailed to the taxpayer. The action shall be subject to the procedures provided in Sections 4962 and 4963.

SEC. 1.5. Section 6459 of the Revenue and

Amendment 5

On page 11, strike out lines 27 to 40, inclusive, strike out pages 12 and 13, on page 14, strike out lines 1 to 4, inclusive, and insert:

SEC. 37. Section 17071.1 is added to the Revenue and Taxation Code, to read:

17071.1. Notwithstanding any other provision of law, gross income for taxable year 1982 shall be increased by the full amount of the tax refund allowed by Section

81315 17:09
RECORD # 110 BF:

PAGE NO. 4
81 020663

78.79.

Amendment 6

On page 17, line 15, strike out "not later than January 15, 1982" and insert:

On the effective date of the act adding this section to this code

Amendment 7

On page 17, line 18, strike out "Any such" and insert.

The

Amendment 8

On page 17, strike out line 21, and insert:

the effective date of the act adding this section to this code. However, if the act adding this section to this code does not provide refunds to certain taxpayers as provided by that act in Chapter 3.1 (commencing with Section 78.79) of Part 0.5 of Division 1 of this code, the adjusted rate of interest shall become effective on February 1, 1982.

Amendment 9

On page 17, between lines 31 and 32, insert:

SEC. 46.5. Section 24271.1 is added to the Revenue and Taxation Code, to read:
24271.1. Notwithstanding any other provision of law, gross income shall be increased by the amount of the tax refund pursuant to Section 78.79.

Amendment 10

On page 30, strike out lines 31 to 33, inclusive, and insert:

SEC. 73. Notwithstanding Section 6 of Article XIII B of the California Constitution and Sections 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of

81315 17:09
RECORD # 150 BF:

PAGE NO. 5
81 020663

Division 1 of that code.

However, reimbursement for any mandated costs on counties shall be made for costs which exceed 15 percent of county collections on the unsecured roll. The Legislature finds and declares that the provisions of law enacted in 1981 which permit counties to keep 15 percent of their unsecured roll collections was intended to cover the mandated costs of all legislation associated with the 1979-79 unsecured roll issue, including any mandated costs in this act.

- 0 -

Nov 11, 1981

ASSEMBLY JOURNAL

53

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

November 12, 1981

**FOURTH SESSION DAY
FOURTH CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I

PROCEEDINGS OF THE ASSEMBLY

PART II

FULL TEXT OF AMENDMENTS CONSIDERED BY THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, November 12, 1981

The Assembly met at 8:30 a m
Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assemblyman Martinez moved a quorum call of the Assembly
Motion carried Time, 8.35 a m.
The Speaker directed the Sergeant at Arms to close the doors, and
to bring in the absent Members

At 8:52 a.m., Speaker pro Tempore Leo T. McCarthy,
18th District, presiding.

Quorum Present

At 8:53 a.m., Speaker pro Tempore McCarthy declared a quorum
of the Assembly present.

The roll was completed, and the following answered to their
names—75:

Agnos	Floyd	Lancaster	Rosenthal
Alatorre	Frazee	Lehman	Ryan
Baker	Frizzelle	Leonard	Sebastiani
Bates	Greene	Levine	Sher
Bergeson	Hallett	Lewis	Stirling, D
Berman	Hannigan	Lockyer	Stirling, L
Bosco	Harris	Marguth	Tanner
Brown, D	Hart	Martinez	Thurman
Campbell	Herger	McAlister	Torres
Chacon	Imbrecht	McCarthy	Tucker
Cortese	Ingalls	Moore	Vasconcellos
Costa	Ivers	Moorhead	Waters, M
Cramer	Johnson	Mountjoy	Waters, N
Deddeh	Johnston	Naylor	Wray
Duffy	Kaploff	Nolan	Wright
Elder	Katz	Papan	Wyman
Farr	Kelley	Robinson	Young
Felando	Konnyu	Rogers	Mr Speaker
Filante	La Follette	Roos	

PRAYER

The following prayer was offered by Assembly Chaplain Reverend Walter R Link

Gracious God, In the midst of the frantic pace of life today You offer us the peace of Your presence We know this gift can not be purchased nor demanded It can only be accepted by letting You be Lord in our life Help us to over-come our fear so we can trust You fully and know the confidence which comes when You are guiding us and sustaining us Give us courage to do what we know is right as we honor Your will for us —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore McCarthy, Assemblyman Lockyer 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 Assemblyman Bosco, seconded by Assemblyman Naylor

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On personal business, and waiving per diem Assemblymen Bane, Goggin, Hughes, Statham, and Vicencia

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, November 12, 1981

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

Assembly Bill No 6

Assembly Bill No 7

And reports the same correctly engrossed

JAMES D DRISCOLL, Chief Clerk

Above bills ordered to third reading

Assembly Chamber, November 12, 1981

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

Assembly Bill No 2

Assembly Bill No 8

And reports the same correctly engrossed

JAMES D DRISCOLL, Chief Clerk

Above bills ordered to third reading

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

Assembly Bill No. 3 (Alatorre)—An act to amend Section 10212 of, and to repeal and add Chapter 5 (commencing with Section 30040) of Division 18 of, the Elections Code, relating to redistricting

Bill read third time

The roll was called

Call of the Assembly

Pending the announcement of the vote, Assemblyman Roos moved a call of the Assembly.

Assemblyman Bosco seconded the motion.

Motion carried. Time, 9:07 a m

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

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 7 (Robinson)—An act to amend Section 13322 of, and to add and repeal Section 13322.5 to, the Government Code, relating to fiscal affairs, and declaring the urgency thereof, to take effect immediately.

Bill read third time

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Assemblyman Robinson moved a call of the Assembly

Motion carried. Time, 9:30 a m

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

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 8 (Robinson)—An act to amend Sections 6459, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 18009, 18685.05, 18686, 18687, 18688, 19062, 19091, 19111, 25901, 25901a, 25901b, 25951, 26080, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, and 32417 of, to add Sections 17071.1, 19269, and 24271.1 to, and to add Chapter 3.3 (commencing with Section 78.79) to Part 0.5 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, and 1184 of the Unemployment Insurance Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read

Request for Unanimous Consent to Temporarily Suspend the Rules

Assemblyman Imbrecht was granted unanimous consent that the Rules be temporarily suspended for the purpose of permitting him to offer amendments to Assembly Bill No. 8 without an analysis by the Assembly Office of Research being on the Member's desks

Motion to Amend

Assemblyman Imbrecht moved the adoption of amendments
*(NOTE. For full text of the above amendments, see Part II
of this day's Assembly Journal)*

Amendments read

Motion to Table Imbrecht Amendments to Assembly Bill No 8

Assemblyman Roos moved that the amendments offered by
Assemblyman Imbrecht to Assembly Bill No 8 be laid upon the table
Assemblyman Alatorre seconded the motion
The roll was called

Call of the Assembly

Pending the announcement of the vote, Assemblyman Imbrecht
moved a call of the Assembly

Assemblywoman Hallett seconded the motion

Motion carried. Time, 9 35 a.m

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

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 6 (Robinson)—An act to amend Sections 1088,
1110, and 13021 of the Unemployment Insurance Code, relating to
taxation, and declaring the urgency thereof, to take effect
immediately

Bill read third time

Urgency Clause

Urgency clause read

Demand for Previous Question

Assemblymen Greene, Bosco, Ivers, Felando, and Willie Brown
demanded the previous question. Demand sustained

The question being on the adoption of the urgency clause to
Assembly Bill No. 6

Urgency clause refused adoption by the following vote

AYES—37

Agnos	Floyd	McAlister	Thurman
Alatorre	Greene	McCarthy	Torres
Bates	Hannigan	Moore	Tucker
Berman	Harris	Moorhead	Vasconcellos
Bosco	Hart	Papan	Waters, M
Campbell	Kaploff	Robinson	Wray
Cortese	Lehman	Roos	Mr Speaker
Cramer	Levine	Rosenthal	
Deddeh	Lockyer	Sher	
Elder	Martinez	Tanner	

NOES—34

Baker	Hallett	Konnyu	Ryan
Bergeson	Herger	La Follette	Sebastian
Brown, D	Imbrecht	Lancaster	Stirling, D
Chacon	Ingalls	Leonard	Stirling, L
Duffy	Ivers	Lewis	Wright
Farr	Johnson	Marguth	Wyman
Felando	Johnston	Mountjoy	Young
Frazee	Katz	Naylor	
Frizzelle	Kelley	Rogers	

Further Consideration of Assembly Bill No. 6**Motion to Amend**

Assemblyman Robinson moved the adoption of amendments

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal)

Amendments read and adopted by the following vote

AYES—37

Alatorre	Floyd	Levine	Rosenthal
Berman	Greene	Lockyer	Sher
Bosco	Hannigan	Martinez	Tanner
Campbell	Harris	McAlister	Thurman
Chacon	Hart	McCarthy	Vasconcellos
Cortese	Ingalls	Moore	Waters, M
Cramer	Johnston	Moorhead	Mr Speaker
Deddeh	Kaploff	Papan	
Elder	Katz	Robinson	
Farr	Lehman	Roos	

NOES—26

Baker	Hallett	Lancaster	Sebastian
Bergeson	Herger	Leonard	Stirling, D
Brown, D	Imbrecht	Lewis	Stirling, L
Duffy	Johnson	Marguth	Wright
Felando	Kelley	Naylor	Wyman
Frazee	Konnyu	Rogers	
Frizzelle	La Follette	Ryan	

Bill ordered reprinted

Request for Unanimous Consent to Take Up Assembly Bill No. 6

Assemblyman Robinson was granted unanimous consent to take up Assembly Bill No. 6, without reference to file, for purpose of consideration at this time and that the bill be considered engrossed

Consideration of Assembly Bill No 6

Assembly Bill No. 6 (Robinson)—An act to amend Sections 1088, 1110, and 13021 of the Unemployment Insurance Code, relating to taxation

Bill read third time
The roll was called

Call of the Assembly

Pending the announcement of the vote, Assemblyman Robinson moved a call of the Assembly

Assemblyman Roos seconded the motion

Motion carried Time, 10 35 a.m

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

CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO. 3

At 10 36 a m , on motion of Assemblyman Roos, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and Assembly Bill No 3 passed by the following vote

AYES—44

Alatorre	Farr	Levine	Sher
Bates	Floyd	Lockyer	Tanner
Berman	Greene	Martinez	Thurman
Bosco	Hanmagan	McAlister	Torres
Campbell	Harris	McCarthy	Tucker
Chacon	Hart	Moore	Vasconcellos
Cortese	Ingalls	Moorhead	Waters, M
Costa	Johnston	Papan	Waters N
Cramer	Kaploff	Robinson	Wray
Deddeh	Katz	Roos	Young
Elder	Lehman	Rosenthal	Mr Speaker

NOES—29

Baker	Hallett	Lancaster	Sebastiani
Bergeson	Herger	Leonard	Strling, D
Brown, D	Imbrecht	Lewis	Strling, L
Duffy	Ivers	Marguth	Wright
Felando	Johnson	Mountjoy	Wyman
Filante	Kelley	Naylor	
Frazee	Konnyu	Rogers	
Frizzelle	La Follette	Ryan	

Bill ordered transmitted to the Senate

CALL OF THE ASSEMBLY DISPENSED WITH ON MOTION TO TABLE IMBRECHT AMENDMENTS TO ASSEMBLY BILL NO. 8

At 10 37 a m , on motion of Assemblyman Imbrecht, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and the motion to table the amendments offered by Assemblyman Imbrecht to Assembly Bill No 8 carried by the following vote

AYES—36

Agnos	Farr	Martinez	Thurman
Alatorre	Greene	McAlister	Torres
Bates	Hannigan	McCarthy	Tucker
Bosco	Hart	Moore	Vasconcellos
Campbell	Ingalls	Moorhead	Waters, M
Chacon	Kaploff	Papan	Waters, N
Cramer	Katz	Robinson	Wray
Deddeh	Lehman	Roos	Young
Elder	Levine	Rosenthal	Mr Speaker

NOES—31

Baker	Hallett	La Follette	Rogers
Bergeson	Herger	Lancaster	Ryan
Brown, D	Imbrecht	Leonard	Sebastian
Duffy	Ivers	Lewis	Stirling, D
Felando	Johnson	Lockyer	Stirling, L
Filante	Johnston	Marguth	Wright
Frazee	Kelley	Mountjoy	Wyman
Frizzelle	Konnyu	Naylor	

Further Consideration of Assembly Bill No 8

Assembly Bill No. 8 (Robinson)—An act to amend Sections 6459, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 18009, 18685 05, 18686, 18687, 18688, 19062, 19091, 19111, 25901, 25901a, 25901b, 25951, 26080, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, and 32417 of, to add Sections 17071 1, 19269, and 24271.1 to, and to add Chapter 3 3 (commencing with Section 78.79) to Part 0 5 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, and 1184 of the Unemployment Insurance Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend—Naylor Set 1

Assemblyman Naylor moved the adoption of amendments

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal)

Amendments read

At 10:45 a.m., Hon. Leroy F. Greene 6th District, presiding.

Motion to Table Set 1 of Naylor Amendments to Assembly Bill No. 8

Assemblyman Roos moved that the amendments offered by Assemblyman Naylor to Assembly Bill No 8 be laid upon the table

Motion carried by the following vote

AYES—32

Agnos	Deddeh	Katz	Tanner
Alatorre	Farr	Levine	Thurman
Bates	Floyd	Martinez	Torres
Berman	Hannigan	McAlister	Tucker
Bosco	Harris	McCarthy	Waters, M
Campbell	Hart	Robinson	Waters, N
Chacon	Ingalls	Roos	Wray
Cramer	Kaploff	Rosenthal	Mr Speaker

NOES—29

Baker	Herger	Leonard	Stirling, D
Bergeson	Imbrecht	Lewis	Stirling, L
Brown, D	Ivers	Marguth	Wright
Duffy	Johnson	Mountjoy	Wyman
Felando	Kelley	Naylor	Young
Frazee	Konnyu	Rogers	
Frizzelle	La Follette	Ryan	
Hallett	Lancaster	Sebastian	

Motion to Amend—Naylor Set 2

Assemblyman Naylor moved the adoption of amendments
*(NOTE. For full text of the above amendments, see Part II
of this day's Assembly Journal)*

Amendments read

Motion to Table Set 2 of Naylor Amendments to Assembly Bill No 8

Assemblyman Roos moved that the amendments offered by
Assemblyman Naylor to Assembly Bill No 8 be laid upon the table
Motion carried by the following vote

AYES—32

Agnos	Deddeh	Katz	Tanner
Alatorre	Farr	Levine	Thurman
Bates	Floyd	Martinez	Torres
Berman	Hannigan	McAlister	Tucker
Bosco	Harris	McCarthy	Waters, M
Campbell	Hart	Robinson	Waters, N
Chacon	Ingalls	Roos	Wray
Cramer	Kaploff	Rosenthal	Mr Speaker

NOES—29

Baker	Herger	Leonard	Stirling, D
Bergeson	Imbrecht	Lewis	Stirling, L
Brown, D	Ivers	Marguth	Wright
Duffy	Johnson	Mountjoy	Wyman
Felando	Kelley	Naylor	Young
Frazee	Konnyu	Rogers	
Frizzelle	La Follette	Ryan	
Hallett	Lancaster	Sebastian	

Motion to Amend—Naylor Set 3

Assemblyman Naylor moved the adoption of amendments
*(NOTE For full text of the above amendments, see Part II
of this day's Assembly Journal)*

Amendments read

Motion to Table Set 3 of Naylor Amendments to Assembly Bill No. 8

Assemblyman Roos moved that the amendments offered by Assemblyman Naylor to Assembly Bill No. 8 be laid upon the table

Motion carried by the following vote.

AYES—32

Agnos	Deddeh	Katz	Tanner
Alatorre	Farr	Levine	Thurman
Bates	Floyd	Martinez	Torres
Berman	Hannigan	McAlister	Tucker
Bosco	Harris	McCarthy	Waters, M
Campbell	Hart	Robinson	Waters, N
Chacon	Ingalls	Roos	Wray
Cramer	Kapiloff	Rosenthal	Mr Speaker

NOES—29

Baker	Herger	Leonard	Stirling, D
Bergeson	Imbrecht	Lewis	Stirling, L
Brown, D	Ivers	Marguth	Wright
Duffy	Johnson	Mountjoy	Wyman
Felando	Kelley	Naylor	Young
Frazee	Konnyu	Rogers	
Frizzelle	La Follette	Ryan	
Hallett	Lancaster	Sebastiani	

Motion to Amend—Naylor Set 4

Assemblyman Naylor moved the adoption of amendments

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal.)

Amendments read.

Motion to Table Set 4 of Naylor Amendments to Assembly Bill No. 8

Assemblyman Roos moved that the amendments offered by Assemblyman Naylor to Assembly Bill No. 8 be laid upon the table.

Motion carried by the following vote

AYES—32

Agnos	Deddeh	Katz	Tanner
Alatorre	Farr	Levine	Thurman
Bates	Floyd	Martinez	Torres
Berman	Hannigan	McAlister	Tucker
Bosco	Harris	McCarthy	Waters, M
Campbell	Hart	Robinson	Waters, N
Chacon	Ingalls	Roos	Wray
Cramer	Kapiloff	Rosenthal	Mr Speaker

NOES—29

Baker	Herger	Leonard	Stirling, D
Bergeson	Imbrecht	Lewis	Stirling, L
Brown, D	Ivers	Marguth	Wright
Duffy	Johnson	Mountjoy	Wyman
Felando	Kelley	Naylor	Young
Frazee	Konnyu	Rogers	
Frizzelle	La Follette	Ryan	
Hallett	Lancaster	Sebastiani	

The question being on the adoption of the urgency clause to Assembly Bill No. 8

Demand for Previous Question

Assemblymen Roos, Wray, Elder, Rosenthal, and Norman Waters demanded the previous question Demand sustained.

The question being on the adoption of the urgency clause to Assembly Bill No 8

Urgency clause refused adoption by the following vote

AYES—42

Agnos	Floyd	Martinez	Tanner
Alatorre	Greene	McAlister	Thurman
Bates	Hannigan	McCarthy	Torres
Bosco	Harris	Moore	Tucker
Campbell	Hart	Moorhead	Vasconcellos
Chacon	Ingalls	Papan	Waters, M
Cortese	Johnston	Robinson	Waters, N
Cramer	Kaploff	Roos	Wray
Deddeh	Katz	Rosenthal	Mr Speaker
Elder	Levine	Sher	
Farr	Lockyer	Stirling, L	

NOES—27

Baker	Hallett	La Follette	Rogers
Bergeson	Herger	Lancaster	Ryan
Brown, D	Imbrecht	Leonard	Sebastian
Felando	Ivers	Lewis	Stirling, D
Filante	Johnson	Marguth	Wright
Frazee	Kelley	Mountjoy	Wyman
Frizzelle	Konnyu	Naylor	

Further Consideration of Assembly Bill No. 8**Motion to Amend**

Assemblyman Robinson moved the adoption of amendments
(NOTE. For full text of the above amendments, see Part II
of this day's Assembly Journal)

Amendments read and adopted by the following vote

AYES—43

Agnos	Farr	Lockyer	Stirling, L
Alatorre	Floyd	Martinez	Tanner
Bates	Greene	McAlister	Thurman
Berman	Hannigan	McCarthy	Torres
Bosco	Harris	Moore	Tucker
Campbell	Hart	Moorhead	Vasconcellos
Chacon	Ingalls	Papan	Waters, M
Cortese	Johnston	Robinson	Waters, N
Cramer	Kaploff	Roos	Wray
Deddeh	Katz	Rosenthal	Mr Speaker
Elder	Levine	Sher	

NOES—28

Baker	Frizzelle	Konnyu	Naylor
Bergeson	Hallett	La Follette	Rogers
Brown, D	Herger	Lancaster	Ryan
Duffy	Imbrecht	Leonard	Sebastian
Felando	Ivers	Lewis	Stirling, D
Filante	Johnson	Marguth	Wright
Frazee	Kelley	Mountjoy	Wyman

Bill ordered reprinted

Request for Unanimous Consent to Take up Assembly Bill No. 8

Assemblyman Robinson was granted unanimous consent to take up Assembly Bill No. 8, without reference to file, for purpose of consideration at this time, and that the bill be considered engrossed.

Consideration of Assembly Bill No. 8

Assembly Bill No. 8 (Robinson)—An act to amend Sections 6459, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 18009, 18685.05, 18686, 18687, 18688, 19062, 19091, 19111, 25901, 25901a, 25901b, 25951, 26080, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, and 32417 of, and to add Section 19269 to, the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, and 1184 of the Unemployment Insurance Code, relating to taxation.

Bill read third time, and passed by the following vote

AYES—44

Agnos	Elder	Levine	Sher
Alatorre	Farr	Lockyer	Stirling, L.
Bates	Floyd	Martinez	Tanner
Berman	Greene	McAlister	Thurman
Bosco	Hannigan	McCarthy	Torres
Campbell	Harris	Moore	Tucker
Chacon	Hart	Moorhead	Vasconcellos
Cortese	Ingalls	Papan	Waters, M.
Costa	Johnston	Robinson	Waters, N.
Cramer	Kaploff	Roos	Wray
Deddeh	Katz	Rosenthal	Mr Speaker

NOES—27

Baker	Hallett	La Follette	Rogers
Bergeson	Heger	Lancaster	Ryan
Brown, D.	Imbrecht	Leonard	Sebastiani
Felando	Ivers	Lewis	Stirling, D.
Filante	Johnson	Marguth	Wright
Frazee	Kelley	Mounjoy	Wyman
Frizzelle	Konnyu	Naylor	

Bill ordered transmitted to the Senate

CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 7

At 11.08 a.m., on motion of Assemblyman Robinson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and the urgency clause to Assembly Bill No 7 adopted by the following vote:

AYES—55

Agnos	Filante	Lancaster	Rosenthal
Alatorre	Floyd	Lehman	Sher
Bates	Frazee	Levine	Stirling, L
Bernan	Frizzelle	Lockyer	Tanner
Bosco	Greene	Marguth	Thurman
Campbell	Hallett	Martinez	Torres
Chacon	Hannigan	McAlister	Tucker
Cortese	Harris	McCarthy	Vasconcellos
Costa	Hart	Moore	Waters, M
Cramer	Imbrecht	Moorhead	Waters, N
Deddeh	Ingalls	Naylor	Wray
Duffy	Johnston	Papan	Young
Elder	Kapiloff	Robinson	Mr Speaker
Farr	Katz	Roos	

NOES—19

Baker	Ivers	Leonard	Sebastian
Bergeson	Johnson	Lewis	Stirling, D
Brown, D	Kelley	Mounjoy	Wright
Felando	Konnyu	Rogers	Wyman
Herger	La Follette	Ryan	

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

AYES—55

Agnos	Filante	Lancaster	Rosenthal
Alatorre	Floyd	Lehman	Sher
Bates	Frazee	Levine	Stirling, L
Berman	Frizzelle	Lockyer	Tanner
Bosco	Greene	Marguth	Thurman
Campbell	Hallett	Martinez	Torres
Chacon	Hannigan	McAlister	Tucker
Cortese	Harris	McCarthy	Vasconcellos
Costa	Hart	Moore	Waters, M
Cramer	Imbrecht	Moorhead	Waters, N
Deddeh	Ingalls	Naylor	Wray
Duffy	Johnston	Papan	Young
Elder	Kapiloff	Robinson	Mr Speaker
Farr	Katz	Roos	

NOES—19

Baker	Ivers	Leonard	Sebastian
Bergeson	Johnson	Lewis	Stirling, D
Brown, D	Kelley	Mounjoy	Wright
Felando	Konnyu	Rogers	Wyman
Herger	La Follette	Ryan	

Bill ordered transmitted to the Senate

CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO 6

At 11 11 a m , on motion of Assemblyman Robinson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and Assembly Bill No 6 passed by the following vote.

AYES—42

Agnos	Elder	Martinez	Thurman
Alatorre	Floyd	McAlister	Torres
Bates	Greene	McCarthy	Tucker
Berman	Hanngan	Moore	Vasconcellos
Bosco	Harris	Moorhead	Waters, M
Campbell	Hart	Papan	Waters, N
Chacon	Ingalls	Robinson	Wray
Cortese	Kapiloff	Roos	Young
Costa	Lehman	Rosenthal	Mr Speaker
Cramer	Levine	Sher	
Deddeh	Lockyer	Tanner	

NOES—32

Baker	Frizzelle	Kelley	Naylor
Bergeson	Hallett	Konnyu	Rogers
Brown, D	Herger	La Follette	Ryan
Duffy	Imbrecht	Lancaster	Sebastiani
Farr	Ivers	Leonard	Stirling, D
Felando	Johnson	Lewis	Stirling, L
Filante	Johnston	Marguth	Wright
Frazee	Katz	Mountjoy	Wyman

Bill ordered transmitted to the Senate.

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

Assembly Bill No. 2 (Lockyer)—An act to add Sections 16366 35 and 16367 5 to, and to amend Section 16366 8 of, the Government Code, and to amend Sections 11008, 11153, 11157, 11158, 11201, 11250 6, 11250 7, 11253, 11308, 11310, 11350 1, 11403, 11450, 11451 6, 11457, 11475, 11475.1, 11475 2, 11476, 11476 1, 11476 2, 11477, 11478, 11478.5, and 14005.1 of, and to add Sections 11004, 11004 5, 11008 13, 11008.14, 11104, 11250.4, 11257, 11311, 11350.5, 11450 8, and 14007 5 to, and to repeal Sections 11004, 11104, 11255, 11257, and 11261 of, and to add Chapter 5 (commencing with Section 13000) to Part 3 of Division 9 of, the Welfare and Institutions Code, and to repeal Section 3 of Chapter 1077 of the Statutes of 1981, and Section 7 of Chapter 1080 of the Statutes of 1981, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read.

Motion to Amend

Assemblyman Duffy moved the adoption of amendments

(NOTE. For full text of the above amendments, see Part II of this day's Assembly Journal)

Amendments read.

**At 11:30 a.m. Speaker pro Tempore Leo T. McCarthy,
18th District, presiding.**

Motion to Table Duffy Amendments to Assembly Bill No. 2

Assemblyman Roos moved that the amendments offered by Assemblyman Duffy to Assembly Bill No 2 be laid upon the table

Assemblyman Tucker seconded the motion

The roll was called

Call of the Assembly

Pending the announcement of the vote, Assemblyman Duffy moved a call of the Assembly

Motion carried Time, 11 31 a m

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

Call of the Assembly Dispensed with on Motion to Table Duffy Amendments to Assembly Bill No. 2

At 11:32 a m , on motion of Assemblyman Duffy, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and the motion to table the amendments offered by Assemblyman Duffy to Assembly Bill No 2 carried by the following vote

AYES—33

Agnos	Elder	Levine	Torres
Alatorre	Floyd	Lockyer	Tucker
Bates	Greene	Martinez	Vasconcellos
Berman	Harris	McCarthy	Waters, M
Campbell	Hart	Moore	Wray
Chacon	Ingalls	Roos	Mr Speaker
Costa	Johnston	Rosenthal	
Cramer	Kaploff	Sher	
Deddeh	Katz	Tanner	

NOES—24

Baker	Frizzelle	Kelley	Rogers
Brown, D	Hallett	La Follette	Ryan
Duffy	Heger	Leonard	Sebastiani
Felando	Imbrecht	Lewis	Stirling, L
Filante	Ivers	Marguth	Wright
Frazee	Johnson	Naylor	Wyman

At 11:37 a m , Hon. Leroy F Greens, 6th District, presiding.

The question being on the adoption of the urgency clause to Assembly Bill No 2

MOTION TO ADJOURN SINE DIE

At 11 45 a m , Assemblyman Johnson moved that the 1981-82 First Extraordinary Session adjourn *sine die* at 6 p m today

Assemblyman Imbrecht seconded the motion

CAUCUS ANNOUNCEMENTS

At 11:45 a m , Assemblyman Bosco was granted unanimous consent that the Democratic Caucus be permitted to meet at this time in the Assembly Lounge

At 12:25 p m , Speaker pro Tempore Leo T McCarthy, 18th District, presiding

FURTHER CONSIDERATION OF MOTION TO ADJOURN *SINE DIE*

The question being on the motion by Assemblyman Johnson that the Assembly adjourn *sine die* for the 1981-82 First Extraordinary Session at 6 p.m. today.

Parliamentary Inquiry

Speaker Brown arose to the following parliamentary inquiry: Is a motion to adjourn *sine die* by one House in order?

Reply by Speaker pro Tempore

The Speaker pro Tempore replied that such a motion is in order, but in order to be effective identical motions would have to be adopted by both Houses

The question being on the motion to adjourn *sine die*

The roll was called, and the motion lost by the following vote

AYES—28

Baker	Frizzelle	Konnyu	Naylor
Bergeson	Hallett	La Follette	Rogers
Brown, D	Herger	Lancaster	Ryan
Duffy	Imbrecht	Leonard	Sebastian
Felando	Ivers	Lewis	Stirling, L.
Filante	Johnson	Marguth	Wright
Frazee	Kelley	Mountjoy	Wyman

NOES—42

Agnos	Elder	Lockyer	Thurman
Alatorre	Farr	Martinez	Torres
Bates	Floyd	McAlister	Tucker
Berman	Hannigan	McCarthy	Vasconcellos
Bosco	Harris	Moore	Waters, M
Campbell	Ingalls	Moorhead	Waters, N
Chacon	Johnston	Papan	Wray
Cortese	Kapiloff	Robinson	Young
Costa	Katz	Roos	Mr Speaker
Cramer	Lehman	Rosenthal	
Deddeh	Levine	Tanner	

FURTHER CONSIDERATION OF ASSEMBLY BILL NO 2

Assembly Bill No. 2 (Lockyer)—An act to add Sections 16366.35 and 16367.5 to, and to amend Section 16366.8 of, the Government Code, and to amend Sections 11008, 11155, 11157, 11158, 11201, 11250.6, 11250.7, 11253, 11308, 11310, 11350.1, 11403, 11450, 11451.6, 11457, 11475, 11475.1, 11475.2, 11476, 11476.1, 11476.2, 11477, 11478, 11478.5, and 14005.1 of, and to add Sections 11004, 11004.5, 11008.13, 11008.14, 11104, 11250.4, 11257, 11311, 11350.5, 11450.8, and 14007.5 to, and to repeal Sections 11004, 11104, 11255, 11257, and 11261 of, and to add Chapter 5 (commencing with Section 13000) to Part 3 of Division 9 of, the Welfare and Institutions Code, and to repeal Section 3 of Chapter 1077 of the Statutes of 1981, and Section 7 of Chapter 1080 of the Statutes of 1981, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—58

Agnos	Frazee	Lancaster	Roos
Baker	Frizzelle	Lehman	Ryan
Bergeson	Greene	Levine	Sebastiani
Berman	Hallett	Lewis	Sher
Bosco	Hannigan	Lockyer	Stirling, L.
Brown, D	Herger	Marguth	Tanner
Chacon	Imbrecht	Martinez	Thurman
Cortese	Ingalls	McAlister	Vasconcellos
Costa	Ivers	McCarthy	Waters, N
Cramer	Johnson	Moorhead	Wray
Deddeh	Johnston	Mountjoy	Wright
Elder	Kapiloff	Naylor	Wyman
Farr	Katz	Papan	Young
Felando	Konnyu	Robinson	
Filante	La Follette	Rogers	

NOES—12

Alatorre	Floyd	Moore	Tucker
Bates	Harris	Rosenthal	Waters, M
Campbell	Leonard	Torres	Mr Speaker

The question being on the passage of the bill

Bill passed by the following vote

AYES—58

Agnos	Frazee	Lancaster	Roos
Baker	Frizzelle	Lehman	Ryan
Bergeson	Greene	Levine	Sebastiani
Berman	Hallett	Lewis	Sher
Bosco	Hannigan	Lockyer	Stirling, L.
Brown, D	Herger	Marguth	Tanner
Chacon	Imbrecht	Martinez	Thurman
Cortese	Ingalls	McAlister	Vasconcellos
Costa	Ivers	McCarthy	Waters, N
Cramer	Johnson	Moorhead	Wray
Deddeh	Johnston	Mountjoy	Wright
Elder	Kapiloff	Naylor	Wyman
Farr	Katz	Papan	Young
Felando	Konnyu	Robinson	
Filante	La Follette	Rogers	

NOES—12

Alatorre	Floyd	Moore	Tucker
Bates	Harris	Rosenthal	Waters, M
Campbell	Leonard	Torres	Mr Speaker

Bill ordered transmitted to the Senate

ANNOUNCEMENTS OF COMMITTEE MEETINGS

Assemblyman Vasconcellos announced that the Committee on Ways and Means would meet today at 2 p m in Room 4202

VOTE ADDS

The following Members were granted unanimous consent to record their votes

Assembly Bill No. 6 and Urgency: Young—No, Torres—Aye.

Assembly Bill No. 3: Costa—Aye

Assembly Bill No. 8, the motion to table Sets 1, 2, 3, and 4 of Naylor amendments: Young—No.

Assembly Bill No. 8: Costa and Chacon—Aye

The urgency clause to Assembly Bill No. 7 and on the passage of the bill: Costa—Aye

Assembly Bill No. 6: Costa—Aye

Assembly Bill No. 2, the motion to table Duffy amendments: Chacon—Aye.

RECESS

By unanimous consent, at 1 p m , Speaker pro Tempore McCarthy declared the Assembly recessed

REASSEMBLED

At 7 p m , the Assembly reconvened in Room 4202 of the State Capitol

Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding

MESSAGES FROM THE SENATE

Senate Chamber, November 12, 1981

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

Assembly Bill No 2

And respectfully requests the Assembly to concur in said amendments

DARRYL R WHITE, Secretary of the Senate

By John W Rovane, Chief Assistant Secretary

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO 2

Assemblyman Lockyer was granted unanimous consent to take up consideration of Senate amendments to Assembly Bill No 2, without reference to file.

Consideration of Senate Amendments to Assembly Bill No 2

Assembly Bill No. 2 (Lockyer)—An act to add Sections 16366 35 and 16367 5 to, and to amend Section 16366 8 of, the Government Code, and to amend Sections 11008, 11155, 11157, 11158, 11201, 11250.6, 11250.7, 11253, 11308, 11310, 11350 1, 11403, 11450, 11451.6, 11457, 11475, 11475 1, 11475.2, 11476, 11476.1, 11476 2, 11477, 11478, 11478.5, and 14005 1 of, and to add Sections 11004, 11004 5, 11008 13, 11008.14, 11104, 11250.4, 11257, 11311, 11350.5, 11450.8, and 14007 5 to, and to repeal Sections 11004, 11104, 11255, 11257, and 11261 of, and to add Chapter 5 (commencing with Section 13000) to Part 3 of Division 9 of, the Welfare and Institutions Code, and to repeal Section 3 of Chapter 1077 of the Statutes of 1981, and Section 7 of Chapter 1080 of the Statutes of 1981, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

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

(NOTE For text of amendments of November 12, 1981, see Senate Journal, page 23.)

The roll was called, and the Assembly refused to concur in the above Senate amendments by the following vote:

AYES—19

Baker	Frazee	Johnson	Naylor
Bergeson	Frizzelle	Konnyu	Nolan
Brown, D	Herger	Leonard	Rogers
Duffy	Imbrecht	Lewis	Sebastian
Felando	Ivers	Marguth	

NOES—30

Agnos	Farr	Levine	Torres
Bates	Floyd	Lockyer	Tucker
Berman	Greene	Martinez	Vasconcellos
Bosco	Hannigan	Moore	Waters, M
Chacon	Harris	Moorhead	Wray
Cortese	Johnston	Robinson	Mr Speaker
Deddeh	Kaploff	Roos	
Elder	Katz	Rosenthal	

**Appointment of Committee on Conference Concerning
Assembly Bill No 2**

The Speaker appointed the following Members of the Assembly as a Committee on Conference concerning Assembly Bill No. 2 Lockyer, Robinson, and Imbrecht

ADJOURNMENT

At 7 14 p.m., the Assembly adjourned until 9 a.m., Friday, November 13, 1981

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

Amendments considered in the Assembly on this day follow in Part II of this day's Journal

PART II

**FULL TEXT OF AMENDMENTS CONSIDERED IN
THE ASSEMBLY ON NOVEMBER 12, 1981**

This part of the Journal contains the full text of amendments considered by the Assembly on this day, printed in the following order

Assembly Bills

2
6
8

81315 16:54
RECORD # 120 SF:

NOT
ADOPTED
ASSEMBLY
NOV 12 1981

NOV 11 1981
PAGE NO. 1
BK # 020622
Substantive

OFFICIAL COPY

FLOOR

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 2
AS AMENDED IN ASSEMBLY NOVEMBER 11, 1981

Amendment 1

On page 4, lines 15 of the printed bill, as amended in Assembly November 11, 1981, strike out "while employed pursuant to a current and valid collective bargaining agreement or within a 60-day period after the expiration thereof, unless the strike is in direct response to an employer's unfair labor practice or for participation in a walkout which is necessitated by an imminent health and safety hazard" and insert:

, as defined under the National Labor Relations Act

Amendment 2

On page 4, lines 15 strike out "while employed pursuant to a current and valid collective bargaining agreement or within a 60-day period after the expiration thereof, unless the strike is in direct response to an employer's unfair labor practice or for participation in a walkout which is necessitated by an imminent health and safety hazard" and insert:

, as defined under the National Labor Relations Act,

- 0 -

81316 7:55
RECORD # 30 SF:

ADOPTED
ASSEMBLY
NOV 12 1981

NOV 12 1981
PAGE NO. 1
BK # 020708
Substantive

FLOOR

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 8
AS AMENDED IN ASSEMBLY NOVEMBER 11, 1981

Amendment 1

In lines 243 of the title of the printed bill, as amended in Assembly November 11, 1981, strike out "and declaring the urgency thereof, to take effect immediately"

Amendment 2

On page 5, strike out lines 26 to 33, inclusive

- 0 -

76

ASSEMBLY JOURNAL

Nov 12, 1981

81316 7:51
RECORD # 50 SF:
FL A

NOT
ADOPTED
ASSEMBLY
NOV 1 1981

NOV 12 1981
PAGE NO.
SN 81 020680
SUBSTITUTE

[Handwritten signature]

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 8
AS AMENDED IN ASSEMBLY NOVEMBER 11, 1981

Amendment 1

On page 3, line 5 of the printed bill, as amended in Assembly November 11, 1981, strike out all of Section 1 of the printed bill and insert:

SECTION 1. Chapter 3.3 (concerning with Section 78.79) is added to Part 0.5 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 3.3. REFUNDS OF 1978-79 SUPPLEMENTAL UNSECURED PROPERTY TAX REVENUE

78.79. (a) There is hereby appropriated from the General Fund to the State Board of Equalization the sum of one hundred twenty-five million dollars (\$125,000,000) to be allocated in the following order:

(1) To the State Board of Equalization, the sum of five million three hundred thousand dollars (\$5,300,000) for administrative costs incurred to carry out the provisions of this chapter, provided that two million seven hundred thousand dollars (\$2,700,000) of that amount shall be available for expenditure by the State Board of Equalization upon approval by the Department of Finance of an administrative plan for distributing the refunds authorized by this chapter, and provided further, that the remainder of that amount shall be available for expenditure, to the extent necessary, upon the approval of the Department of Finance and not sooner than 30 days following notification of that additional expenditure as delivered to the chairperson of the Joint Legislative Budget Committee, or his or her designee, or such lesser period of notification as the chairperson of that committee or his or her designee may determine.

(2) Any remaining funds, for the payment of refunds to 1978-79 tax year unsecured roll taxpayers who qualify therefor pursuant to the provisions of this chapter. The amount of those refunds shall be determined in accordance with the provisions of subdivision (b).

(b) The refund provided in subdivision (a) shall be all or a portion of the amount of the "supplemental unsecured property tax" paid by the taxpayer to be

81316 7:51
RECORD # 70 SF:
PAGE NO. 2
SN 81 020680

determined as follows:

(1) The board shall accumulate all claims for refunds pursuant to this section received by March 1, 1982. No refunds shall be paid on claims received after April 15, 1982. Refunds shall be made by June 30, 1982.

(2) Out of the one hundred twenty-five million dollars (\$125,000,000) appropriated pursuant to subdivision (a), the board shall refund to taxpayers 100 percent of the amount of "supplemental unsecured property tax" paid on owner-occupied dwellings.

(3) From the amount of the one hundred twenty-five million dollars (\$125,000,000) remaining after refunds made pursuant to paragraph (2), the board shall refund to taxpayers 700 percent of the amount of "supplemental unsecured property tax" paid on noncommercial boats, provided that the amount of the refund shall not exceed six hundred dollars (\$600) per taxpayer. This paragraph shall not apply to a noncommercial boat which has been treated as an owner-occupied dwelling under paragraph (2).

(4) From the amount of the one hundred twenty-five million dollars (\$125,000,000) remaining after the refunds made pursuant to paragraphs (2) and (3), the board shall refund to taxpayers 100 percent of the amount of "supplemental unsecured property tax" paid on property other than owner-occupied dwellings or noncommercial boats, provided that such refund shall not exceed one thousand dollars (\$1,000) per taxpayer regardless of whether the taxpayer owned more than one property on the 1978-79 fiscal year unsecured roll or whether the taxpayer received more than one tax bill for 1978-79 fiscal year unsecured taxes. In the case where property is owned by more than one taxpayer, the aggregate refund for each 1978-79 fiscal year unsecured property tax bill shall not exceed one thousand dollars (\$1,000). If multiple owners are unable to agree on how to divide the refund, the board shall allow the refund on a pro rata basis by dividing the refund by the number of owners. A husband and wife shall receive but one refund under this section. If separate returns are filed, the refund may be taken by either or equally divided.

If funds are insufficient to provide refunds pursuant to this paragraph, the board shall reduce the one thousand dollars (\$1,000) maximum refund to such lower maximum which will exhaust the balance of the one hundred twenty-five million dollars (\$125,000,000) appropriated for this purpose.

Nov 12, 1981

ASSEMBLY JOURNAL

(5) The amount remaining, if any, of the one hundred twenty-five million dollars (\$125,000,000) after refunds made pursuant to paragraphs (2), (3), and (4) shall be refunded to taxpayers by the board in the same proportion that each taxpayer's remaining claim after any refunds pursuant to paragraphs (2), (3), and (4) bears to the total remaining claims of all taxpayers.

(c) As used in this section, "supplemental unsecured property tax" means the amount of property tax paid in this state by a taxpayer which is attributable to that portion of the property tax rate levied on the unsecured roll for the 1978-79 tax year, less the rate for voter-approved debt, which is in excess of four dollars (\$4) per one hundred dollars (\$100) of assessed value.

(d) Every taxpayer claiming the refund provided in this section shall, as part of that claim and under penalty of perjury, furnish any information the board prescribes on a form supplied by the board.

(e) The refund in this section shall be claimed on such forms as the board may prescribe and shall be filed with the board no later than April 15, 1982.

(f) Each claim submitted by a taxpayer shall include the total amount of "supplemental unsecured property tax" paid by the taxpayer and shall be verified by either (1) a copy of the 1978-79 tax bill or bills, or (2) certification of the amount by the local tax collector. If the tax collector certifies the amount, a reasonable fee may be charged by the tax collector for the service.

(g) As used in this section, "taxpayer" shall mean taxpayers required to pay 1978-79 unsecured property taxes.

(h) As used in this section, "owner-occupied dwelling" is a dwelling which received a homeowner's exemption for the 1978-79 fiscal year.

(i) The board shall be responsible for distribution of forms for claiming the refund provided by this section.

78.80. The county tax collector shall notify all taxpayers who were subject to tax on the 1978-79 unsecured roll that a partial refund of that tax may be claimed pursuant to the provisions of this chapter. The notification shall be given no later than March 1, 1982.

That notification shall also include a statement that the collection of "supplemental unsecured property taxes" is a constitutional requirement as determined by the State Supreme Court.

FLOOR 1981-82 FIRST EXTRAORDINARY SESSION AMENDMENTS TO ASSEMBLY BILL NO. 9 AS AMENDED IN ASSEMBLY NOVEMBER __, 1981 Ser. No. 1

Amendment 1 In line 4 of the title of the printed bill, as amended in Assembly November 11, 1981, after 11107, insert:

17154,

Amendment 2 On page 11, after lines 27-28, insert:

SEC. 375. Section 17154 is added to the Revenue and Taxation Code, to read.

17154. (a) Gross income does not include any amount received by any individual during the taxable year as interest on a depository institution tax-exempt savings certificate issued pursuant to Section 128 of the Internal Revenue Code.

(b) The aggregate amount excludable under subdivision (a) for any taxable year shall not exceed the excess of one thousand dollars (\$1,000), in the case of a taxpayer filing a single or separate return, or two thousand dollars (\$2,000), in the case of married persons filing a joint return over the aggregate amount received by the taxpayer which was excludable under subdivision (a) for any prior taxable year.

For purposes of this subdivision, one-half of the amount excluded under subdivision (a) on any joint return shall be treated as received by each spouse.

Naifor Naifor

FLOOR

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 8
AS AMENDED IN ASSEMBLY NOVEMBER 1, 1981

Not in

Substantive
S1 No 2
Amendment 1

In line 4 of the title of the printed bill,
as amended in Assembly November 1, 1981, after ~~line~~,
insert:

17502.4, 17524, 17524.1

Amendment 2
In line 4 of the title, after _____, insert:
7524
Amendment 3
In line _____ of the title, after _____, insert:
17524.1

Amendment # 2
On page 16, after lines 21, 22, insert:
insert

SEC. 314. Section 17502.4 of the Revenue and
Taxation Code is amended to read:
17502.4. A contribution by the employer on
behalf of an owner-employee is described in this section
if-

(a) Under the plan such contribution is required
to be applied (directly or through a trustee) to pay
premiums or other considerations for one or more annuity,
pension, or life insurance contracts on the life of such
owner-employee issued under the plan.

(b) The amount of such contribution exceeds the
amount deductible under Sections 17513 to 17525.1,
inclusive, with respect to contributions made by the
employer on behalf of such owner-employee under the plan,
and

(c) The amount of such contribution does not
exceed the average of the amounts which were deductible
under Sections 17513 to 17525.1, inclusive, with respect
to contributions made by the employer on behalf of such
owner-employee under the plan (or which would have been
deductible if such section had been in effect) for the

first three taxable years preceding the year in which the
last such annuity, endowment, or life insurance contract
was issued under the plan, and in which such
owner-employee derived earned income from the trade or
business with respect to which the plan is established, or
for so many of such taxable years as such owner-employee
was engaged in such trade or business and derived earned
income therefrom.

In the case of any individual on whose behalf
contributions described in subdivision (a) are made under
more than one plan as an owner-employee during any taxable
year, the preceding sentence does not apply if the amount
of such contributions under all such plans for all such
years exceeds two ~~fifteen~~ thousand ~~five hundred~~ dollars
~~(\$2,500) (\$15,000).~~

~~Amendment 5
On page _____, after _____, insert:~~

SEC. 314. Section 17524 of the Revenue and
Taxation Code is amended to read:

17524. (a) (1) In the case of a plan included
in Section 17514, 17515, or 17516, which provides
contributions or benefits for employees some or all of
whom are employees within the meaning of Section 17502.2
(a), the amounts deductible under Sections 17513 to
17520.8, inclusive, in any taxable year with respect to
contributions on behalf of any employee within the meaning
of Section 17502.2 (a) shall, subject to the provisions of
subdivision (b), not exceed two ~~fifteen~~ thousand ~~five~~
~~hundred~~ dollars ~~(\$2,500) (\$15,000)~~, or 10 15 percent of
the earned income derived by such employee from the trade
or business with respect to which the plan is established,
whichever is the lesser.

(2) In the case of such a plan where
contributions are also made pursuant to and in conformance
with the special limitations for self-employed individuals
under Section 404 (a) of the Internal Revenue Code of 1954,
as amended by the Employee Retirement Income Security Act
of 1974 (P.L. 93-406)

(1) The amounts deductible are subject to the
limitations provided in subdivisions (a), (b), and (c) of
this section, and

(2) The net income attributable to the
nondeductible portion shall not be includable in the gross
income of the owner-employee for the taxable year or for
succeeding taxable years until distributed pursuant to the

provision of the plan or by operation of the law.

(b) (1) In any taxable year in which amounts are deductible with respect to contributions under two or more plans on behalf of an individual who is an employee within the meaning of Section 17502.2 (a) with respect to such plans, the aggregate amount deductible for such taxable year under all such plans with respect to contributions on behalf of such employee shall not exceed ~~one thousand thousand~~ ~~four hundred~~ ~~eighty~~ ~~two~~ ~~thousand~~ ~~four~~ ~~hundred~~ ~~dollars~~ ~~(\$15,000)~~, or ~~30~~ ~~15~~ percent of the earned income derived by such employee from the trades or businesses with respect to which the plans are established, whichever is the lesser.

(2) In any case in which the amounts deductible under Sections 17513 to 17520.6, inclusive (with the application of the limitations of this section), with respect to contributions made on behalf of an employee within the meaning of Section 17502.2 (a), under two or more plans are, by reason of subdivision (b) (1), less than the amounts deductible under such section determined without regard to such subdivision, the amount deductible under Sections 17513 to 17520.6, inclusive, with respect to such contributions under each such plan shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(c) For purposes of this section, contributions which are allocable (determined under regulations prescribed by the Franchise Tax Board) to the purchase of life, accident, health, or other insurance shall not be taken into account.

SEC. 17524.1. Section 17524.1 is added to the Revenue and Taxation Code, to read:

17524.1. Notwithstanding any other provision of law, for purposes of the deduction for contributions provided by Section 17524:

(a) The amount of compensation that can be taken into account under a deferred benefit plan to determine annual benefit accruals shall be one hundred thousand dollars (\$100,000).

(b) The amount of compensation that can be taken into account to determine contributions to a plan shall be two hundred thousand dollars (\$200,000).

(c) A participant may also be a participant in an individual retirement account.

(d) A penalty of 10 percent shall be imposed on distributions made before the individual attains age 59 1/2.

(e) Loans to partners shall be deemed to be

distributions from the plan.
- 0 -

81316 8:52
RECORD # 20 BF:

NOT
ADOPTED
ASSEMBLY
NOV 1 1981

NOV 12 1981
PAGE NO. 1
PM 81 020707
Substantive

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 8
AS AMENDED IN ASSEMBLY NOVEMBER _____, 1981

Nay

Set No 2
Amendment 1

In line 4 of the title of the printed bill,
as amended in Assembly November 11, 1981, after 13107
insert:

15401,

Amendment 2

On page 14 after line 78 insert:

SEC. 306. Section 15401 of the Revenue and
Taxation Code is amended to read:
15401. In addition to the specific exemption,
property in the aggregate amount of ~~three~~ two thousand
dollars ~~483,000~~ 180,000 transferred from any donor to
any donee in any calendar year is exempt from the tax
imposed by this part.

- 0 -

81316 9:19
RECORD # 15 BF.

NOT
ADOPTED
ASSEMBLY
NOV 1 1981

NOV 12 1981
PAGE NO. 1
PM 81 020702
Substantive

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 8
AS AMENDED IN ASSEMBLY NOVEMBER _____, 1981

Nay

Set No 4

Amendment 1
In line 4 of the title of the printed bill,
as amended in Assembly November 11, 1981, after 13107,
insert:

17240

Amendment 2

On page 16, ~~after line 21083~~, insert:

SECTION 310. Section 17240 of the Revenue and
Taxation Code is amended to read:

17240. (a) In the case of an individual, there
is allowed as a deduction amounts paid in cash for the
taxable year by or on behalf of such individual for his
benefit-

- (1) To an individual retirement account
described in Section 17530 (a).
- (2) For an individual retirement annuity
described in Section 17530 (b), or
- (3) For a retirement bond described in Section
17530.1 (but only if the bond is not redeemed within 12
months of the date of its issuance).

For purposes of this part, any amount paid by an
employer to such a retirement account or for such a
retirement annuity or retirement bond constitutes payment
of compensation to the employee (other than a
self-employed individual who is an employee within the
meaning of SECTION 17502.2(a)); includable in his gross
income, whether or not a deduction for such payment is
allowable under this section to the employee after the
application or subdivision (b).

(b) (1) The amount allowable as a deduction
under subdivision (a) to an individual for any taxable
year may not exceed an amount equal to ~~45 percent~~ of the
compensation includable in his gross income for such
taxable year, or ~~one~~ two thousand ~~four~~ hundred dollars
~~44,500~~ 12,000, whichever is less.

(2) No deduction is allowed under subdivision (a)

NOV 12, 1981

ASSEMBLY JOURNAL

81

for an individual for the taxable year if for any part of such year-

- (A) He was an active participant in-
- (1) A plan described in Section 17501 which includes a trust exempt from tax under Section 17631,
- (11) An annuity plan described in Section 12611,

~~(12) A qualified bond purchase plan described in Section 17516(a) or~~
~~(13) A plan established for the employees by the United States, by a State or political subdivision thereof, or by an agency or instrumentality of any of the foregoing or~~

(B) Amounts were contributed by his employer for an annuity contract described in Section 17512 (whether or not his rights in such contract are nonforfeitable).

(3) No deduction is allowed under subdivision (A) with respect to any payment described in subdivision (A) which is made during the taxable year of an individual who has attained age 70 1/2 before the close of such taxable year.

(4) No deduction is allowed under this section with respect to a rollover contribution described in Section 17503(d), 17511(e), 17512(a), 17530(d) (3), or 17530-1(b) (3) (C).

(5) In the case of an endowment contract described in Section 17530 (b), no deduction is allowed under subdivision (A) for that portion of the amounts paid under the contract for the taxable year properly allocable, under regulations prescribed by the Franchise Tax Board, to the cost of life insurance.

(6) No deduction is allowed under subdivision (A) for the taxable year if the individual claims the deduction allowed by Section 17241 for the taxable year.

(7) (A) If there is an employer contribution on behalf of the employee to a simplified employee pension, the limitation under paragraph (1) shall be the lesser of-

(1) Fifteen percent of the compensation includable in the employee's gross income for the taxable year (determined without regard to the employer contribution to the simplified employee pension), or

(2) ~~the sum of-~~
 (i) The amount contributed by the employer to the simplified employee pension and included in gross income (but not in excess of ~~one~~ ~~fifteen~~ ~~thousand~~ ~~five~~ ~~hundred~~ ~~dollars~~ ~~42,500~~), and (\$15,000).

~~(ii) One thousand five hundred dollars (1,500).~~

~~reduced (but see below case) by the amount described in subsection (3).~~

(B) Paragraphs (2) and (3) shall not apply with respect to the employer contribution to a simplified employee pension.

(C) In the case of an employee who is an officer, shareholder, or owner-employee described in Section 17530 (b) (3), the ~~sum of~~ ~~one~~ ~~thousand~~ ~~five~~ ~~hundred~~ ~~dollars~~ ~~42,500~~; ~~fifteen~~ ~~thousand~~ ~~dollars~~ ~~15,000~~ amount specified in subparagraph ~~(1) (i) or (ii)~~ (1) (iii) shall be reduced by the amount of tax taken into account with respect to such individual under subparagraph (D) of Section 17530 (b) (3).

(c) (1) For purposes of this section, the term "compensation" includes earned income as defined in Section 17502.2(b).

(2) In the case of married individuals the business deduction under subdivision (b) (1) shall be computed separately for each individual. For purposes of this section, the determination of whether an individual is married shall be made in accordance with the provisions of Section 17173.

(3) For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof).

(4) (A) A member of a reserve component of the armed forces (as defined in Section 261(a) of Title 10 of the United States Code) is not considered to be an active participant in a plan described in subdivision

(b) (2) (A) (iv) for a taxable year solely because he is a member of a reserve component unless he has served in excess of 90 days on active duty (other than active duty for training) during the year.

(B) An individual whose participation in a plan described in subdivision (b) (2) (A) (iv) is based solely upon his activity as a volunteer firefighter and whose accrued benefits as of the beginning of the taxable year is not more than an annual benefit of one thousand eight hundred dollars (\$1,800) (when expressed as a single life annuity commencing at age 65) is not considered to be an active participant in such a plan for the taxable year.

(5) (A) If for the taxable year the maximum amount allowable as a deduction under this section exceeds the amount contributed, then the taxpayer shall be treated

as having made an additional contribution for the taxable year in an amount equal to the lesser of-

(i) The amount of such excess, or

(ii) The amount of the excess contributions for such taxable year (determined under paragraph (2) of subsection (b) of Section 4973 of the Internal Revenue Code of 1954 as amended by Public Law 95-600 without regard to subparagraph (c) thereof).

(B) For purposes of this paragraph, the amount contributed-

(i) Shall be determined without regard to this paragraph, and

(ii) Shall not include any rollover contribution.

(C) Proper reduction shall be made in the amount allowable as a deduction by reason of this paragraph for any amount allowed as a deduction under this section or Section 17241 for a prior taxable year for which the period for assessing deficiency has expired if the amount so allowed exceeds the amount which should have been allowed for such prior taxable year.

- 0 -

FLOOR

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 8
AS AMENDED IN ASSEMBLY NOVEMBER 11, 1981

Amendment 1

In lines ~~7-10~~ of the title of the printed bill, as amended in Assembly November 11, 1981, strike out "to add Sections 17071.1, 19269, and 24271.1" and insert:

and to add Section 19269

Amendment 2

In lines ~~7-10~~ of the title, strike out "and to add Chapter 3.3 (commencing with Section 78.79) to Part 0.5 of Division 1 of,"

Amendment 3

In lines ~~13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~ of the title, strike out "making an appropriation therefor, and declaring the urgency thereof, to take effect immediately"

Amendment 4

On page 3, strike out line 2, and insert:

SECTION 1. Section 6459 of the Revenue and Taxation Code is amended to read:

6459. The board for good cause may extend for not to exceed one month the time for making any return or paying any amount required to be paid under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any person to whom an extension is granted shall pay, in addition to the tax, interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the tax would have been due without the extension until the date of payment.

SEC. 2. Section 6482 of the Revenue and Taxation Code is amended to read:

6482. The amount of the determination, exclusive of penalties, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the last day of the month following the quarterly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 3. Section 6513 of the Revenue and Taxation Code is amended to read:
6513. The amount of the determination, exclusive of penalties, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the last day of the month following the quarterly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 4. Section 6591 of the Revenue and Taxation Code is amended to read:
6591. Any person who fails to pay any tax to the state or any amount of tax required to be collected and paid to the state, except amounts of determinations made by the board under Article 2 (commencing with Section 6481) or Article 3 (commencing with Section 6511) of this chapter, within the time required shall pay a penalty of 10 percent of the tax or amount of the tax, in addition to the tax or amount of tax, plus interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the tax or the amount of tax required to be collected became due and payable to the state until the date of payment.

SEC. 5. Section 6907 of the Revenue and Taxation Code is amended to read:

6907. Interest shall be paid upon any overpayment of any amount of tax at the adjusted annual rate established pursuant to Section 19269 from the last day of the calendar month following the quarterly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

The interest shall be paid.

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 6. Section 6936 of the Revenue and Taxation Code is amended to read:

6936. In any judgment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 upon the amount found to have been

illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 7. Section 7655 of the Revenue and Taxation Code is amended to read:

7655. Any distributor who fails to pay the amount of license tax shown to be due by his return on or before the first day of the second calendar month following the monthly period to which it relates must pay a penalty of 10 percent of the license tax, together with interest on such license tax at the adjusted annual rate established pursuant to Section 19269 from the date on which the license tax became due and payable to the state until the date of payment.

SEC. 8. Section 7656 of the Revenue and Taxation Code is amended to read:

7656. The board for good cause may extend for not to exceed one month the time for asking any report or return or paying any tax required under this part. The extension may be granted at any time, provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any distributor to whom an extension is granted shall pay, in addition to the tax, interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the tax would have been due without the extension to the date of payment.

SEC. 9. Section 7657 of the Revenue and Taxation Code is amended to read:

7657. All determinations so made, exclusive of penalties, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the first day of the second calendar month after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 10. Section 7674 of the Revenue and Taxation Code is amended to read:

7674. All deficiency determinations, exclusive of penalty, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the first day of the second calendar month following the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 11. Section 7706 of the Revenue and

Taxation Code is amended to read:

7706. All jeopardy determinations including those made under Section 7704, exclusive of penalty, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the first day of the second calendar month following the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 12. Section 8130 of the Revenue and Taxation Code is amended to read:

8130. Interest shall be paid upon any overpayment of any amount of tax at the adjusted annual rate established pursuant to Section 19269 from the first day of the second calendar month following the monthly period for which the overpayment is made; but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, if the claimant files a claim on his own initiative or within 30 days after he is notified by the board that a claim may be filed, to the 10th day after the date upon which the claim is certified to the State Board of Control; otherwise to the 10th day after the date upon which claimant is notified by the board that the claim may be filed.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 13. Section 8551 of the Revenue and Taxation Code is amended to read:

8551. In any judgment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 upon the amount of the license tax found to have been illegally collected from the date of payment thereof to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 14. Section 8754 of the Revenue and Taxation Code is amended to read:

8754. The board for good cause may extend for not to exceed one month the time for making any return or paying any tax required under this part. The extension may be granted at any time, provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any user to whom an extension is granted shall pay, in addition to the tax, interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the tax would have been due without the extension to the date of payment.

SEC. 15. Section 8777 of the Revenue and Taxation Code is amended to read:

8777. The amount of the determination, exclusive of penalties, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the last day of the month following the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.

SEC. 16. Section 8801 of the Revenue and Taxation Code is amended to read:

8801. The amount of the determination, exclusive of penalties, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the last day of the month following the month for which the amount, or any portion thereof, should have been reported until the date of payment.

SEC. 17. Section 8876 of the Revenue and Taxation Code is amended to read:

8876. Any user who fails to pay any tax, except taxes determined by the board under Article 2 (commencing with Section 8776) or Article 3 (commencing with Section 8801) of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the tax became due and payable until the date of payment.

SEC. 18. Section 9155 of the Revenue and Taxation Code is amended to read:

9155. Interest shall be paid upon any overpayment of any amount of tax at the adjusted annual rate established pursuant to Section 19269 from the last day of the calendar month following the period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be

filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 19. Section 9174 of the Revenue and Taxation Code is amended to read:
9174. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part and Part 2 (commencing with Section 7301) of this division, and the balance of the judgment shall be returned to the plaintiff. In any judgment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 20. Section 11405 of the Revenue and Taxation Code is amended to read:
11405. If the tax is not paid on or before December 10th following the levy of the tax, a penalty of 10 percent of the amount of the tax shall be added thereto plus interest on the amount of the tax at the adjusted annual rate established pursuant to Section 19269 from December 10th until the date of payment.

SEC. 21. Section 11430 of the Revenue and Taxation Code is amended to read:
11430. If the additional tax is not paid within the time specified in Section 11429, it is delinquent and a penalty of 10 percent of the amount of the additional tax shall be added thereto, plus interest on the amount of the additional tax at the adjusted annual rate established pursuant to Section 19269 from the date on which the additional tax became due and payable until the time of payment.

SEC. 22. Section 11555 of the Revenue and Taxation Code is amended to read:
11555. Interest shall be paid upon the amount of any overpayment or tax at the adjusted annual rate established pursuant to Section 19269 upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the overpayment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board from the first day of

the month following the month the tax becomes due. The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 23. Section 11576 of the Revenue and Taxation Code is amended to read:
11576. In any judgment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 24. Section 12258 of the Revenue and Taxation Code is amended to read:
12258. Any insurer who fails to pay any prepayment within the time required shall pay a penalty of 10 percent of the amount of the required prepayment, plus interest at the adjusted annual rate established pursuant to Section 19269 from the due date of the prepayment until the date of payment but not for any period after the due date of the annual tax. Assessments of prepayment deficiencies may be made in the manner provided by deficiency assessments of the annual tax.

SEC. 25. Section 12287 of the Revenue and Taxation Code is amended to read:
12287. The retaliatory tax shall be due and payable on or before December 1st and shall be paid by remittance made payable to the Controller. If not paid on or before the due date, the amount of retaliatory tax shall bear interest at the adjusted annual rate established pursuant to Section 19269 from December 1st until the date of payment, and there shall be paid in addition to the tax and interest, a penalty of 10 percent of the amount of the retaliatory tax.

SEC. 26. Section 12307 of the Revenue and Taxation Code is amended to read:
12307. Any insurer to whom an extension is granted shall pay, in addition to the tax, interest at the

adjusted annual rate established pursuant to Section 19269 from April 1st until the date of payment.

SEC. 27. Section 12631 of the Revenue and Taxation Code is amended to read:

12631. Any insurer who fails to pay any tax, except a tax determined as a deficiency assessment by the board under Article 3 (concerning with Section 12621) of Chapter 4 of this part, within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the tax, plus interest at the adjusted annual rate established pursuant to Section 19269 from the due date of the tax until the date of payment.

SEC. 28. Section 12632 of the Revenue and Taxation Code is amended to read:

12632. An insurer who fails to pay any deficiency assessment when it becomes due and payable shall, in addition to the deficiency assessment, pay a penalty of 10 percent of the amount of the deficiency assessment, exclusive of interest and penalties. The amount of any deficiency assessment, exclusive of penalties, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the amount, or any portion thereof, would have been payable if properly reported and assessed until the date of payment.

SEC. 29. Section 12983 of the Revenue and Taxation Code is amended to read:

12983. Interest shall be allowed upon the amount of any overpayment of tax pursuant to this part at the adjusted annual rate established pursuant to Section 19269 from the due date of the tax for the year for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited. The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the claimant is notified in writing that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 30. Section 13107 of the Revenue and Taxation Code is amended to read:

13107. In any judgment, interest shall be allowed, subject to the same limitations as are prescribed

by Section 12984, at the adjusted annual rate established pursuant to Section 19269 upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

SEC. 31. Section 18009 of the Revenue and Taxation Code is amended to read:

18009. Interest shall be assessed, collected and paid in the same manner as the tax at the adjusted annual rate established pursuant to Section 19269 from the date the credit was allowed under this part to the date of payment.

SEC. 32. Section 18685.05 of the Revenue and Taxation Code is amended to read:

18685.05. (a) In the case of any underpayment of estimated tax required to be paid under Section 18556 under Section 18433, with respect to declarations required by Section 18415, there shall be added to the tax for the taxable year an amount determined at the adjusted annual rate established pursuant to Section 19269 upon the amount of the underpayment (determined under Sections 18655.7 and 18655.8) for the period of the underpayment (determined under subdivision (b) of Section 18685.8).

(b) The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Franchise Tax Board.

SEC. 33. Section 18686 of the Revenue and Taxation Code is amended to read:

18686. If the tax imposed by this part, whether assessed by the Franchise Tax Board or the taxpayer, or any portion of the tax is not paid on or before the date prescribed for its payment, interest shall be assessed, collected and paid in the same manner as the tax upon the unpaid amount at the adjusted annual rate established pursuant to Section 19269 from the date prescribed for its payment until it is paid.

SEC. 34. Section 18687 of the Revenue and Taxation Code is amended to read:

18687. If the time for the payment of the tax is extended, interest thereon shall be assessed, collected and paid in the same manner as the tax at the adjusted annual rate established pursuant to Section 19269 from the date upon which such payment should have been made if no extension had been granted until the date the tax is paid.

SEC. 35. Section 18688 of the Revenue and Taxation Code is amended to read:
18688. Interest upon the amount assessed as a deficiency shall be assessed, collected and paid in the same manner as the tax at the adjusted annual rate established pursuant to Section 19269 from the date prescribed for the payment of the tax until the date the tax is paid. If any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid.

SEC. 36. Section 19062 of the Revenue and Taxation Code is amended to read:
19062. Interest shall be allowed and paid on any overpayment in respect of any tax, at the adjusted annual rate established pursuant to Section 19269 as follows:

- (a) In the case of a credit, from the date of the overpayment to the due date of the amount for which the credit is allowed. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.
- (b) In the case of a refund, including a refund in excess of tax liability as prescribed in subdivision (a) of Section 17051.5, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Franchise Tax Board.

SEC. 37. Section 19091 of the Revenue and Taxation Code is amended to read:
19091. In any judgment of any court rendered for any overpayment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Franchise Tax Board.

SEC. 38. Section 19111 of the Revenue and Taxation Code is amended to read:
19111. The Franchise Tax Board may recover any refund or credit or any portion thereof which is erroneously made or allowed, together with interest at the adjusted annual rate established pursuant to Section 19269 from the date demand for recovery was made, in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California within: (a) two years after the refund or

credit was made, or (b) during the period within which the Franchise Tax Board may mail a notice of proposed additional assessment, whichever period expires the later.

SEC. 39. Section 19269 is added to the Revenue and Taxation Code, to read:

19269. (a) The annual rate established under this section shall be the adjusted rate established by the Franchise Tax Board under subdivision (b).

(b) (1) The Franchise Tax Board shall establish an adjusted rate of interest for the purpose of subdivision (a) not later than October 15 of any year if the adjusted prime rate charged by banks during September of that year, rounded to the nearest full percent, is at least a full percentage point more or less than the interest rate which is then in effect. Any such adjusted rate of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent, and shall become effective, beginning on January 1, 1983, on January 1 of the immediately succeeding year.

(2) Prior to the establishment of an adjusted rate of interest pursuant to paragraph (1), the Franchise Tax Board shall establish an adjusted rate of interest for the purpose of subdivision (a) not later than February 15, 1982, which shall be the adjusted prime rate charged by banks during September, 1981, rounded to the nearest full percent. The adjusted rate of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent, and shall become effective on March 1, 1982.

(3) The rate of interest for purposes of subdivision (a) prior to the effective date of the adjustment established pursuant to paragraph (2) shall be the interest rate prescribed by law as of July 1, 1981.

(c) For purposes of subdivision (b), the term "adjusted prime rate charged by banks" means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

SEC. 40. Section 25901 of the Revenue and Taxation Code is amended to read:
25901. If the tax imposed by this part, whether determined by the Franchise Tax Board or the taxpayer, or any portion of the tax is not paid on or before the date prescribed for its payment, interest shall be assessed, collected and paid in the same manner as the tax upon such unpaid amount at the adjusted annual rate established pursuant to Section 19269 from the date prescribed for its

payment until it is paid.

SEC. 41. Section 25901a of the Revenue and Taxation Code is amended to read:
25901a. If the time for the payment of the tax is extended interest thereon shall be assessed, collected and paid in the same manner as the tax at the adjusted annual rate established pursuant to Section 19269 from the date upon which such payment should have been made, if no extension had been granted until the date the tax is paid.

SEC. 42. Section 25901b of the Revenue and Taxation Code is amended to read:

25901b. Interest upon the amount determined as a deficiency shall be assessed, collected and paid in the same manner as the tax at the adjusted annual rate established pursuant to Section 19269 from the date prescribed for the payment of the tax OR, if the tax is paid in installments, from the date prescribed for the payment of the first installment, until the date the tax is paid. If any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid.

SEC. 43. Section 25951 of the Revenue and Taxation Code is amended to read:

25951. In case of any underpayment of estimated tax, except as provided in Section 25954, there shall be added to the tax for the taxable year an amount determined at the adjusted annual rate established pursuant to Section 19269 upon the amount of underpayment (determined under Section 25952) for the period of the underpayment (determined under Section 25953).

SEC. 44. Section 26080 of the Revenue and Taxation Code is amended to read:

26080. Interest shall be allowed and paid upon any overpayment in respect of any tax imposed by this part, at the adjusted annual rate established pursuant to Section 19269 as follows:

(a) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the Franchise Tax Board.

SEC. 45. Section 26107 of the Revenue and Taxation Code is amended to read:

26107. In any judgment of any court rendered

for any overpayment of tax imposed by this part, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of the judgment or to a date determined by the Franchise Tax Board preceding the date of the refund warrant by not more than 30 days.

SEC. 46. Section 26281 of the Revenue and Taxation Code is amended to read:

26281. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the adjusted annual rate established pursuant to Section 19269 from the date the refund was made or the credit allowed, as an action brought by the Franchise Tax Board after the refund or credit was made, in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California within: (a) two years after the refund or credit was made, or (b) during the period within which the Franchise Tax Board may mail a notice of proposed additional assessment, whichever period expires the later.

SEC. 47. Section 30171 of the Revenue and Taxation Code is amended to read:

30171. Any distributor who fails to pay any amount owing for the purchase of stamps or meter register settings within the time required, shall pay a penalty of 10 percent of the amount due in addition to the amount plus interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the amount became due and payable until the date of payment.

SEC. 48. Section 30179 of the Revenue and Taxation Code is amended to read:

30179. Interest shall be computed, allowed and paid upon any overpayment for the purchase of stamps or meter register settings at the adjusted annual rate established pursuant to Section 19269 from the due date for payment of the purchase for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited. The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the

State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 49. Section 30185 of the Revenue and Taxation Code is amended to read:

30185. Except as otherwise provided in Section 30177, the board for good cause may extend for not to exceed one month the time for making any report or paying any amount of tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any person to whom an extension is granted pursuant to this section shall pay, in addition to the amount of tax, interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the amount of tax would have been due without the extension to the date of payment.

SEC. 50. Section 30202 of the Revenue and Taxation Code is amended to read:

30202. The amount of the determination, exclusive of penalties, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the date the amount of the tax, or any portion thereof, should have been reported until the date of payment.

SEC. 51. Section 30223 of the Revenue and Taxation Code is amended to read:

30223. The amount of the determination, exclusive of penalties, shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the date the amount, or any portion thereof, should have been reported until the date of payment.

SEC. 52. Section 30281 of the Revenue and Taxation Code is amended to read:

30281. Any person who fails to pay any tax, except a tax determined by the board under Article 2 (commencing with Section 30201) or 3 (commencing with Section 30221) of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the adjusted annual rate established pursuant to Section 19269 from the date on which the tax became due and payable until the date of payment.

SEC. 53. Section 30366 of the Revenue and Taxation Code is amended to read:

30366. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the adjusted annual rate established pursuant to Section 19269 from the 25th day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 25th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 54. Section 30406 of the Revenue and Taxation Code is amended to read:

30406. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 55. Section 32253 of the Revenue and Taxation Code is amended to read:

32253. The board for good cause may extend for not to exceed one month the time for making any report or paying any tax. Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the adjusted annual rate established pursuant to Section 19269 from the date the tax would have been due without the extension to the date of payment.

SEC. 56. Section 32254 of the Revenue and Taxation Code is amended to read:

32254. All taxes not paid on the date when due and payable shall bear interest at the adjusted annual rate established pursuant to Section 19269 from and after that date until paid.

SEC. 57. Section 12271 of the Revenue and Taxation Code is amended to read:

12271. If the board is dissatisfied with the return or returns filed or amount of tax paid to the return by any taxpayer, it may compute and determine the amount to be paid based upon any information available to it. One or more additional determinations may be made of the amount of tax due for one or for more than one period. The amount of tax so determined shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the 15th day after the close of the period for which the amount of the tax, or any portion thereof, should have been reported until the date of payment. In making a determination, the board may offset overpayment for a period or periods against underpayments for another period or periods and against the interest and penalties on the underpayments. If any part of the deficiency for which a determination of an additional amount due is made is found to have been occasioned by negligence or intentional disregard of this part or authorized rules, a penalty of 10 percent of the amount of the determination shall be added, plus interest as above provided. If any part of the deficiency for which a determination of an additional amount due is made is found to be occasioned by fraud or an intent to evade this part or authorized rules, a penalty of 25 percent of the amount of the determination shall be added, plus interest as above provided. The board shall give to the taxpayer written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the taxpayer at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 58. Section 12291 of the Revenue and Taxation Code is amended to read:

12291. If any taxpayer fails to make a return required by this part, the board shall make an estimate,

based upon any information available to it, for the period or periods with respect to which the taxpayer failed to make a return of all alcoholic beverages sold in this state by him. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus fixed a penalty equal to 5 percent thereof. One or more determinations may be made of the amount of tax due for one or for more than one period. The amount of tax so determined shall bear interest at the adjusted annual rate established pursuant to Section 19269 from the 15th day of the calendar month following the close of the period for which the amount of the tax, or any portion thereof, should have been returned until the date of payment. In making a determination the board may offset overpayments for a period or periods against underpayments for another period or periods and against interest and penalties on the underpayments. If any part of the deficiency for which a determination is made is due to negligence or intentional disregard of this part or authorized rules, an additional penalty of 10 percent of the amount of the determination shall be added. If the neglect or refusal of a taxpayer to file a return as required by this part was due to fraud or an intent to evade the tax, there shall be added to the tax a penalty equal to 25 percent thereof in addition to the 5 percent penalty. The board shall give to the taxpayer written notice of the estimate and determination, the notice to be served personally or by mail in the same manner as prescribed for service of notice by Section 12271.

SEC. 59. Section 32405 of the Revenue and Taxation Code is amended to read:

32405. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the adjusted annual rate established pursuant to Section 19269 from the 15th day of the calendar month following the period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount

against which the credit is applied.

SEC. 60. Section 32417 of the Revenue and Taxation Code is amended to read:

32417. In any judgment, interest shall be allowed at the adjusted annual rate established pursuant to Section 19269 upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refusal warrant by not more than 30 days, the date to be determined by the board.

SEC. 61. Section 803 of the Unemployment Insurance Code is amended to read:

803. (a) As used in this section "entity" means any employing unit that is authorized by any provision of Article 4 (commencing with Section 701) of this chapter or by Section 801 or 802 to elect a method of financing coverage permitted by this section.

(b) In lieu of the contributions required of employers, an entity may elect any one of the following:

(1) To pay into the Unemployment Fund the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for the entity and charged to its account in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions.

(2) Two or more entities may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such entities. The members of the joint account may share the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on the base period wages with respect to employment for such members and charged to the joint account in the manner provided by Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions by the members of joint accounts, on the cost of benefits charged in the manner provided by Section

1026.

(c) Sections 1020, 1031, 1032, and 1032.5, and any provision of this division for the noncharging of benefits to the account of an employer, shall not apply to an election under subdivision (b) of this section. The cost of benefits charged to an entity under this section shall include, but not be limited to, benefits or payments improperly paid in excess of a weekly benefit amount, or in excess of a maximum benefit amount, or otherwise in excess of the amount which should have been paid, due to any computational or other error of any type by the Employment Development Department or the Department of Benefit Payments, whether or not such error could be anticipated.

(d) In making the payments prescribed by subdivision (b) there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he or she estimates the Unemployment Fund will be entitled to receive from each entity for each calendar quarter, reduced or increased by any sum by which he or she finds that his or her estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall give notice of the determination, pursuant to Section 1206, to the entity. The director may cancel any contributions or portion thereof which he or she finds has been erroneously determined. The director shall charge to any special fund, which is responsible for the salary of any employee of an entity, the amount determined by the director for which the fund is liable pursuant to this section. The contributions due from the entity shall be paid from the liable special fund, the General Fund, or other liable fund to the Unemployment Fund by the Controller or other officer or person responsible for disbursements on behalf of the entity within 30 days of the date of mailing of the director's notice of determination to the entity. The director for good cause may extend for not to exceed 60 days the time for paying without penalty the amount determined and required to be paid. Contributions are due upon the date of mailing of the notice of determination and are delinquent if not paid on or before the 30th day following the date of mailing of such notice. Any entity which fails to pay the

contributions required within the time required shall be liable for interest on the contributions at the adjusted annual rate established pursuant to Section 19269 of the Revenue and Taxation Code from and after the date of delinquency until paid, and any entity which without good cause fails to pay any contributions required within the time required shall pay a penalty of 10 percent of the amount of such contributions. If the entity fails to pay the contributions required on or before the delinquency date, the director may assess the entity for the amount required by the notice of determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions, and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions, shall apply to the assessments provided by this section. The provisions of Sections 1177 to 1184, inclusive, relating to refunds and overpayments, shall apply to amounts paid to the Unemployment Fund pursuant to this section. The provisions of Sections 1222, 1223, 1224, 1241, and 1242 shall apply to matters arising under this section.

(e) The director may terminate the election of any entity for financing under this section if the entity is delinquent in the payment of advances or reimbursements required by the director under this section. After any such termination the entity may again make an election pursuant to this section but only if it is not delinquent in the payment of contributions and not delinquent in the payment of advances or reimbursements required by the director under this section.

(f) Notwithstanding any other provision of this section, no entity shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(g) After the termination of any election under this section, the entity shall remain liable for its proportionate share of the cost of benefits paid and charged to its account in the manner provided by Section 1026, which are based on wages paid for services during the period of the election. Any such liability may be charged against any remaining balance of a prior reserve account used by the entity pursuant to Section 712 or 713. Any portion of such remaining balance shall be included in the reserve account of the entity following any termination of an election under this section which occurs

prior to the expiration of a period of three consecutive years commencing with the effective date of such election. For purposes of Section 982, the period of an election under Section 803 shall, to the extent permitted by federal law, be included as a period during which a reserve account has been subject to benefit charges.

SEC. 62. Section 1111 of the Unemployment Insurance Code is amended to read:
1111. The director for good cause may extend for not to exceed 60 days the time for making a return or paying without penalty any amount required to be paid under this division. Any employer to whom an extension is granted and who pays the amount required within the period for which the extension is granted shall pay, in addition to the contributions, interest at the adjusted annual rate established pursuant to Section 19269 of the Revenue and Taxation Code from the date on which the payment would have been delinquent without the extension until the date of payment.

SEC. 63. Section 1113 of the Unemployment Insurance Code is amended to read:

1113. Any employer who fails to pay any contributions required of him or of his workers, except amounts assessed under Article 8 (commencing with Section 1126) of this Chapter, within the time required shall become liable for interest on such contributions at the adjusted annual rate established pursuant to Section 19269 of the Revenue and Taxation Code from and after the date of delinquency until paid.

SEC. 64. Section 1129 of the Unemployment Insurance Code is amended to read:

1129. The amount of each assessment, exclusive of penalty, shall bear interest at the adjusted annual rate established pursuant to Section 19269 of the Revenue and Taxation Code from and after the last day of the month following the close of the calendar quarter, or from and after the 15th day of the month following the close of the calendar month, for which the contributions should have been returned until the date of payment.

SEC. 65. Section 1184 of the Unemployment Insurance Code is amended to read:

1184. If any refund or portion thereof is erroneously made, the director shall assess such amount to the employing unit or other person to whom the refund was made, together with any interest paid thereon, but no assessment shall be made with respect to any amount of worker contributions which the employer has refunded to

his or her employees. The amount of the assessment shall bear interest at the adjusted annual rate established pursuant to Section 19269 of the Revenue and Taxation Code commencing 30 days after the service of notice of such assessment, if not paid within such period, until the date of repayment. The director shall give the employing unit against whom the assessment is made a written notice of the assessment pursuant to Section 1180.

Such notice shall be given within three years from the date the refund was made unless the employing unit waives this limitation period or consents to its extension. Sections 1135, 1136, 1222, 1223, and 1228 shall apply to assessments made under this section. The director shall collect the amount of any assessment made under this section in the same manner that other assessments are collected.

SEC. 66. The provisions of this act shall be operative on March 1, 1987, with respect to all taxes and overpayments unpaid on that date.

SEC. 67. Notwithstanding any other provisions of law, additional revenues deposited to the credit of any fund or account, except the General Fund, which are attributable to the increase in interest pursuant to this act shall only be appropriated as provided in legislation enacted after the effective date of this act, and no increase attributable to this act in the interest payable for loans the state owes to taxpayers shall be made unless and until an appropriation is made by the legislature for that purpose.

Amendment 5
On page 3, strike out lines 3 to 4,
inclusive, and strike out pages 4 to 5, inclusive
- 0 -

LEGISLATIVE COUNSEL'S DIGEST

SB 8, as amended, Rohamon. Taxation: Interest: property tax refunds.

Under various existing state tax programs, interest is charged on deficiencies or other delinquent payments of tax at a prescribed rate per year from the date prescribed for payment until paid. Under those laws, interest is also established at a prescribed rate for sums the state owes taxpayers for certain refunds to be paid by the state for overpayments of taxes.

This bill would revise, as of March 1, 1987, all of those interest rates from the general rate of 6% or 12% per year, as applicable, to an adjusted rate to be determined annually, as specified, on the basis of the adjusted prime rate charged by banks during the month of September each year.

The existing provisions of the California Constitution provide that taxes on property on the unaccrued roll shall be based on the rates for the preceding tax year upon property of the same kind on the assessed roll. Article XIII A of the California Constitution became effective for the 1978-79 tax year and limited the maximum amount of ad valorem tax on real property to 1% of the full cash value of the property. The California Supreme Court, in *Boyer v. Board of Supervisors of San Diego County v. Boyer*, 27 Cal. 3d 655 and *Boy v. Board of Supervisors of San Diego County v. Boyer*, 27 Cal. 3d 470, held that the provisions of Article XIII A are inapplicable to property on the unaccrued roll for the tax year 1978-79.

This bill would appropriate from the General Fund to the State Board of Equalization an amount necessary for payments of refunds to certain taxpayers the good property taxes on the unaccrued roll at a rate an amount of \$4 per \$100 of assessed value, less the rate for taxes assessed debt, as specified.

This bill would also provide that years' interest of the taxpayers would be commensured by the amount of the refund allowed on any particular taxable or taxable year. Article XIII B of the California Constitution and Sections 1131 and 1134 of the Revenue and Taxation Code require the state to reimburse local agencies and

81316 7:44 PAGE NO. 2
RECORD # 20 BF. BF 81 020709

school districts see certain costs covered by the state. Other programs require the payment of income to certain states including those costs and provide, as costs cover, for other costs to the state fund of cost for construction. The bill provides that an appropriation is made by this act for the purpose of making nonrecurring payments to the constitutional auditor of income bill. It will be a bill which would require that local agencies and school districts may pursue other available programs to seek solutions for their own needs. The bill should have effect immediately as an emergency clause.

Vote: 30-3 MAJORITY. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes. BF.

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

November 13, 1981
FIFTH SESSION DAY
FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
 Friday, November 13, 1981

The Assembly met at 9 a.m.
 Hon. Lawrence Kapiloff, Member of the Assembly, 78th District,
 presiding.

Chief Clerk James D. Driscoll at the Desk
 Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called.

Quorum Call of the Assembly

At 9:01 a.m., Acting Speaker Kapiloff placed a quorum call upon
 the Assembly.

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

At 9:45 a.m., Speaker Willie L. Brown, Jr., 17th District, presiding.

Quorum Present

At 9:46 a.m., Speaker Brown declared a quorum of the Assembly
 present.

The roll call was completed, and the following answered to their
 names—56:

Agnos	Frizzelle	Lewis	Ryan
Baker	Greene	Lockyer	Stirling, D
Bates	Hallett	Marguth	Stirling, L
Bergeson	Hannigan	Martinez	Thurman
Bosco	Harger	McAster	Torres
Brown, D	Imbrecht	Moore	Tucker
Chacon	Ivers	Moorhead	Vasconcellos
Cortese	Johnson	Mountjoy	Waters, M
Deddeh	Johnston	Naylor	Waters, N
Duffy	Kapiloff	Nolan	Wray
Elder	Katz	Papan	Wright
Farr	Konnyu	Robinson	Wyman
Felando	Lancaster	Rogers	Young
Floyd	Leonard	Roos	Mr Speaker

PRAYER

The following prayer was offered by Assemblyman Gordon W. Duffy, 32nd Assembly District.

91st Psalm: WE LIVE within the shadow of the Almighty, sheltered by the God who is above all gods

This I declare, that he alone is my refuge, my place of safety, he is my God, and I am trusting him. For he rescues you from every trap, and protects you from the fatal plague. He will shield you with his wings! They will shelter you. His faithful promises are your armor

Now you don't need to be afraid of the dark any more, nor fear the dangers of the day; nor dread the plagues of darkness, nor disasters in the morning.

Though a thousand fall at my side, though ten thousand are dying around me, the evil will not touch me

I will see how the wicked are punished but I will not share it. For Jehovah is my refuge! I choose the God above all gods to shelter me. How then can evil overtake me or any plague come near? For he orders his angels to protect you wherever you go. They will steady you with their hands to keep you from stumbling against the rocks on the trail. You can safely meet a lion or step on poisonous snakes, yes, even trample them beneath your feet!

For the Lord says, "Because he loves me, I will rescue him, I will make him great because he trusts in my name. When he calls on me I will answer, I will be with him in trouble, and rescue him and honor him. I will satisfy him with a full life and give him my salvation."

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Brown, Assemblyman McAlister then led the Assembly in the pledge of allegiance to the Flag

READING OF THE JOURNAL DISPENSED WITH

By unanimous consent, reading of the Journal of the previous legislative day was dispensed with

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day.

On legislative business: Assemblymen Alatorre, Berman, Campbell, Costa, Cramer, Frazee, Harris, Hart, Kelley, La Follette, Lehman, Levine, Sebastiani, and Sher.

On personal business, and waiving per diem: Assemblymen Bane, Goggin, Hughes, McCarthy, Rosenthal, Statham, and Vicencia.

Because of illness: Assemblymen Filante, Ingalls, and Tanner.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal.

November 13, 1981

*Speaker Willie Brown
State Capitol
Sacramento, California*

Dear Mr. Speaker: I would like to be excused from session Friday, November 13, on legislative business.

Sincerely,

RICHARD ALATORRE, Assemblyman
Fifty-fifth District

November 13, 1981

*The Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Mr. Speaker: This letter is to request that I be excused from Session today due to legislative business in my district

Thank you for your consideration in this matter.

Sincerely,

HOWARD L. BERMAN, Assemblyman
Forty-third District

November 13, 1981

*Honorable Willie L. Brown, Jr.
Speaker of the Assembly
Assembly Chambers, State Capitol
Sacramento, California*

Dear Mr. Speaker. I would respectfully request that I be excused on legislative business for today's session inasmuch as I was in my district fulfilling an early morning speaking engagement and was unaware that we were to convene until later in the morning.

For the official record, I arrived in the Assembly chambers at 11:28 a.m.

Thank you,

ROBERT J. CAMPBELL, Assemblyman
Eleventh District

November 13, 1981

*The Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Willie, I am requesting that I be excused from session due to legislative business, today, November 13, 1981

Sincerely,

JIM COSTA, Assemblyman
Thirtieth District

November 13, 1981

*Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol Building
Sacramento, California*

Dear Mr Speaker: I respectfully request to be excused from Session on Friday, November 13 on legislative business. I will be chairing a hearing of the Criminal Justice Subcommittee on Juvenile Justice in Chino.

Sincerely,

JIM CRAMER, Assemblyman
Sixty-fifth District

November 13, 1981

*Honorable Willie L. Brown, Jr.
Speaker, California Assembly
Room 217 State Capitol
Sacramento, California*

Dear Speaker Brown: Please excuse me from the Assembly session on Friday, November 13, 1981, as it is necessary for me to be in my district on legislative business

Thank you for your attention to this request

Sincerely,

ROBERT C. FRAZEE, Assemblyman
Seventy-sixth District

November 13, 1981

*Honorable Willie L. Brown
Speaker of the Assembly
State Capitol, Room 3164
Sacramento, California*

Dear Mr Speaker: I wish to be excused from session today, November 13, on legislative business.

Thank you

Sincerely,

ELIHU M. HARRIS, Assemblyman
Thirteenth District

November 13, 1981

*Speaker Willie Brown, Jr.
State Capitol
Sacramento, California*

Dear Willie: This is to request that I be excused from Session on Friday, November 13, due to legislative business in my district

Thank you for your courtesies

Sincerely,

GARY K. HART, Assemblyman
Thirty-fifth District

November 13, 1981

Honorable Willie L. Brown, Jr.
Speaker of the Assembly
Room 3164, State Capitol
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from session on legislative business, Friday, November 13, 1981

Due to constituent meetings arranged earlier by my district office, I find it necessary to travel to my district

Thank you for your consideration of this request

Best regards,

DAVID C KELLEY, Assemblyman
Seventy-fifth District

November 10, 1981

Honorable Willie L. Brown, Jr.
Speaker of the Assembly
3164 State Capitol
Sacramento, California

Dear Mr. Speaker: This is to respectfully request that I be excused from session on Friday, November 13, 1981, because of a legislative meeting with 200 constituents in my district

Thank you.

Sincerely,

MARIAN W LA FOLLETTE, Assemblywoman
Thirty-eighth District

November 13, 1981

The Honorable Willie L. Brown
Speaker of the Assembly
Assembly Desk

Dear Speaker Brown: Please excuse my absence from floor session today. I am away from Sacramento on legislative business

Thank you for your attention to this request

Sincerely,

RICHARD LEHMAN, Assemblyman
Thirty-first District

November 12, 1981

Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Speaker Brown: I respectfully request that I be excused from legislative session on Friday, November 13, on legislative business

Sincerely,

MEL LEVINE, Assemblyman
Forty-fourth District

November 12, 1981

*Honorable Willie Brown, Jr.
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Mr Speaker. This is a request that I be excused from being present for Session tomorrow, November 13, 1981, as I feel it necessary to be in my district on legislative business

Thank you for your consideration

Sincerely,

DON SEBASTIANI, Assemblyman
Eighth District

November 13, 1981

*Honorable Willie L. Brown, Jr.
Speaker, California Assembly
Room 217 State Capitol
Sacramento, California*

Dear Speaker Brown: I respectfully request to be excused from the Assembly session on Friday, November 13, as I will be in my district conducting legislative business

Thank you for your consideration of this request

Sincerely,

BYRON D SHER, Assemblyman
Twenty-first District

COMMUNICATIONS

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

November 13, 1981

*Jim Driscoll, Chief Clerk
California State Assembly
Room 3194, State Capitol
Sacramento, California*

Dear Jim: The purpose of this letter is to get entered into the record the fact that Assemblyman Phil Wyman and I are authoring a Resolution welcoming Fransie Gerring to California to visit Disneyland and meet his idol, Pinocchio

Fransie is an 8-year old boy from South Africa suffering from progeria, a rare aging disease, and most of the members of the California Legislature contributed towards this trip for him and his family.

Earlier this year, a story about Fransie's plight appeared in newspapers across the country and millions of Americans were moved by the account of the boy's disease, which causes him to age at a rate of 10 times the normal rate.

Assemblyman Wyman and I made inquiries with the South African Consul and, subsequently, prompted Disneyland and a major airline to assist in making arrangements for Fransie's visit. These efforts, combined with those of the Sunshine Foundation in Pennsylvania and several other organizations nationwide, resulted in the

successful elimination of obstacles which had to be overcome in order to make Fransie's visit a reality.

Fransie Gerringer is more than just another brave little boy fighting an injustice. He is symbolic of the will and determination in people everywhere to overcome adversity. We want Fransie and all of the people in the world Fransie represents to know that they are not alone.

I thank the members of the Legislature for their warm response to Phil's and my efforts.

Sincerely,

CHET WRAY, Assemblyman
Seventy-first District

CAUCUS ANNOUNCEMENTS

At 9:50 a.m., Speaker Brown was granted unanimous consent that the Democratic Caucus be permitted to meet at this time in the Assembly Lounge, and the Republican Caucus be permitted to meet at this time in Room A107

RECESS

By unanimous consent, at 9:50 a.m., Speaker Brown declared the Assembly recessed.

REASSEMBLED

At 10:25 a.m., the Assembly reconvened
Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.

MOTION TO RECESS

Assemblyman Johnson moved that the Assembly recess today, pending recall by a petition submitted by two-thirds of the membership of the Assembly.

Assemblyman Imbrecht seconded the motion.

Demand for Previous Question

Assemblymen Imbrecht, Lancaster, Duffy, Wright, and Bosco demanded the previous question. Demand sustained.

The question being on the motion to recess.

The motion to recess lost by the following vote

AYES—25			
Baker	Herger	Lewis	Stirling, D
Bergeson	Imbrecht	Marguth	Stirling, L
Brown, D	Ivers	Mountjoy	Wright
Duffy	Johnson	Naylor	Wyman
Felando	Konnyu	Nolan	
Frizzelle	Lancaster	Rogers	
Hallett	Leonard	Ryan	
NOES—31			
Agnos	Floyd	McAlister	Tucker
Bates	Greene	Moore	Vasconcellos
Bosco	Hannigan	Moorhead	Waters, M
Chacon	Johnston	Papan	Waters, N
Cortese	Kapiloff	Robinson	Wray
Deddeh	Katz	Roos	Young
Elder	Lockyer	Thurman	Mr Speaker
Farr	Martinez	Torres	

MOTION TO ADJOURN *SINE DIE*

At 11:50 a.m., Assemblyman Johnson moved that the 1981-82 First Extraordinary Session adjourn *sine die*

Assemblyman Imbrecht seconded the motion

Motion lost by the following vote:

AYES—25			
Baker	Herger	Lewis	Stirling, D
Bergeson	Imbrecht	Marguth	Stirling, L
Brown, D	Ivers	Mountjoy	Wright
Duffy	Johnson	Naylor	Wyman
Felando	Konnyu	Nolan	
Frizzelle	Lancaster	Rogers	
Hallett	Leonard	Ryan	
NOES—30			
Agnos	Greene	Moore	Vasconcellos
Bosco	Hannigan	Moorhead	Waters, M
Chacon	Johnston	Papan	Waters, N
Cortese	Kapiloff	Robinson	Wray
Deddeh	Katz	Roos	Young
Elder	Lockyer	Thurman	Mr Speaker
Farr	Martinez	Torres	
Floyd	McAlister	Tucker	

REQUEST FOR UNANIMOUS CONSENT

Assemblyman Larry Stirling was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arvid Olson

ADJOURNMENT

At 10:57 a.m., Speaker Brown declared the Assembly adjourned to return upon call of the Speaker; and declared the Assembly adjourned on this day out of respect to the memory of Arvid Olson on motion of Assemblyman Larry Stirling

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY RECESS JOURNAL

RECESS JOURNAL NO. 1

Assembly Chamber, Sacramento
November 18, 1981

MESSAGES FROM THE SENATE

Senate Chamber, November 16, 1981

Mr Speaker I am directed to inform your honorable body that the Senate appointed Senators Garamendi, Marks, and Nielsen as a Committee on Conference concerning

Assembly Bill No. 2

DARRYL R WHITE, Secretary of the Senate

WILLIE L BROWN, JR, Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 5, 1982

**SIXTH SESSION DAY
FIFTY-EIGHTH CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I**PROCEEDINGS OF THE ASSEMBLY****IN ASSEMBLY**

Assembly Chamber, Sacramento
Tuesday, January 5, 1982

The Assembly met at 3 17 p.m.
Hon Richard Robinson, Member of the Assembly, 72nd District,
presiding

Chief Clerk James D. Driscoll at the Desk
Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—77

Agnoy	Frazee	Lancaster	Sher
Alatorre	Frizzelle	Leonard	Statham
Baue	Goggin	Levine	Stirling, D
Bates	Greene	Lewis	Stirling, L
Bergeson	Hallett	Lockyer	Tanner
Berman	Hannigan	Marguth	Thurman
Bosco	Harris	Martinez	Torres
Brown, D	Hart	McAlister	Tucker
Campbell	Herger	McCarthy	Vasconcellos
Chacon	Hughes	Moore	Vicencia
Cortesc	Imbrecht	Moorhead	Waters, M
Costa	Ingalls	Mountjoy	Waters, N
Cramer	Ivers	Naylor	Wray
Deddeh	Johnson	Nolan	Wright
Duffy	Johnston	Papan	Wyman
Elder	Kapiloff	Robinson	Young
Farr	Katz	Rogers	Mr Speaker
Felando	Kelley	Roos	
Filante	Konnyu	Rosenthal	
Floyd	La Follette	Ryan	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On legislative business: Assemblymen Lehman and Sebastiani

The following Assemblyman was excused for the day, and his per diem was waived: Assemblyman Baker

(NOTE: For letters explaining the absences of Assemblymen Lehman and Sebastiani on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session.)

Jan 5, 1982

ASSEMBLY JOURNAL

111

ADJOURNMENT

At 3 18 p m , the Assembly adjourned until 7 a m , Wednesday,
January 6, 1982

WILLIE L BROWN, JR , Speaker

ANABEL FLEURY , Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 6, 1982

**SEVENTH SESSION DAY
FIFTY-NINTH CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I**PROCEEDINGS OF THE ASSEMBLY****IN ASSEMBLY**

Assembly Chamber, Sacramento
Wednesday, January 6, 1982

The Assembly met at 10 03 a m
Hon Robert Frazee, Member of the Assembly, 76th District,
presiding.

Chief Clerk James D Driscoll at the Desk
Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—76

Agnos	Frazee	Lancaster	Rosenthal
Alatorre	Frizzelle	Lehman	Ryan
Baker	Greene	Leonard	Sher
Bane	Hallett	Levine	Statham
Bergeson	Hannagan	Lewis	Stirling, D
Berman	Harris	Lockyer	Stirling, L
Bosco	Hart	Marguth	Tanner
Brown, D	Herger	Martinez	Thurman
Campbell	Hughes	McAlister	Torres
Chacon	Imbrecht	McCarthy	Tucker
Cortese	Ingalls	Moore	Vasconcellos
Costa	Ivers	Moorhead	Vicencia
Cramer	Johnson	Mounjoy	Waters, M
Deddeh	Johnston	Naylor	Waters, N
Duffy	Kaploff	Nolan	Wray
Elder	Katz	Papan	Wright
Felando	Kelley	Robinson	Wyman
Filante	Konnyu	Rogers	Young
Floyd	La Follette	Roos	Mr Speaker

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On legislative business: Assemblymen Bates, Farr, Goggin, and Sebastiani

(NOTE For letters explaining the absences of Assemblymen Bates, Farr, Goggin, and Sebastiani on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

ADJOURNMENT

At 10:04 a m, the Assembly adjourned until 9 a m, Thursday, January 7, 1982

WILLIE L. BROWN, JR, Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 11, 1982

**EIGHTH SESSION DAY
SIXTY-FOURTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 11, 1982

The Assembly met at 1:22 p.m.
Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Daniel McLean reading.

ROLL CALL

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

Agnos	Floyd	La Follette	Rosenthal
Alatorre	Frazer	Lancaster	Ryan
Baker	Frizzelle	Lehman	Sebastian
Bane	Goggin	Leonard	Sher
Bates	Greene	Levine	Statham
Bergeson	Hallett	Lewis	Stirling, D
Berman	Hannigan	Lockyer	Stirling, L
Bosco	Harris	Marguth	Tanner
Brown, D	Hart	Martinez	Thurman
Campbell	Herger	McAlister	Torres
Chacon	Hughes	McCarthy	Tucker
Cortese	Imbrecht	Moore	Vasconcellos
Costa	Ingalls	Moorhead	Vicencia
Cramer	Ivers	Mounjoy	Waters, M
Deddeh	Johnson	Naylor	Waters, N
Duffy	Johnston	Nolan	Wray
Elder	Kaploff	Papan	Wright
Farr	Katz	Robinson	Wyman
Felando	Kelley	Rogers	Young
Filante	Konnyu	Roos	Mr Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

RECESS

By unanimous consent, at 1:23 p.m., Speaker Brown declared the Assembly recessed.

REASSEMBLED

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

Jan. 11, 1982

ASSEMBLY JOURNAL

117

ADJOURNMENT

At 3.01 p.m., the Assembly adjourned until 7 a.m., Tuesday, January 12, 1982.

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 12, 1982

**NINTH SESSION DAY
SIXTY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
 Tuesday, January 12, 1982

The Assembly met at 3.01 p.m.
 Hon. John Vasconcellos, Member of the Assembly, 23rd District,
 presiding.

Chief Clerk James D Driscoll at the Desk
 Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—79:

Agnos	Floyd	La Follette	Ryan
Alatorre	Frazee	Lancaster	Sebastian
Baker	Frizzelle	Lehman	Sher
Bane	Goggan	Leonard	Statham
Bates	Greene	Levine	Stirling, D
Bergeson	Hallett	Lewis	Stirling, L
Berman	Hannigan	Lockyer	Tanner
Bosco	Harris	Marguth	Thurman
Brown, D	Hart	Martinez	Torres
Campbell	Herger	McAlister	Tucker
Chacon	Hughes	Moore	Vasconcellos
Cortese	Imbrecht	Moorhead	Vicencia
Costa	Ingalls	Mountjoy	Waters, M
Cramer	Ivers	Naylor	Waters, N
Deddeh	Johnson, R	Nolan	Wray
Duffy	Johnston, P	Papan	Wright
Elder	Kaploff	Robinson	Wyman
Farr	Katz	Rogers	Young
Felando	Kelley	Roos	Mr Speaker
Filante	Konnyu	Rosenthal	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblyman was granted leave of absence for the day

On personal business and waving per diem Assemblyman McCarthy

ADJOURNMENT

At 3 02 p m , the Assembly adjourned until 7 a m , Wednesday,
January 13, 1982

WILLIE L BROWN, JR , Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 13, 1982

TENTH SESSION DAY
SIXTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I**PROCEEDINGS OF THE ASSEMBLY****IN ASSEMBLY**

Assembly Chamber, Sacramento
Wednesday, January 13, 1982

The Assembly met at 10:49 a m
Hon. Sam Farr, Member of the Assembly, 28th District, presiding
Chief Clerk James D. Driscoll at the Desk
Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—77:

Agnos	Frazee	Lancaster	Sebastian
Alatorre	Frizzelle	Lehman	Sher
Baker	Goggin	Leonard	Statham
Bane	Greene	Lewis	Stirling, D
Bates	Hallett	Lockyer	Stirling, L
Bergeson	Hannigan	Marguth	Tanner
Bosco	Harris	Martinez	Thurman
Brown, D	Hart	McAlister	Torres
Campbell	Herger	McCarthy	Tucker
Chacon	Hughes	Moore	Vasconcellos
Cortese	Imbrecht	Moorhead	Vicencia
Costa	Ingalls	Mounjoy	Waters, N
Cramer	Ivers	Naylor	Wray
Deddeh	Johnson, R	Nolan	Wright
Duffy	Johnson, P	Papan	Wyman
Elder	Kapiloff	Robinson	Young
Farr	Katz	Rogers	Mr Speaker
Felando	Kelley	Roos	
Filante	Konnyu	Rosenthal	
Floyd	La Follette	Ryan	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On legislative business: Assemblymen Levine and Maxine Waters

On personal business, and waiving per diem: Assemblyman Berman.

(NOTE: For letters explaining the absences of Assemblymen Levine and Maxine Waters on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 10:51 a.m., the Assembly adjourned until 9:30 a.m., Thursday,
January 14, 1982

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 14, 1982

**ELEVENTH SESSION DAY
SIXTY-SEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 14, 1982

The Assembly met at 12:12 p.m.
Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—77:

Agnos	Floyd	Lancaster	Sebastian
Alatorre	Frazee	Lehman	Sher
Baker	Frizzelle	Leonard	Statham
Bane	Goggin	Lewis	Stirling, D
Bates	Greene	Lockyer	Stirling, L
Bergeson	Hallett	Marguth	Tanner
Berman	Hannagan	Martinez	Thurman
Bosco	Harris	McAlister	Torres
Brown, D	Hart	McCarthy	Tucker
Campbell	Herger	Moore	Vasconcellos
Chacon	Hughes	Moorhead	Vicencia
Cortese	Imbrecht	Mountjoy	Waters, N
Costa	Ingalls	Naylor	Wray
Cramer	Ivers	Nolan	Wright
Deddeh	Johnson, R	Papan	Wyman
Duffy	Johnston, P	Robinson	Young
Elder	Katz	Rogers	Mr Speaker
Farr	Kelley	Roos	
Felando	Konnyu	Rosenthal	
Filante	La Follette	Ryan	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day.

On legislative business: Assemblywoman Maxine Waters.

Because of illness: Assemblyman Kapiloff.

The following Assemblyman was excused for the day: Assemblyman Levine.

(NOTE: For letter explaining the absence of Assemblywoman Maxine Waters on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 13, 1982, page 9243.)

MESSAGES FROM THE SENATE

Senate Chamber, January 14, 1982

Mr Speaker I am directed to inform your honorable body that the Senate on this day passed as amended
Assembly Bill No 6

And respectfully requests the Assembly to concur in said amendments

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

Above bill ordered to unfinished business file

Senate Chamber, January 14, 1982

Mr Speaker I am directed to inform your honorable body that the Senate on this day passed as amended
Assembly Bill No 8

And respectfully requests the Assembly to concur in said amendments

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

Above bill ordered to unfinished business file.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 8

Assemblyman Robinson asked for unanimous consent to take up consideration of Senate amendments to Assembly Bill No. 8, without reference to file.

CAUCUS ANNOUNCEMENTS

At 12:13 p.m., Assemblyman Naylor was granted unanimous consent that the Republican Caucus be permitted to meet at this time.

RECESS

By unanimous consent, at 12:15 p.m , Speaker Brown declared the Assembly recessed.

REASSEMBLED

At 12:25 p.m., the Assembly reconvened
Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.

FURTHER CONSIDERATION OF REQUEST TO TAKE UP ASSEMBLY BILL NO. 8

The question being on the request by Assemblyman Robinson for unanimous consent to take up consideration of Senate amendments to Assembly Bill No. 8.

ASSEMBLY BILLS NOS. 8 AND 6 FOR SPECIAL ORDER

By unanimous consent, Assembly Bills Nos 8 and 6 were made a special order of business for Monday, January 18, 1982, at 10.02 a.m.

ADJOURNMENT

At 12 31 p.m., the Assembly adjourned until 10:01 a.m , Monday, January 18, 1982.

WILLIE L BROWN, JR , Speaker

ANABEL FLEURY , Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 18, 1982

**TWELFTH SESSION DAY
SEVENTY-FIRST CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 18, 1982

The Assembly met at 12:31 p m.
Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.
Chief Clerk James D. Driscoll at the Desk
Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—75:

Agnos	Frazee	La Follette	Rosenthal
Alatorre	Frizzelle	Lancaster	Ryan
Baker	Goggin	Leonard	Sebastian
Bane	Greene	Levine	Sher
Bates	Hallett	Lewis	Statham
Bergeson	Hannigan	Lockyer	Stirling, D
Berman	Harris	Marguth	Stirling, L
Bosco	Hart	Martinez	Tanner
Brown, D	Herger	McAlister	Thurman
Campbell	Hughes	McCarthy	Tucker
Cortese	Imbrecht	Moore	Vasconcellos
Costa	Ingalls	Moorhead	Vicencia
Cramer	Ivers	Mounjohy	Waters, N
Deddeh	Johnson, R	Naylor	Wray
Elder	Johnston, P	Nolan	Wright
Farr	Kaploff	Papan	Wyman
Felando	Katz	Robinson	Young
Filante	Kelley	Rogers	Mr Speaker
Floyd	Konnyu	Roos	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On legislative business: Assemblymen Chacon and Torres.

Because of illness: Assemblymen Duffy, Lehman, and Maxine Waters.

(NOTE For letters explaining the absences of Assemblymen Chacon and Torres on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

CONSIDERATION OF SPECIAL ORDER ASSEMBLY BILL NO. 8

The hour having arrived, Assembly Bill No 8 was taken up.

Assembly Bill No. 8 (Robinson)—An act to amend Sections 6459, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11319, 11354, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 18009, 18685.05, 18686, 18687, 18688, 18689, 19062, 19062.11, 19091, 19111, 25901, 25901a, 25901b, 25901c, 25951, 26080, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, 32417, 38405, 38412, 38423, 38451, 38606, 38616, 40065, 40072, 40083, 40101, 40116, 40130, 41071, 41082, 41095, 41105, 41113, 43154, 43156, 43201, 43251, 43455, and 43477 of, and to add Section 19269 to, the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, and 1184 of the Unemployment Insurance Code, relating to taxation, 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: For text of amendments of January 12, 1982, see Senate Journal, page 38)

(NOTE: For text of amendments of January 13, 1982, see Senate Journal, page 48)

Urgency Clause

Urgency clause read.

Demand for Previous Question

Assemblymen Alatorre, Katz, Greene, Young, and Bosco demanded the previous question. Demand sustained

The question being on the adoption of the urgency clause to Assembly Bill No. 8

Urgency clause refused adoption by the following vote:

AYES—43

Agnos	Deddeh	Katz	Robinson
Alatorre	Farr	La Follette	Roos
Bane	Goggin	Lancaster	Rosenthal
Bates	Greene	Levine	Sher
Bergeson	Hannagan	Lockyer	Tanner
Berman	Harris	Martinez	Vasconcellos
Bosco	Hart	McAlister	Vicencia
Campbell	Hughes	McCarthy	Wray
Cortese	Ingalls	Moore	Young
Costa	Johnston, P	Moorhead	Mr Speaker
Cramer	Kapiloff	Papan	

NOES—20

Baker	Ivers	Mountjoy	Sebastiani
Brown, D	Johnson, R	Naylor	Statham
Felando	Konnyu	Nolan	Strling, L
Herger	Leonard	Rogers	Wright
Imbrecht	Lewis	Ryan	Wyman

The roll was called, and the Assembly refused to concur in the above Senate amendments by the following vote

AYES—43

Agnos	Deddeh	Katz	Robinson
Alatorre	Farr	La Follette	Roos
Bane	Goggin	Lancaster	Rosenthal
Bates	Greene	Levine	Sher
Bergeson	Hannigan	Lockyer	Tanner
Berman	Harris	Martinez	Vasconcellos
Bosco	Hart	McAlister	Vicencia
Campbell	Hughes	McCarthy	Wray
Cortese	Ingalls	Moore	Young
Costa	Johnston, P	Moorhead	Mr Speaker
Cramer	Kapiloff	Papan	

NOES—20

Baker	Ivers	Mountjoy	Sebastiani
Brown, D	Johnson, R	Naylor	Statham
Felando	Konnyu	Nolan	Stirling, L
Herger	Leonard	Rogers	Wright
Imbrecht	Lewis	Ryan	Wyman

**Appointment of Committee on Conference Concerning
Assembly Bill No. 8**

The Speaker appointed the following Members of the Assembly as a Committee on Conference concerning Assembly Bill No 8 Robinson, Vasconcellos, and Imbrecht

CONSIDERATION OF SPECIAL ORDER—ASSEMBLY BILL NO. 6

The hour having arrived, Assembly Bill No 6 was taken up.

Assembly Bill No. 6 (Robinson)—An act to amend Sections 1088, 1110, and 13021 of the Unemployment Insurance Code, relating to taxation

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

(NOTE. For text of amendments of January 12, 1982, see Senate Journal, page 37)

(NOTE. For text of amendments of January 13, 1982, see Senate Journal, page 47)

Demand for Previous Question

Assemblymen Alatorre, Johnson, Hallett, Agnos, and Greene demanded the previous question Demand sustained

The question being on concurrence in Senate amendments to Assembly Bill No 6

Amendments concurred in by the following vote:

AYES—42

Agnos	Elder	Levine	Sher
Alatorre	Floyd	Lockyer	Tanner
Bane	Goggin	Martinez	Thurman
Bates	Greene	McAlister	Vasconcellos
Berman	Hannigan	McCarthy	Vicencia
Bosco	Harris	Moore	Waters, N
Campbell	Hart	Moorhead	Wray
Cortese	Hughes	Papan	Young
Costa	Ingalls	Robinson	Mr Speaker
Cramer	Kapiloff	Roos	
Deddeh	Katz	Rosenthal	

NOES—29

Baker	Imbrecht	Leonard	Statham
Bergeson	Ivers	Lewis	Stirling, D
Brown, D	Johnson, R	Mounjoy	Stirling, L
Felando	Johnston, P	Naylor	Wright
Frazee	Kelley	Nolan	Wyman
Frizzelle	Konnyu	Rogers	
Hallett	La Follette	Ryan	
Herger	Lancaster	Sebastian	

Above bill ordered enrolled

VOTE ADDS

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

Assembly Bill No. 8, Urgency and Concurrence: Alatorre, Goggin, and Papan—Aye, Statham—No, Vicencia—Aye

Assembly Bill No. 6, Concurrence: Goggin—Aye, P Johnston—No

ADJOURNMENT

At 1 p m , the Assembly adjourned until 7 a m , Tuesday, January 19, 1982.

WILLIE L. BROWN, JR , Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 19, 1982

**THIRTEENTH SESSION DAY
SEVENTY-SECOND CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I**PROCEEDINGS OF THE ASSEMBLY****IN ASSEMBLY**

Assembly Chamber, Sacramento
Tuesday, January 19, 1982

The Assembly met at 10:30 a.m.

Hon. Bill Lockyer, Member of the Assembly, 14th District,
presiding.

Chief Clerk James D Driscoll at the Desk

Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—75:

Agnos	Frizzelle	Lancaster	Ryan
Alatorre	Goggin	Lehman	Sebastiani
Baker	Greene	Leonard	Sher
Bane	Hallett	Levine	Statham
Bates	Hannigan	Lewis	Stirling, D
Bergeson	Harris	Lockyer	Stirling, L
Berman	Hart	Marguth	Tanner
Bosco	Herger	Martinez	Thurman
Brown, D	Hughes	McAlister	Tucker
Campbell	Imbrecht	Moore	Vasconcellos
Chacon	Ingalls	Moorhead	Vicencia
Costa	Ivers	Mountjoy	Waters, M
Cramer	Johnson, R	Naylor	Waters, N
Elder	Johnston, P.	Nolan	Wray
Farr	Kapiloff	Papan	Wright
Felando	Katz	Robinson	Wyman
Filante	Kelley	Rogers	Young
Floyd	Konnyu	Roos	Mr Speaker
Frazee	La Follette	Rosenthal	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day.

On legislative business. Assemblymen Cortese, Deddeh, and Torres.

Because of illness: Assemblymen Duffy and McCarthy.

(NOTE For letter explaining the absence of Assemblyman Torres on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for January 18, 1982, page 9323, for letters explaining the absences of Assemblymen Cortese and Deddeh on this day on legislative business pursuant to the

Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 18, 1982

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

Assembly Bill No. 6—An act to amend Sections 1088, 1110, and 13021 of the Unemployment Insurance Code, relating to taxation
And reports the same correctly enrolled, and presented to the Governor at 2 p m ,
January 18, 1982

JAMES D DRISCOLL, Chief Clerk

MESSAGES FROM THE SENATE

Senate Chamber, January 19, 1982

Mr Speaker I am directed to inform your honorable body that the Senate appointed Senators Alquist, Ayala, and Schmitz as a Committee on Conference concerning

Assembly Bill No. 8.

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

ADJOURNMENT

At 10:32 a m , the Assembly adjourned until 7 a m , Wednesday,
January 20, 1982.

WILLIE L. BROWN, JR , Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 21, 1982

FOURTEENTH SESSION DAY
SEVENTY-FOURTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I

PROCEEDINGS OF THE ASSEMBLY

PART II

FULL TEXT OF AMENDMENTS CONSIDERED BY THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 21, 1982

The Assembly met at 9:57 a.m.
Hon. Leo T. McCarthy, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Daniel McLean reading.

ROLL CALL

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

Agnos	Floyd	La Follette	Rosenthal
Alatorre	Frazee	Lancaster	Ryan
Baker	Frizzelle	Lehman	Sebastian
Bane	Goggin	Leonard	Sher
Bates	Greene	Levine	Statham
Bergeson	Hallett	Lewis	Strling, D
Berman	Hannigan	Lockyer	Strling, L
Bosco	Harris	Marguth	Tanner
Brown, D	Hart	Martinez	Thurman
Campbell	Herger	McAlister	Torres
Chacon	Hughes	McCarthy	Tucker
Cortese	Imbrecht	Moore	Vasconcellos
Costa	Ingalls	Moorhead	Vicencia
Cramer	Ivers	Mountjoy	Waters, M
Deddeh	Johnson, R	Naylor	Waters, N
Duffy	Johnston, P	Nolan	Wray
Elder	Kaploff	Papan	Wright
Farr	Katz	Robinson	Wyman
Felando	Kelley	Rogers	Young
Filante	Konnyu	Roos	Mr Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

REPORT OF COMMITTEE ON CONFERENCE

January 20, 1982

The following report of Committee on Conference was presented by Assemblyman Robinson:

Mr Speaker: The Committee on Conference submits its report concerning:

Assembly Bill No. 8, as amended in Senate January 13, 1982—An act to amend Sections 6459, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11319,

11354, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 18009, 18685 05, 18686, 18687, 18688, 18689, 19062, 19062.11, 19091, 19111, 25901, 25901a, 25901b, 25901c, 25951, 26080, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, 32417, 38405, 38412, 38423, 38451, 38606, 38616, 40065, 40072, 40083, 40101, 40116, 40130, 41071, 41082, 41095, 41105, 41113, 43154, 43156, 43201, 43251, 43455, and 43477 of, and to add Section 19269 to, the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, and 1184 of the Unemployment Insurance Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

The undersigned Members consenting to the report:

RUBEN S. AYALA

RICHARD ROBINSON

ALFRED E ALQUIST

JOHN VASCONCELLOS

Senate Committee on Conference Assembly Committee on Conference

The undersigned Member dissenting to the report:

JOHN SCHMITZ

CHARLES R IMBRECHT

Senate Committee on Conference Assembly Committee on Conference

The Conference Committee has agreed to recommend the following.

That the amendments of the Senate be concurred in, and that the bill be further amended.

(NOTE: For amendments of the Conference Committee, see Part II of the Assembly Daily Journal for this day)

Report read

Demand for Previous Question

Assemblymen Norman Waters, Deddeh, Ivers, Larry Stirling, and Wray demanded the previous question Demand sustained

The question being on the adoption of the Conference Committee Report on Assembly Bill No 8

Report adopted by the following vote

AYES—45

Agnos	Elder	Lehman	Thurman
Alatorre	Farr	Levine	Torres
Bane	Floyd	Martinez	Tucker
Bates	Coggin	McCarthy	Vasconcellos
Berman	Greene	Moore	Vicencia
Bosco	Hannigan	Moorhead	Waters, M
Campbell	Harris	Papan	Waters, N
Chacon	Hart	Robinson	Young
Cortese	Hughes	Roos	Mr Speaker
Costa	Ingalls	Rosenthal	
Cramer	Kaploff	Sher	
Deddeh	Katz	Tanner	

NOES—34

Baker	Imbrecht	Lewis	Sebastian
Bergeson	Ivers	Lockyer	Statham
Brown, D	Johnson, R	Marguth	Stirling, D
Duffy	Johnson, P	McAlister	Stirling, L
Felando	Kelley	Mounjoy	Wray
Frazer	Konnyu	Naylor	Wright
Frizzelle	La Follette	Nolan	Wyman
Hallett	Lancaster	Rogers	
Herger	Leonard	Ryan	

VOTE ADDS

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

Assembly Bill No. 8, Conference report; Agnos—Aye, McAlister—No, Papan—Aye; Rogers and Dave Stirling—No

MESSAGES FROM THE SENATE

Sacramento, January 21, 1982

Hon. James Driscoll
Chief Clerk, Assembly Chamber
Sacramento, California

Dear Jim: The Senate this day refused to adopt the Conference report on AB 8.

The Senate then suspended Joint Rule 29 to permit Senators Alquist and Ayala to be appointed to a second Conference Committee on AB 8 and requests the Assembly to do the same

Sincerely,

DARRYL R WHITE
 Secretary of the Senate

Senate Chamber, January 21, 1982

Mr Speaker I am directed to inform your honorable body that the Senate appointed Senators Alquist, Ayala, and Campbell as a second Committee on Conference concerning

Assembly Bill No. 8.

DARRYL R WHITE, Secretary of the Senate
 By John W Rovane, Chief Assistant Secretary

ADJOURNMENT

At 10.17 a.m., the Assembly adjourned until 10 a.m., Monday, January 25, 1982.

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

Amendments considered in the Assembly on this day follow in Part II of this day's Journal.

PART II

**FULL TEXT OF AMENDMENTS CONSIDERED IN
THE ASSEMBLY ON JANUARY 21, 1982**

This part of the Journal contains the full text of amendments considered by the Assembly on this day, printed in the following order:

Assembly Bill

8

JAN 20 1982

82020 18:26
RECORD # 20 BF:

PAGE NO. 1
SM 82 001207
Substantive

CONFERENCE

1981-82 FIRST EXTRAORDINARY SESSION
ADDRESSING TO ASSEMBLY BILL NO. 8
AS AMENDED IN SENATE JANUARY 13, 1982

Amendment 1
In line 4 of the title of the printed bill, as amended in Senate January 13, 1982, after "13107," insert:
14199.12, 14211, 15961, 15962, 15964, 16271, 16272.

Amendment 2
In line 6 of the title, after "25951," insert:
25954,

Amendment 2.5
In lines 13, 14, and 15 of the title, strike out "making an appropriation therefor, and declaring the urgency thereof, to take effect immediately."

Amendment 3
On page 11, between lines 35 and 36, insert:

SEC. 30.1. Section 14199.12 of the Revenue and Taxation Code is amended to read:
14199.12. When in any case the board of arbitration determines that a decedent dies domiciled in this state, the total amount of interest and penalties for nonpayment of the tax, between the date of the election and the final determination of the board, shall not exceed the adjusted annual rate established pursuant to Section 19262 on 43 percent of the amount of the taxes per annum.

SEC. 30.2. Section 14211 of the Revenue and Taxation Code is amended to read:
14211. (a) The tax does not bear interest if it is paid prior to the date on which it otherwise becomes delinquent. However, if it is paid after that date it bears interest at the adjusted annual rate of 43 percent per annum established pursuant to Section 19262 from the date it became delinquent and until it is paid or, in the case of any tax being paid to satisfaction pursuant to sections 14105, 14106, 14107, or 14108, at the adjusted rate of interest provided an arbitration (b) of this section at 43 percent per annum, whichever is lower, until the date prescribed for payment of such installment.

82020 18:26
RECORD # 60 BF.

PAGE NO. 2
SM 82 001207
Substantive

and thereafter at the rate of 43 percent per annum.
(b) The actual adjusted rate of interest shall be 43 percent per annum. The committee shall establish an adjusted rate of interest for the purpose of this section not later than October 15 of any year at the adjusted rate rate charged by banks (that being 90 percent of the average prime rate rate quoted by the Federal Reserve Bank of San Francisco) as determined by the Board of Governors of the Federal Reserve System during September of that year, rounded to the nearest full percent, or at least a full percentage point more or less than the adjusted rate of interest shall be then in effect. If such adjusted rate of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent, and shall become effective on January 1 of the immediately succeeding year. Any adjustment provided for under this subsection may not be made prior to the expiration of 31 months following the date of any preceding adjustment under this subsection which changed the rate of interest.

SEC. 30.3. Section 15961 of the Revenue and Taxation Code is amended to read:

15961. Except as otherwise provided in this article, if the tax is not paid before it becomes delinquent, it bears interest thereafter and until it is paid at the adjusted annual rate of 43 percent per annum established pursuant to Section 19262.

SEC. 30.4. Section 15962 of the Revenue and Taxation Code is amended to read:

15962. In the event that the date for filing the return is postponed, the tax bears interest during the period of postponement at the adjusted annual rate of 43 percent per annum established pursuant to Section 19262 from the time when it would have begun to bear interest had no postponement been allowed and until it is paid.

SEC. 30.5. Section 15964 of the Revenue and Taxation Code is amended to read:

15964. If the tax on any gift in the case of a false or fraudulent return or in the case of a failure to file a return is not paid before it becomes delinquent, it bears interest at the adjusted annual rate of 43 percent per annum established pursuant to Section 19262 from and after the last day allowed or pursuant to this part for filing a return for the gift and until it is paid.

SEC. 30.6. Section 16271 of the Revenue and Taxation Code is amended to read:
16271. Interest shall be allowed and paid upon

148

ASSEMBLY JOURNAL

Jan 21, 1982

any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the adjusted annual rate established pursuant to ~~SECTION 12262~~ ~~as amended~~ ~~see section 25554 as follows:~~

(A) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(B) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

Sec. 10.7. Section 16272 of the Revenue and Taxation Code is amended to read:

16272. Interest shall be allowed and paid upon any overpayment of gift tax made because of an error or mistake on the part of the taxpayer, including any overpayment resulting from the judgment of any court modifying the amount of tax previously determined to be due, at ~~the adjusted annual rate established pursuant to Section 12262~~ ~~as amended~~ ~~see section 25554~~ ~~as follows:~~ ~~such interest shall be allowed from the date on which payment of the gift tax would have become delinquent, if not paid, or the date of actual payment, whichever is later in time, to the date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.~~

Amendment 4
On page 14, line 8, strike out "1981" and
insert:

Amendment 5
On page 14, line 9, strike out "1982" and
insert:

Amendment 6
On page 16, between lines 30 and 31, insert:

25554. Section 25954 of the Revenue and Taxation Code is amended to read:
25954. (a) Notwithstanding the provisions of

the preceding sections of this article, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax paid on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser-

(1) The tax shown on the return of the taxpayer for the preceding income year if a return showing a liability for tax was filed by the taxpayer for the preceding year and such preceding year was a year of 12 months. The tax shown on the return, in the case of the tax imposed by Article 3 ~~(commencing with Section 23181)~~ of Chapter 2, shall be the amount or tax shown on the return for the income year as prescribed in Section 25553.

(2) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the taxpayer for, and the law applicable to, the preceding taxable year.

(3) With respect to payments of estimated tax required to be paid during income years ending on or before November 30, 1972, an amount equal to 80 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income for the first three months or for the first five months of the income year.

(4) With respect to payments of estimated tax required to be paid during income years beginning after December 31, 1971, an amount equal to 80 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) For the first three months of the income year, in the case of the installment required to be paid in the fourth month,

(ii) For the first three months or for the first five months of the income year, in the case of the installment required to be paid in the sixth month,

(iii) For the first six months or for the first eight months of the income year in the case of the installment required to be paid in the ninth month, and

11 months of the income year, in the case of the installment required to be paid in the 12th month of the taxable year.

For purposes of this ~~subparagraph~~ paragraph, the taxable income shall be placed on an annualized basis by

Multiplying by 12 the taxable income referred to in ~~paragraph (1)~~ ~~or paragraph (2)~~ subparagraph (1) or (2), and

Dividing the resulting amount by the number of months in the income year referred to in ~~paragraph (1)~~ ~~or paragraph (2)~~ subparagraph (1) or (2). "Taxable income" as used in this section means, in the case of the tax imposed by Chapter 4 (concerning ~~with Section 2131~~), income includable in the measure of the tax.

Subparagraph (1) shall not apply to the case of a large corporation.

For income years beginning before 1984, in the case of a large corporation, the amount referred to in the ~~subparagraph (1)~~ ~~or paragraph (2)~~ subparagraph (1) or (2) shall in no event be less than the applicable percentage of

The tax shown on the return for the income year, or

For purposes of subparagraph (1), the applicable percentage shall be determined in accordance with the following table:

If the taxable loss exceeds the applicable percentage of	The applicable percentage is
1982	65
1983	75

150

ASSEMBLY JOURNAL

Jan. 21, 1982

.

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 25, 1982

**FIFTEENTH SESSION DAY
SEVENTY-EIGHTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I**PROCEEDINGS OF THE ASSEMBLY****IN ASSEMBLY**

Assembly Chamber, Sacramento
Monday, January 25, 1982

The Assembly met at 5.07 p m.

Hon. Tom Bane, Assistant Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk James D. Driscoll at the Desk

Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—75.

Agnos	Filante	La Follette	Roos
Alatorre	Floyd	Lancaster	Rosenthal
Baker	Frazee	Lehman	Ryan
Bane	Frizzelle	Leonard	Sebastiani
Bates	Greene	Lewne	Sher
Bergeson	Hannigan	Lewis	Statham
Berman	Harris	Lockyer	Stirling, D
Bosco	Hart	Marguth	Stirling, L
Brown, D	Herger	Martinez	Tanner
Campbell	Hughes	McAlister	Thurman
Chacon	Imbrecht	McCarthy	Torres
Cortese	Ingalls	Moore	Tucker
Costa	Ivers	Moorhead	Waters, M
Cramer	Johnson, R	Mountjoy	Waters, N
Deddeh	Johnston, P	Naylor	Wray
Duffy	Kaploff	Nolan	Wright
Elder	Katz	Papan	Wyman
Farr	Kelley	Robinson	Mr Speaker
Felando	Konnyu	Rogers	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

*On legislative business Assemblymen Hallett and Vasconcellos
Because of illness Assemblymen Goggm, Vicencia, and Young*

(NOTE For letters explaining the absences of Assemblymen Hallett and Vasconcellos on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

RESOLUTIONS

The following resolution was offered

Assembly Concurrent Resolution No. 1: By Assemblyman Robinson (Principal coauthor Assemblyman Naylor) Assemblymen Roos, Papan, and Alatorre—Relative to adjournment of the 1981-82 First Extraordinary Session of the Legislature

Assembly Concurrent Resolution No. 1 Referred to Committee

By unanimous consent, Assembly Concurrent Resolution No 1 was re-referred to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing January 25, 1982

Mr Speaker Your Committee on Rules reports
Assembly Concurrent Resolution No 1

With the recommendation Be adopted

PAPAN, Charman

Above resolution ordered on file

**At 5:18 p.m., Speaker pro Tempore Leo T. McCarthy,
18th District, presiding.**

RECESS

By unanimous consent, at 5 19 p m, Speaker pro Tempore McCarthy declared the Assembly recessed

REASSEMBLED

At 5:30 p m, the Assembly reconvened

Hon. Leo T McCarthy, Speaker pro Tempore of the Assembly, presiding

ADJOURNMENT

At 5 31 p m, the Assembly adjourned until 2 p m, Tuesday, January 26, 1982.

WILLIE L BROWN, JR, Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 27, 1982

SIXTEENTH SESSION DAY
EIGHTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
 Wednesday, January 27, 1982

The Assembly met at 7:42 p m
 Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding
 Chief Clerk James D. Driscoll at the Desk
 Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—77:

Agnos	Floyd	Lancaster	Ryan
Alatorre	Frazer	Lehman	Sher
Baker	Frizzelle	Leonard	Statham
Bane	Goggin	Levine	Stirling, D
Bates	Greene	Lewis	Stirling, L
Bergeson	Hammigan	Lockyer	Tanner
Berman	Harris	Marguth	Thurman
Bosco	Hart	Martinez	Torres
Brown, D	Herger	McAlister	Tucker
Campbell	Hughes	McCarthy	Vasconcellos
Chacon	Imbrecht	Moore	Vicencia
Cortese	Ingalls	Moorhead	Waters, M
Costa	Ivers	Mounjoy	Waters, N
Cramer	Johnson, R	Naylor	Wray
Deddeh	Johnston, P	Nolan	Wright
Duffy	Kaploff	Papan	Wyman
Elder	Katiz	Robinson	Mr Speaker
Farr	Kelley	Rogers	
Felando	Konnyu	Roos	
Filante	La Follette	Rosenthal	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On legislative business: Assemblywoman Hallett

On personal business, and waiving per diem: Assemblyman Sebastiani.

Because of illness: Assemblyman Young

(NOTE For letter explaining the absence of Assemblywoman Hallett on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 26, 1982

Mr Speaker Pursuant to your instructions, the Chief Clerk has examined
Assembly Concurrent Resolution No 1
And reports the same correctly engrossed

JAMES D DRISCOLL, Chief Clerk

Above resolution ordered on file

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assemblyman Robinson asked for unanimous consent that a
communication from the State Controller be printed in the Journal
Assemblyman Naylor withheld unanimous consent.

Motion to Print in Journal

Assemblyman Robinson moved that a communication from the
State Controller be printed in the Journal

Motion carried by the following vote:

AYES—38

Agnos	Greene	Martinez	Tanner
Alatorre	Harris	McAlister	Thurman
Bane	Hart	McCarthy	Torres
Berman	Hughes	Moore	Tucker
Cortese	Johnston, P	Moorhead	Vicencia
Costa	Kaploff	Papan	Waters, M
Cramer	Katz	Robinson	Waters, N
Elder	Lehman	Roos	Mr Speaker
Farr	Levine	Rosenthal	
Floyd	Lockyer	Sher	

NOES—20

Baker	Herger	Lancaster	Nolan
Brown, D	Imbrecht	Leonard	Rogers
Duffy	Ivers	Marguth	Statham
Felando	Konnyu	Mounjoy	Wright
Frizzelle	La Follette	Naylor	Wyman

Communication Printed in Journal

Pursuant to the above motion, the following communication was
printed in the Journal

Controller of the State of California
Sacramento, January 27, 1982

*Honorable Willie Brown
State Capitol, Room 219
Sacramento, California*

Dear Willie. I am writing to report on the condition of the state's
general fund or, more accurately, the lack thereof. There is no state
general fund.

We are borrowing to pay the state's bills. Today, the debt is \$1.2
billion—a record that will stand only until Monday when we will
increase the debt to \$1.4 billion. Previously, we have borrowed
during a fiscal year when the obligations to the general fund
temporarily exceeded revenues. The difference now is that the
deficit is not temporary.

It now appears that we will end the year in debt. We cannot draw
upon next year's money because the new budget is not fully funded.
Some revenue bills must pass before the 1982-83 budget is balanced.

Yesterday morning, the most optimistic forecast was that we would end the year owing \$99 million. As of this morning, the deficit had increased to about \$150 million.

The Attorney General tells me that I must continue to write the checks. I have no choice but to meet the obligations, but in June, unless our spending and revenue are brought into balance by the Governor and the Legislature, our bills may have to be paid by registered warrant. That is a real possibility since Revenues are down \$445 million from the May forecast. Even December's estimates are falling: we are down \$14 million already. This latest deficit increase is attributable to a \$38 million increase in school costs and a \$15 to \$20 million loss in revenues from oil sales.

Each day that the recession continues, the deficit will get worse. Unless the economy turns around immediately, which isn't really very likely, the Legislature must either increase this year's revenues or cut back spending, or I will be forced to issue registered warrants in June. That is not a permanent solution since the warrants will have to be paid from next year's budget, and that budget is highly uncertain given the existing economic conditions.

I don't like being the harbinger of such bad news, Willie, but I think something needs to be done immediately. The situation will only get worse if action isn't taken now.

Cordially,

KENNETH CORY

ADJOURNMENT

At 7.45 p.m., the Assembly adjourned until 9 a.m., Thursday, January 28, 1982.

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

January 28, 1982

**SEVENTEENTH SESSION DAY
EIGHTY-FIRST CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 28, 1982

The Assembly met at 1:42 p m
Hon. Wilhe L. Brown, Jr., Speaker of the Assembly, presiding
Chief Clerk James D. Driscoll at the Desk
Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—78.

Agnos	Frazee	Lancaster	Ryan
Alatorre	Frrzzelle	Lehman	Sebastiani
Baker	Goggin	Leonard	Sher
Bane	Greene	Levine	Statham
Bates	Hallett	Lewis	Stirling, D
Bergeson	Hannigan	Lockyer	Stirling, L
Berman	Harris	Marguth	Tanner
Bosco	Hart	Martinez	Thurman
Brown, D	Herger	McAlister	Torres
Campbell	Hughes	McCarthy	Tucker
Cortese	Imbrecht	Moore	Vasconcellos
Costa	Ingalls	Moorhead	Vicencia
Cramer	Ivers	Mountjoy	Waters, M
Deddeh	Johnson, R	Naylor	Waters, N
Duffy	Johnston, P	Nolan	Wray
Elder	Kapiloff	Papan	Wright
Farr	Katz	Robinson	Wyman
Felando	Kelley	Rogers	Mr Speaker
Filante	Konnyu	Ross	
Floyd	La Follette	Rosenthal	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On legislative business. Assemblyman Chacon

Because of illness: Assemblyman Young

(NOTE For letter explaining the absence of Assemblyman Chacon on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day, for the Regular Session)

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

Assembly Bill No. 11: By Assemblymen Maxine Waters, Torres, Robinson, Alatorre, Berman, Floyd, Martinez, Rosenthal, and Vicencia—An act to add and repeal Section 4106 to the Food and Agricultural Code, and to amend Section 8300 of the Government Code, relating to state agencies

ASSEMBLY BILL NO. 11 REFERRED TO COMMITTEE

By unanimous consent, Assembly Bill No 11 was referred to the Committee on Rules, and the Committee on Rules was permitted to meet today to consider Assembly Bill No 11

RECESS

By unanimous consent, at 1 44 p m , Speaker Brown declared the Assembly recessed

REASSEMBLED

At 1.50 p m , the Assembly reconvened
Hon Willie L. Brown, Jr., Speaker of the Assembly, presiding

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing January 28, 1982

Mr Speaker Your Committee on Rules reports
Assembly Bill No 11

With the recommendation Do pass

PAPAN, Chairman

Above bill ordered to second reading

ADJOURNMENT

At 1 52 p m , the Assembly adjourned until 10 30 a m , Monday, February 1, 1982

WILLIE L. BROWN, JR , Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 1, 1982

**EIGHTEENTH SESSION DAY
EIGHTY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I

PROCEEDINGS OF THE ASSEMBLY

PART II

FULL TEXT OF AMENDMENTS CONSIDERED BY THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, February 1, 1982

The Assembly met at 12:36 p m
Hon. Leo T. McCarthy, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—75:

Alatorre	Floyd	Konnyu	Roos
Baker	Frazee	La Follette	Rosenthal
Bane	Frizzelle	Lancaster	Ryan
Bates	Goggin	Lehman	Sebastiani
Bergeson	Greene	Leonard	Sher
Berman	Hallett	Lewis	Statham
Bosco	Hannigan	Lockyer	Stirling, D
Brown, D	Harris	Marguth	Tanner
Campbell	Hart	Martinez	Thurman
Chacon	Herger	McAlister	Tucker
Cortese	Hughes	McCarthy	Vasconcellos
Costa	Imbrecht	Moore	Waters, M
Cramer	Ingalls	Moorhead	Waters, N
Deddeh	Ivers	Mountjoy	Wray
Duffy	Johnson, R	Naylor	Wright
Elder	Johnston, P	Nolan	Wyman
Farr	Kaploff, P	Papan	Young
Felando	Katz	Robinson	Mr Speaker
Filante	Kelley	Rogers	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On personal business, and waiving per diem: Assemblyman Agnos
Because of illness: Assemblymen Levine, Larry Stirling, Torres,
and Vicencia.

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

Assembly Bill No. 11—An act to add and repeal Section 4106 to the Food and Agricultural Code, and to amend Section 8300 of the Government Code, relating to state agencies.

Bill read second time

Motion to Amend

Assemblywoman Maxine Waters moved the adoption of amendments.

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal)

Amendments read

CAUCUS ANNOUNCEMENTS

At 12:41 p m, by unanimous consent, the Republican and Democratic Caucuses were permitted to meet at this time.

RECESS

By unanimous consent, at 12:42 p m., Speaker pro Tempore McCarthy declared the Assembly recessed

REASSEMBLED

At 1.40 p m, the Assembly reconvened

Hon Willie L. Brown, Jr, Speaker of the Assembly, presiding

**FURTHER CONSIDERATION OF AMENDMENTS
TO ASSEMBLY BILL NO. 11**

The question being on the adoption of the amendments offered by Assemblywoman Maxine Waters to Assembly Bill No. 11

Amendments adopted, bill ordered reprinted

Assembly Bill No. 11 Returned to Third Reading File

Assemblywoman Maxine Waters was granted unanimous consent that Assembly Bill No 11 be returned to the third reading file

MOTION TO SUSPEND JOINT RULE 29

Assemblyman Robinson moved that Joint Rule 29 be suspended, to permit the appointment of the members of the first Conference Committee on Assembly Bill No 8 to be appointed to the second Conference Committee on the bill.

Motion carried by the following vote:

AYES—59

Alatorre	Felando	Konnyu	Rosenthal
Baker	Filante	La Follette	Ryan
Bane	Floyd	Lancaster	Sher
Bates	Frizzelle	Lehman	Statham
Bergeson	Greene	Leonard	Tanner
Berman	Hallett	Lewis	Thurman
Bosco	Hannigan	Lockyer	Vasconcellos
Brown, D	Heger	Martinez	Waters, M
Campbell	Imbrecht	McAlister	Waters, N
Cortese	Ivers	McCarthy	Wray
Costa	Johnson, R	Moorhead	Wright
Cramer	Johnston, P	Naylor	Wyman
Deddeh	Kaploff	Robinson	Young
Elder	Katz	Rogers	Mr Speaker
Farr	Kelley	Roos	

NOES—1

Sebastian

**APPOINTMENT OF SECOND COMMITTEE ON CONFERENCE
CONCERNING ASSEMBLY BILL NO. 8**

The Speaker appointed the following Members of the Assembly as a second Committee on Conference concerning Assembly Bill No 8: Robinson, Vasconcellos, and Imbrecht.

MESSAGES FROM THE SENATE

February 1, 1982

Hon. James Driscoll
Chief Clerk, Assembly Chamber
Sacramento, California

Dear Jim: The Senate this day suspended Joint Rule 29 to permit Assemblymen Robinson, Vasconcellos, and Imbrecht to serve on the Conference Committee on AB 8

Sincerely,

DARRYL R WHITE
Secretary of the Senate

ADJOURNMENT

At 1:41 p.m., the Assembly adjourned to reconvene upon call of the Speaker.

WILLIE L. BROWN, JR, Speaker

ANABEL FLEURY, Minute Clerk

Amendments considered in the Assembly on this day follow in Part II of this day's Journal.

PART II

**FULL TEXT OF AMENDMENTS CONSIDERED IN
THE ASSEMBLY ON FEBRUARY 1, 1982**

This part of the Journal contains the full text of amendments considered by the Assembly on this day, printed in the following order.

Assembly Bill

11

82032 9:19
RECORD #

NO OF:

ADOPTED
ASSEMBLY
MAY 1982

FEB 1 - 1982 PAGE NO. 1
BM 82 001839
Substantive

ORIGINAL COPY

FLOOR

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 11

Amendment 1

In lines 1 and 2 of the title of the printed bill, strike out "to add and repeal Sections 4105 to the Food and Agricultural Code, and"

Amendment 2

On page 2, strike out lines 17 and 18, and on page 3, strike out lines 1 to 18, inclusive, and in line 19, strike out "SEC. 1." and insert:

SEC. 2.

Amendment 3

On page 3, line 26, strike out "shall be" and insert:

as hereby

- 0 -

170

ASSEMBLY JOURNAL.

Feb 1, 1982

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 4, 1982

**NINETEENTH SESSION DAY
EIGHTY-EIGHTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 4, 1982

The Assembly met at 11:40 a m
Hon. Tom Bane, Assistant Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—77.

Agnos	Floyd	La Follette	Sebastian
Alatorre	Frazee	Lancaster	Sher
Baker	Frizzelle	Leonard	Statham
Bane	Goggin	Lewis	Stirling, D
Bates	Greene	Lockyer	Tanner
Bergeson	Hallett	Marguth	Thurman
Berman	Hahnigan	Martinez	Torres
Bosco	Harris	McAlister	Tucker
Brown, D	Hart	McCarthy	Vasconcellos
Campbell	Herger	Moore	Vicencia
Chacon	Hughes	Moorhead	Waters, M
Cortese	Imbrecht	Mounjoy	Waters, N
Costa	Ingalls	Naylor	Wray
Cramer	Ivers	Nolan	Wright
Deddeh	Johnson, R	Papan	Wyman
Duffy	Johnston, P	Robinson	Young
Elder	Kapiloff	Rogers	Mr Speaker
Farr	Katz	Roos	
Felando	Kelley	Rosenthal	
Filante	Konnyu	Ryan	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day.

On legislative business: Assemblyman Lehman

Because of illness: Assemblymen Levine and Larry Stirling

(NOTE For letter explaining the absence of Assemblyman Lehman on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 2, 1982

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

Assembly Bill No 11

And reports the same correctly engrossed

JAMES D DRISCOLL, Chief Clerk

Above bill ordered to third reading.

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS****Assembly Bill No. 11 (Maxine Waters)**—An act to amend Section 8300 of the Government Code, relating to state agencies

Bill read third time

Point of Order/Request to Print in Journal

Assemblyman Imbrecht arose to the following point of order.

That the subject matter of Assembly Bill No 11 does not fall within the purview of the Governor's Proclamation calling this special session, and therefore cannot be acted upon by the Legislature. Assemblyman Imbrecht further was granted unanimous consent that the following Opinion of Legislative Counsel be printed in the Journal

Opinion of Legislative CounselSacramento
February 1, 1982*Honorable Charles R Imbrecht
Assembly Chamber**Legislative Procedure Special Session—#1736*

Dear Mr Imbrecht

QUESTION

If Assembly Bill No 11 of the 1981-82 First Extraordinary Session, as introduced, is amended to eliminate Section 2 of the bill, would the bill be within the call of the Governor's Proclamation convening the 1981-82 First Extraordinary Session

OPINION

If Assembly Bill No 11 of the 1981-82 First Extraordinary Session, as introduced, is amended to eliminate Section 2 of the bill, the bill would not be within the call of the Governor's Proclamation convening the 1981-82 First Extraordinary Session

ANALYSIS

With respect to the question of what measures may be considered under an item of the Governor's Proclamation convening an extraordinary session, the California Supreme Court, in the case of *Martin v. Riley*, 20 Cal 2d 28, stated as follows

" The duty of the Legislature in special session to confine itself to the subject matter of the call is of course mandatory. It has no power to legislate on any subject not specified in the proclamation (*People v. Curry*, 130 Cal 82 [62 Pac 516], *Swing v. Riley*, 13 Cal (2d) 513, 518 [90 P (2d) 313]) But when the

governor has submitted a subject to the Legislature, the designation of that subject opens for legislative consideration matters relating to, germane to and having a natural connection with the subject proper." (*Blackford v Judith Basin County*, 109 Mont. 578 [98 P. (2d) 872, 877, 126 A L R. 639], and cases cited.)

The Governor's Proclamation convening the 1981-82 First Extraordinary Session authorizes the Legislature to legislate upon the following subjects:

"1. To consider and act upon legislation relative to State budget problems created by recent federal enactments and related court actions.

"2. To consider and act upon legislation relative to reapportionment."

If Assembly Bill No. 11 of the 1981-82 First Extraordinary Session, as introduced, is amended to eliminate Section 2 of the bill (which section would require the collection of an additional parking fee in connection with the Los Angeles Memorial Coliseum, to be used, when appropriated, to pay extraordinary state expenses in providing security or services during the 1984 Summer Olympics), the bill would require only that the joint powers agreement by which the Los Angeles Memorial Coliseum Committee was created be amended to require that the commission consist of nine members selected, as specified.

We do not think that a bill containing those provisions *only* would have a natural connection with, be germane to, or relate to the subjects of the Governor's Proclamation set forth above. We conclude, accordingly, that, if Assembly Bill No. 11 of the 1981-82 First Extraordinary Session, as introduced, is amended to eliminate Section 2 of the bill, the bill would not be within the call of the Governor's Proclamation convening the 1981-82 First Extraordinary Session.

Very truly yours,

Bion M Gregory
Legislative Counsel

By
Jack I Horton
Deputy Legislative Counsel

Ruling by Assistant Speaker pro Tempore

The Assistant Speaker pro Tempore ruled the point of order not well taken.

Appeal from the Decision of the Chair

Assemblyman Imbrecht appealed the decision of the Chair relative to Assembly Bill No. 11.

CAUCUS ANNOUNCEMENTS

At 11:50 a m, Assemblyman Mountjoy was granted unanimous consent that the Republican Caucus be permitted to meet at this time, by unanimous consent the Democratic Caucus was permitted to meet at this time.

RECESS

By unanimous consent, at 11 50 a m , Assistant Speaker pro Tempore Bane declared the Assembly recessed

REASSEMBLED

At 12:14 p m , the Assembly reconvened.

Hon Tom Bane, Assistant Speaker pro Tempore of the Assembly, presiding

FURTHER CONSIDERATION OF APPEAL BY ASSEMBLYMAN IMBRECHT FROM DECISION OF THE CHAIR

The question being: Shall the decision of the Chair, that Assembly Bill No 11 comes within the purview of the Governor's Proclamation calling the special session, be sustained?

Point of Order

Assemblyman Imbrecht arose to the following point of order: That Assemblyman Roos is not directing his remarks to the debate on the appeal from the decision of the Chair

Ruling by Assistant Speaker pro Tempore

The Assistant Speaker pro Tempore ruled the point of order not well taken

Appeal from the Decision of the Chair

Assemblyman Imbrecht appealed the decision of the Chair relative to the remarks made during debate by Assemblyman Roos

Ruling by Assistant Speaker pro Tempore

The Assistant Speaker pro Tempore ruled the appeal from the decision of the Chair out of order, as an appeal cannot be taken while another appeal from the decision of the Chair is pending

The question being on the appeal from the decision of the Chair relative to Assembly Bill No 11

Demand for Previous Question

Assemblymen Hart, Torres, Bosco, Young, and Hannigan demanded the previous question Demand sustained

The question being on the demand for the previous question

Demand sustained by the following vote:

AYES—35

Agnos	Costa	Johnston, P	Rosenthal
Alatorre	Cramer	Katz	Sher
Bane	Elder	Martinez	Tanner
Bates	Farr	McCarthy	Thurman
Berman	Greene	Moore	Torres
Bosco	Hannigan	Moorhead	Waters, M
Campbell	Hart	Papan	Young
Chacon	Hughes	Robinson	Mr Speaker
Cortese	Ingalls	Roos	

NOES—27

Baker	Hallett	Lancaster	Ryan
Bergeson	Herger	Leonard	Sebastiani
Brown, D	Imbrecht	Lewis	Statham
Felando	Johnson, R	Marguth	Stirling, D
Filante	Kelley	Naylor	Wright
Frazee	Konnyu	Nolan	Wyman
Frizzelle	La Follette	Rogers	

Decision of the Chair Sustained

The question being: Shall the decision of the Chair, that Assembly Bill No. 11 comes within the purview of the Governor's Proclamation calling the special session, be sustained?

The roll was called, and the decision of the Chair sustained by the following vote:

AYES—38

Agnos	Cramer	Lockyer	Sher
Alatorre	Elder	Martinez	Tanner
Bane	Farr	McAlister	Thurman
Bates	Greene	McCarthy	Torres
Berman	Hannigan	Moore	Waters, M
Bosco	Hart	Moorhead	Wray
Campbell	Hughes	Papan	Young
Chacon	Ingalls	Robinson	Mr Speaker
Cortese	Johnston, P	Roos	
Costa	Katz	Rosenthal	

NOES—29

Baker	Herger	Leonard	Sebastiani
Bergeson	Imbrecht	Lewis	Statham
Brown, D	Ivers	Marguth	Stirling, D
Felando	Johnson, R	Mountjoy	Wright
Filante	Kelley	Naylor	Wyman
Frazee	Konnyu	Nolan	
Frizzelle	La Follette	Rogers	
Hallett	Lancaster	Ryan	

Request to Pass Assembly Bill No 11 on File

Assemblywoman Maxine Waters requested that Assembly Bill No 11 be passed on file

MESSAGES FROM THE SENATE

Senate Chamber, February 4, 1982

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

Assembly Bill No 3

Feb. 4, 1982

ASSEMBLY JOURNAL

177

And respectfully requests the Assembly to concur in said amendments

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

Above bill ordered to unfinished business file

ADJOURNMENT

At 12.33 p.m , the Assembly adjourned until 10:30 a m., Monday,
February 8, 1982

WILLIE L. BROWN, JR , Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 8, 1982

**TWENTIETH SESSION DAY
NINETY-SECOND CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, February 8, 1982

The Assembly met at 12:17 p.m.
Hon. Tom Bane, Assistant Speaker pro Tempore of the Assembly,
presiding
Chief Clerk James D. Driscoll at the Desk
Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—76:

Agnos	Filante	Lancaster	Ryan
Alatorre	Frazee	Lehman	Sebastam
Baker	Frizzelle	Leonard	Sher
Bane	Greene	Lewine	Statham
Bates	Hallett	Lewis	Strling, D
Bergeson	Hannigan	Lockyer	Strling, L
Berman	Hart	Marguth	Tanner
Bosco	Herger	Martinez	Thurman
Brown, D	Hughes	McAlister	Torres
Campbell	Imbrecht	McCarthy	Tucker
Chacon	Ingalls	Moorhead	Vasconcellos
Cortese	Ivers	Mountjoy	Vicencia
Costa	Johnson, R	Naylor	Waters, M
Cramer	Johnson, P	Nolan	Waters, N
Deddeh	Kaploff	Papan	Wray
Duffv	Katz	Robinson	Wright
Elder	Kelley	Rogers	Wyman
Farr	Konnyu	Roos	Young
Felando	La Follette	Rosenthal	Mr Speaker

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day.

On legislative business: Assemblywoman Moore

On personal business, and waiving per diem. Assemblyman Goggin.

Because of illness: Assemblymen Floyd and Harris

(NOTE For letter explaining the absence of Assemblywoman Moore on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

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

Assembly Bill No. 11 (Maxine Waters)—An act to amend Section 8300 of the Government Code, relating to state agencies

Bill read third time

Demand for Previous Question

Assemblymen Greene, Rosenthal, Kapiloff, Ingalls, and Elder demanded the previous question Demand sustained

The question being on the passage of the bill

The roll was called

Call of the Assembly

Pending the announcement of the vote, Assemblyman Filante moved a call of the Assembly

Motion carried. Time, 12 40 p m

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

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 3 (Alatorre)—An act to amend Section 10212 of, and to repeal and add Chapter 5 (commencing with Section 30040) of Division 18 of, the Elections Code, relating to redistricting

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

(NOTE For text of amendments of November 12, 1981, see Senate Journal, page 23)

(NOTE. For text of amendments of January 7, 1982, see Senate Journal, page 29)

(NOTE For text of amendments of January 28, 1982, see Senate Journal, page 73.)

The roll was called, and the Assembly refused to concur in the above Senate amendments by the following vote:

AYES /5

Berman	Martinez	Wyman
Lehman	Robinson	

NOES /58

Agnos	Farr	Koonyu	Rogers
Alatorre	Folando	La Follette	Rosenthal
Baier	Filante	Lancaster	Ryan
Bane	Frazee	Leonard	Sebastian
Bates	Fruzzelle	Lewne	Sher
Bergeson	Hallett	Lewis	String, I-
Boseo	Hannigan	Loeuyer	Tanner
Brown, D-	Herger	Murphy	Thurman
Campbell	Hughes	McAlister	Vicenna
Chacon	Imbrecht	McCarthy	Waters, M-
Cortese	Ivers	Moorhead	Waters, N-
Costa	Johnson, R-	Mountjoy	Young
Cramer	Johnson, P-	Naylor	Mr Speaker
Duffy	Kapiloff	Noian	
Elder	Keiley	Papan	

(NOTE On February 12, 1982, the action was rescinded whereby the Assembly refused to concur in Senate amendments to Assembly Bill No 3 See page 203)

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 11**

At 12:43 p.m., on motion of Assemblyman Filante, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 11 passed by the following vote

AYES—41

Agnos	Elder	McCarthy	Tucker
Alatorre	Farr	Moorhead	Vasconcellos
Bane	Greene	Papan	Vicencia
Berman	Hannigan	Robinson	Waters, M
Bosco	Hughes	Roos	Waters, N
Campbell	Johnston, P	Rosenthal	Wray
Chacon	Kaploff	Sher	Young
Cortese	Katz	Stirling, L	Mr Speaker
Costa	Lehman	Tanner	
Cramer	Levine	Thurman	
Deddeh	Martinez	Torres	

NOES—31

Baker	Frizzelle	La Follette	Naylor
Bates	Hallett	Lancaster	Nolan
Bergeson	Herger	Leonard	Rogers
Brown, D	Imbrecht	Lewis	Ryan
Duffy	Ivers	Lockyer	Sebastiani
Felando	Johnson, R	Marguth	Wright
Filante	Kelley	McAlister	Wyman
Frazee	Konnyu	Mountjoy	

**Motion to Reconsider Assembly Bill No. 11
on Next Legislative Day**

Assemblyman Filante moved to reconsider on the next legislative day the vote whereby Assembly Bill No 11 was this day passed

**Rules Temporarily Suspended to Take up Motion to Reconsider
Assembly Bill No. 11**

Assemblywoman Maxine Waters moved that the Rules be temporarily suspended for the purpose of taking up the motion to reconsider the vote on Assembly Bill No 11 on this day

Motion carried by the following vote

AYES—41

Agnos	Elder	Martinez	Torres
Alatorre	Farr	McAster	Tucker
Bane	Frazee	McCarthy	Vicencia
Berman	Hannagan	Moorhead	Waters, M
Bosco	Hughes	Papan	Waters, N
Campbell	Ingalls	Robinson	Wray
Chacon	Johnston, P	Roos	Young
Cortese	Kaploff	Rosenthal	Mr Speaker
Costa	Katz	Sher	
Cramer	Lehman	Tanner	
Deddeh	Levine	Thurman	

NOES—30

Baker	Hallett	Lancaster	Rogers
Bates	Herger	Leonard	Ryan
Bergeson	Imbrecht	Lewis	Sebastian
Brown, D	Ivers	Lockyer	Strling, L
Duffy	Johnson, R	Marguth	Wright
Felando	Kelley	Mountjoy	Wyman
Filante	Konnyu	Naylor	
Frizzelle	La Follette	Nolan	

Motion to Reconsider Assembly Bill No. 11

In compliance with a motion given, Assemblyman Filante moved that the vote whereby Assembly Bill No 11 was passed be reconsidered

Demand for Previous Question

Assemblymen Deddeh, Robinson, Tucker, Katz, and Young demanded the previous question

Demand sustained by the following vote

AYES—37

Agnos	Elder	Martinez	Thurman
Alatorre	Farr	McCarthy	Tucker
Bane	Hannagan	Moorhead	Waters, M
Berman	Hughes	Papan	Waters, N
Campbell	Ingalls	Robinson	Wray
Chacon	Johnston, P	Roos	Young
Cortese	Kaploff	Rosenthal	Mr Speaker
Costa	Katz	Sher	
Cramer	Lehman	Strling, L	
Deddeh	Levine	Tanner	

NOES—31

Baker	Frizzelle	La Follette	Naylor
Bates	Hallett	Lancaster	Nolan
Bergeson	Herger	Leonard	Rogers
Brown, D	Imbrecht	Lewis	Ryan
Duffy	Ivers	Lockyer	Sebastian
Felando	Johnson, R	Marguth	Wright
Filante	Kelley	McAster	Wyman
Frazee	Konnyu	Mountjoy	

**Further Consideration of Motion to Reconsider
Assembly Bill No. 11**

The question being Shall the vote whereby Assembly Bill No 11 was passed be reconsidered?

Reconsideration refused by the following vote.

AYES—32

Baker	Frizzelle	La Follette	Naylor
Bates	Hallett	Lancaster	Nolan
Bergeson	Herger	Leonard	Rogers
Brown, D	Imbrecht	Lewis	Ryan
Duffy	Ivers	Lockyer	Sebastian
Felando	Johnson, R	Marguth	Stirling, L
Filante	Kelley	McAlister	Wright
Fraze	Konnyu	Mountjoy	Wyman

NOES—33

Agnos	Cramer	Levine	Thurman
Alatorre	Deddeh	Martinez	Tucker
Bane	Elder	McCarthy	Vicencia
Berman	Hannigan	Moorhead	Waters, M
Bosco	Hughes	Papan	Waters, N
Campbell	Johnston, P	Robinson	Mr Speaker
Chacon	Kapiloff	Roos	
Cortese	Katz	Rosenthal	
Costa	Lehman	Tanner	

Assembly Bill No. 11 ordered transmitted to the Senate.

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
ASSEMBLY BILL NO 3**

The Speaker appointed the following Members of the Assembly as a Committee on Conference concerning Assembly Bill No. 3: Alatorre, Naylor, and Berman:

(NOTE On February 12, 1982, the action was rescinded whereby the above Conference Committee was appointed on Assembly Bill No. 3 See page 203)

VOTE ADDS

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

Assembly Bill No. 3, Concurrence: Agnos, Elder, and Rogers—No

ADJOURNMENT

At 12:56 p.m., the Assembly adjourned until 7 a.m., Tuesday, February 9, 1982.

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 9, 1982

**TWENTY-FIRST SESSION DAY
NINETY-THIRD CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 9, 1982

The Assembly met at 10.30 a m
Hon. John R Lewis, Member of the Assembly, 70th District,
presiding
Chief Clerk James D Driscoll at the Desk
Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—69:

Agnos	Floyd	Lancaster	Sher
Alatorre	Frazee	Leonard	Stirling, L
Baker	Frizzelle	Lewis	Tanner
Bane	Greene	Lockyer	Thurman
Bergeson	Hallett	Marguth	Torres
Bosco	Hannigan	Martinez	Tucker
Brown, D	Hart	McAlister	Vasconcellos
Campbell	Herger	Moore	Vicencia
Chacon	Hughes	Moorhead	Waters, M
Cortese	Imbrecht	Mountjoy	Waters, N
Costa	Ingalls	Naylor	Wray
Cramer	Ivers	Nolan	Wright
Deddeh	Johnson, R	Papan	Wyman
Duffy	Johnston, P	Robinson	Young
Elder	Kapiloff	Rogers	Mr Speaker
Farr	Katz	Roos	
Felando	Kelley	Rosenthal	
Filante	Konnyu	Ryan	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On legislative business—Assemblymen Bates, La Follette, Lehman, Levine, and Sebastiani

On personal business, and waiving per diem—Assemblymen Berman, Goggun, McCarthy, Statham, and Dave Stirling

Because of illness—Assemblyman Harris

(NOTE: For letters explaining the absences of Assemblymen Bates, La Follette, Lehman, Levine, and Sebastiani on this day on legislative business pursuant to the

Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

MESSAGES FROM THE SENATE

Senate Chamber, February 8, 1982

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. 2

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

Senate Chamber, February 8, 1982

Mr Speaker I am directed to inform your honorable body that the Senate appointed Senators Boatwright, Doolittle, and Garamendi as a Committee on Conference concerning

Assembly Bill No. 3

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

Senate Chamber, February 8, 1982

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

Assembly Bill No 7

And respectfully requests the Assembly to concur in said amendments

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

Above bill ordered to unfinished business file.

ADJOURNMENT

At 10 32 a m., the Assembly adjourned until 7 a m , Wednesday, February 10, 1982

WILLIE L BROWN, JR , Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 10, 1982

**TWENTY-SECOND SESSION DAY
NINETY-FOURTH CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 10, 1982

The Assembly met at 11.49 a m
Hon Dave Elder, Member of the Assembly, 57th District,
presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—72:

Agnos	Felando	Kelley	Roos
Alatorre	Filante	Konnyu	Rosenthal
Baker	Floyd	Lancaster	Ryan
Bane	Frazee	Leonard	Sher
Bates	Frizzelle	Lewis	Stirling, L
Bergeson	Greene	Lockyer	Tanner
Berman	Hallett	Marguth	Thurman
Bosco	Hanmigan	Martinez	Torres
Brown, D	Hart	McAlister	Tucker
Campbell	Herger	McCarthy	Vasconcellos
Chacon	Hughes	Moore	Vicencia
Cortese	Imbrecht	Moorhead	Waters, M
Costa	Ingalls	Mountjoy	Waters, N
Cramer	Ivers	Naylor	Wray
Deddeh	Johnson, R	Nolan	Wright
Duffy	Johnston, P	Papan	Wyman
Elder	Kapiloff	Robnson	Young
Farr	Katz	Rogers	Mr Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On legislative business: Assemblymen La Follette, Lehman, and Sebastiani;

On personal business, and waiving per diem: Assemblymen Goggin, Statham, and Dave Stirling,

Because of illness: Assemblymen Harris and Levine

(NOTE For letter explaining the absence of Assemblywoman La Follette on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal

for February 9, 1982, page 10033, for letter explaining the absence of Assemblyman Sebastian on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 9, 1982, page 10034, for letter explaining the absence of Assemblyman Lehman on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time

Assembly Bill No. 12: By Assemblyman Sher—An act to add Section 30024 to the Elections Code, relating to redistricting, and making an appropriation therefor

ADJOURNMENT

At 11:50 a.m., the Assembly adjourned until 7 a.m., Thursday, February 11, 1982

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 11, 1982

**TWENTY-THIRD SESSION DAY
NINETY-FIFTH CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 11, 1982

The Assembly met at 10:26 a m
Hon. Marilyn Ryan, Member of the Assembly, 51st District,
presiding.
Chief Clerk James D. Driscoll at the Desk
Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—69:

Agnos	Filante	Leonard	String, D
Alatorre	Floyd	Lewis	String, L
Bane	Frazee	Lockyer	Tanner
Bates	Frizzelle	Marguth	Thurman
Bergeson	Greene	Martinez	Torres
Berman	Hallett	McAlster	Tucker
Bosco	Hannigan	McCarthy	Vasconcellos
Brown, D	Hart	Moore	Vicencia
Campbell	Herger	Moorhead	Waters, M
Chacon	Imbrecht	Naylor	Waters, N
Cortese	Ingalls	Nolan	Wray
Costa	Johnson, R	Papan	Wright
Cramer	Johnston, P	Robinson	Wyman
Deddeh	Kapiloff	Rogers	Young
Duffy	Katz	Ross	Mr Speaker
Elder	Kelley	Rosenthal	
Farr	Konnyu	Ryan	
Felando	Lancaster	Sebastian	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On legislative business: Assemblymen Baker, Hughes, La Follette, Lehman, Mountjoy, and Sher.

On personal business, and waiving per diem: Assemblymen Goggin, Ivers, and Statham

Because of illness: Assemblymen Harris and Levine

(NOTE For letter explaining the absence of Assemblywoman La Follette on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 9, 1982, page 10033, for letters explaining the absences of Assemblymen Baker, Hughes, Lehman, Mountjoy, and Sher on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for Regular Session.)

MESSAGES FROM THE SENATE

Senate Chamber, February 11, 1982

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

Assembly Bill No. 8

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

ADJOURNMENT

At 10:28 a m, the Assembly adjourned until 9.30 a m., Friday, February 12, 1982

WILLIE L. BROWN, JR, Speaker

ANABEL FLEURY, Minute Clerk

— — —

.

.

-

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 12, 1982

**TWENTY-FOURTH SESSION DAY
NINETY-SIXTH CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I

PROCEEDINGS OF THE ASSEMBLY

PART II

FULL TEXT OF AMENDMENTS CONSIDERED BY THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, February 12, 1982

The Assembly met at 10 16 a.m.
Hon Willie L. Brown, Jr, Speaker of the Assembly, presiding
Chief Clerk James D. Driscoll at the Desk
Assistant Clerk Daniel McLean reading

ROLL CALL

The roll was called, and the following answered to their names—71:

Agnos	Floyd	Lancaster	Roos
Alatorre	Frazee	Lehman	Rosenthal
Baker	Frizzelle	Leonard	Ryan
Bane	Greene	Levine	Sebastian
Bates	Hallett	Lewis	Sher
Bergeson	Hannigan	Lockyer	Stirling, D
Bosco	Hart	Marguth	Stirling, L
Brown, D	Herger	Martinez	Tanner
Campbell	Hughes	McAlister	Thurman
Chacon	Imbrecht	McCarthy	Tucker
Cortese	Ingalls	Moore	Vasconcellos
Costa	Johnson, R	Moorhead	Waters, M
Cramer	Johnston, P	Mounjoy	Waters, N
Deddeh	Kaploff	Naylor	Wray
Elder	Katz	Nolan	Wright
Farr	Kelley	Papan	Wyman
Felando	Konnyu	Robinson	Mr Speaker
Filante	La Follette	Rogers	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On legislative business Assemblymen Berman, Torres, and Young

On personal business, and waiving per diem Assemblymen Duffy, Goggin, Ivers, Statham, and Vicencia

Because of illness Assemblyman Harris

(NOTE: For letters explaining the absences of Assemblymen Berman, Torres, and Young on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session.)

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 7 (Robinson)—An act relating to fiscal affairs, 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: For text of amendments of January 14, 1982, see Senate Journal, page 55)

(NOTE: For text of amendments of January 27, 1982, see Senate Journal, page 67)

(NOTE: For text of amendments of February 4, 1982, see Senate Journal, page 83)

(NOTE: For text of amendments of February 8, 1982, see Senate Journal, page 91)

The roll was called, and the Assembly refused to concur in the above Senate amendments by the following vote

AYES—39

Agnos	Greene	Lockyer	Sher
Alatorre	Hannigan	Martinez	Tanner
Bane	Hart	McAlister	Thurman
Bosco	Hughes	McCarthy	Tucker
Campbell	Ingalls	Moore	Vasconcellos
Chacon	Johnston, P	Moorhead	Waters, M
Cortese	Kapiloff	Papan	Waters, N
Costa	Katz	Robinson	Wray
Deddeh	Lehman	Roos	Mr Speaker
Farr	Levine	Rosenthal	

NOES—28

Baker	Frizzelle	Lancaster	Rogers
Bates	Heger	Leonard	Ryan
Bergeson	Imbrecht	Lewis	Sebastian
Brown, D	Johnson, R	Marguth	Stirling, D
Felando	Kelley	Mountjoy	Stirling, L
Filante	Konnyu	Naylor	Wright
Frazer	La Follette	Nolan	Wyniar

**Appointment of Committee on Conference Concerning
Assembly Bill No. 7**

The Speaker appointed the following Members of the Assembly as a Committee on Conference concerning Assembly Bill No. 7: Robinson, Vasconcellos, and Imbrecht

REPORT OF COMMITTEE ON CONFERENCE

February 10, 1982

The following report of the second Committee on Conference was presented by Assemblyman Robinson

Mr. Speaker The Committee on Conference submits its report concerning

Assembly Bill No. 8, as amended in Senate January 13, 1982—An act to amend Sections 6459, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11319, 11354, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 18009, 18685.05, 18686, 18687, 18688, 18689, 19062, 19062 11, 19091, 19111, 25901, 25901a, 25901b, 25901c, 25951, 26080, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, 32417, 38405, 38412, 38423, 38451, 38606, 38616, 40065, 40072, 40083, 40101, 40116, 40130, 41071, 41082, 41095, 41105, 41113, 43154, 43156, 43201, 43251, 43455, and 43477 of, and to add Section 19269 to, the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, and 1184 of the Unemployment Insurance Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The undersigned Members consenting to the report:

ALFRED ALQUIST
RUBEN S. AYALA

RICHARD ROBINSON
JOHN VASCONCELLOS

Senate Committee on Conference Assembly Committee on Conference

The undersigned Member dissenting to the report

WILLIAM A CAMPBELL

CHARLES IMBRECHT

Senate Committee on Conference Assembly Committee on Conference

The Conference Committee has agreed to recommend the following

That the amendments of the Senate be concurred in, and that the bill be further amended

(NOTE For amendments of the Conference Committee, see Part II of the Assembly Daily Journal for this day)

Report read.

Demand for Previous Question

Assemblymen Alatorre, Lehman, Young, Katz, and Tanner demanded the previous question Demand sustained

The question being on the adoption of the Conference Committee Report on Assembly Bill No. 8

The roll was called

Call of the Assembly

Pending the announcement of the vote, Assemblyman Robinson moved a call of the Assembly

Motion carried Time, 10:36 a m

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

REPORT OF COMMITTEE ON CONFERENCE

February 12, 1982

The following report of Committee on Conference was presented by Assemblyman Lockyer

Mr. Speaker The Committee on Conference submits its report concerning

Assembly Bill No. 2, as amended in Senate November 12, 1981—An act to add Sections 16366 35 and 16367 5 to, and to amend Section 16366 8 of, the Government Code, and to amend Sections 11008, 11155, 11157, 11158, 11201, 11250 6, 11250 7, 11253, 11308, 11310, 11350 1, 11403, 11450, 11451 6, 11457, 11475, 11475 1, 11475 2, 11476, 11476 1, 11476 2, 11477, 11478, 11478 5, and 14005.1 of, and to add Sections 11004, 11004 5, 11008 13, 11008.14, 11104, 11250.4, 11257, 11311, 11350 5, 11450 8, and 14007.5 to, and to repeal Sections 11004, 11104, 11255, 11257, and 11261 of, and to add Chapter 5 (commencing with Section 13000) to Part 3 of Division 9 of, the Welfare and Institutions Code, and to repeal Section 3 of Chapter 1077 of the Statutes of 1981, and Section 7 of Chapter 1080 of the Statutes of 1981, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

The undersigned Members consenting to the report.

JOHN GARAMENDI

BILL LOCKYER

JIM NIELSEN

CHARLES IMBRECHT

Senate Committee on Conference Assembly Committee on Conference
The Conference Committee has agreed to recommend the following

That the amendments of the Senate be concurred in, and that the bill be further amended

(NOTE For amendments of the Conference Committee, see Part II of the Assembly Daily Journal for this day)

Report read

Demand for Previous Question

Assemblymen Greene, Rosenthal, Bane, Tucker, and Vasconcellos demanded the previous question Demand sustained

The roll was called

Call of the Assembly

Pending the announcement of the vote, Assemblyman Lockyer moved a call of the Assembly

Motion carried Time, 10 45 a m

The Speaker directed the Sergeant at Arms 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 8**

At 10:46 a m , on motion of Assemblyman Robinson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and the Conference Committee Report on Assembly Bill No 8 adopted by the following vote:

AYES—41

Agnos	Farr	Levine	Tanner
Alatorre	Floyd	Martinez	Thurman
Bane	Greene	McAlister	Tucker
Bates	Hannigan	McCarthy	Vasconcellos
Bosco	Hart	Moore	Waters, M
Campbell	Hughes	Moorhead	Waters, N
Chacon	Ingalls	Papan	Wray
Cortese	Johnston, P	Robinson	Mr Speaker
Costa	Kapiloff	Roos	
Deddeh	Katz	Rosenthal	
Elder	Lehman	Sher	

NOES—29

Baker	Herger	Lewis	Sebastian
Bergeson	Imbrecht	Lockyer	Stirling, D
Brown, D	Johnson, R	Marguth	Stirling, L
Felando	Kelley	Mountjoy	Wright
Filante	Konnyu	Naylor	Wyman
Frazee	La Follette	Nolan	
Frizzelle	Lancaster	Rogers	
Hallett	Leonard	Ryan	

Above bill ordered enrolled

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CONFERENCE COMMITTEE REPORT ON ASSEMBLY BILL NO. 2**

At 10 47 a m., on motion of Assemblyman Lockyer, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the Conference Committee Report on Assembly Bill No 2 adopted by the following vote:

AYES—54

Baker	Frizzelle	Lancaster	Roos
Bane	Greene	Lehman	Ryan
Bergeson	Hallett	Leonard	Sebastian
Bosco	Hannigan	Lewis	Sher
Brown, D	Hart	Lockyer	Stirling, D
Cortese	Herger	Marguth	Stirling, L
Costa	Imbrecht	Martinez	Thurman
Cramer	Ingalls	McAlister	Vasconcellos
Deddeh	Johnson, R	Moorhead	Waters, N
Elder	Johnston, P	Mountjoy	Wray
Farr	Katz	Naylor	Wright
Felando	Kelley	Nolan	Wyman
Filante	Konnyu	Papan	
Frazee	La Follette	Rogers	

NOES—15

Agnos	Chacon	Levine	Tucker
Alatorre	Floyd	Moore	Waters, M
Bates	Hughes	Rosenthal	Mr Speaker
Campbell	Kapiloff	Tanner	

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO RESCIND ACTION ON
ASSEMBLY BILL NO 3**

Assemblyman Alatorre was granted unanimous consent to rescind the action whereby the Assembly, on February 8, 1982 (Assembly Journal, page 181), refused to concur in Senate amendments to Assembly Bill No 3, and whereby Assembly Conferees were appointed to the bill on February 8, 1982 (Assembly Journal, page 184)

Assembly Bill No 3 placed on the unfinished business file

VOTE ADDS

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

Assembly Bill No. 7, Concurrence: Bates—No, Costa—Aye

RECESS

By unanimous consent, at 10 49 a m , Speaker Brown declared the Assembly recessed

REASSEMBLED

At 3 01 p m , the Assembly reconvened

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 12, 1982

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

Assembly Bill No 8—An act to amend Sections 6459, 6471, 6472, 6474, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11319, 11354, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 18009, 18685 05, 18686, 18687, 18688, 18689, 19062, 19062 11, 19091, 19111, 25901, 25901a, 25901b, 25901c, 25951, 26080, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, 32417, 38405, 38412, 38423, 38451, 38606, 38616, 40065, 40072, 40083, 40101, 40116, 40130, 41071, 41082, 41095, 41105, 41113, 43154, 43156, 43201, 43251, 43455, and 43477 of, and to add Section 19269 to, the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, and 1184 of the Unemployment Insurance Code, relating to taxation

And reports the same correctly enrolled, and presented to the Governor at 4 p m , February 12, 1982

JAMES D. DRISCOLL, Chief Clerk

ADJOURNMENT

At 4 p m , the Assembly adjourned until 10 30 a m , Tuesday, February 16, 1982

WILLIE L. BROWN, JR , Speaker

ANABEL FLEURY, Minute Clerk

Amendments considered in the Assembly on this day follow in Part II of this day's Journal

PART II

**FULL TEXT OF AMENDMENTS CONSIDERED IN
THE ASSEMBLY ON FEBRUARY 12, 1982**

This part of the Journal contains the full text of amendments considered by the Assembly on this day, printed in the following order:

Assembly Bills

2
8

FEB 5 1982

82036 15:36
RECORD # 110 HF:

PAGE NO. 1
EM 82 001866

CONCURRENCE

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 2
AS AMENDED IN SENATE NOVEMBER 12, 1981

Amendment 1
On page 8, line 26, of the printed bill as
amended in Senate November 12, 1981, strike out "7.5" and
insert:

10

Amendment 1.3
On page 8, line 28, after "subdivision", insert:
, subject to reduction in the Budget Act

Amendment 1.5
On page 8, line 36, after the second "and"
insert:

of

Amendment 2
On page 9, line 12, strike out "Payments
program" and insert:

Program

Amendment 3
On page 11, line 12, strike out "months" and
insert:

month

Amendment 4
On page 17, lines 36 and 37, strike out ", as
defined under the National Labor Relations Act." and
insert:

, unless the strike is necessitated by an imminent health
and safety hazard or abnormally dangerous working
conditions at the place of employment as determined by the
Division of Occupational Safety and Health, or a lockout
as defined in Section 1132.8 of the Labor Code. For the
purposes of this section, a strike necessitated by an

82036 15:36
RECORD # 110 HF:

PAGE NO. 2
EM 82 001866

imminent health and safety hazard or abnormally dangerous
working condition shall last only so long as necessitated
by the imminent hazard or abnormally dangerous working
condition.

Amendment 5
On page 17, line 38, strike out "in the family,"

Amendment 6
On page 18, line 5, strike out "under the
National Labor Relations Act" and insert:

in this section

Amendment 7
On page 18, line 6, after "month," insert:
subject to the exceptions and their limitations set forth
in this section,

Amendment 8
On page 22, line 26, strike out "or" and insert:
of

Amendment 9
On page 40, line 20, after "7" insert:
(commencing with Section 12300)

Amendment 10
On page 41, line 13, strike out "5, 5.3, and 5.5"
and insert:

5 (commencing with Section 16500), 5.3 (commencing with
Section 16525), and 5.5 (commencing with Section 16550)

Amendment 11
On page 41, line 16, strike out "and"

Amendment 12
On page 41, line 16, after "services" insert:

and (e) transportation to and from health care facilities,
or the location of other health care providers, when there
is an urgent need for health care and transportation is
not otherwise available from other resources. These

206

ASSEMBLY JOURNAL

Feb 12, 1982

transportation services shall be maintained at the level provided by counties, as part of health-related services as provided for in Section 12251, on September 30, 1981. Clause (e) shall remain in effect only until January 1, 1983, and on that date is repealed, unless a later enacted statute which is chaptered prior to that date, extends or deletes that date

Amendment 13
On page 41, line 17, strike out the second "the"

Amendment 14
On page 43, line 17, after "act" insert:
and in Chapter 1 of the Statutes of 1981-82 First Extraordinary Session,

Amendment 15
On page 43, lines 19 and 20, strike out "any provision of law, including"

Amendment 16
On page 43, line 26, after "Opportunity" insert:
, within 120 days of the enactment of the act

Amendment 17
On page 43, lines 27 and 28, strike out "Omibus Budget Reconciliation Act of 1981 (P.L. 97-35)" and insert:

Chapter 1 of the Statutes of the 1981-82 First Extraordinary Session

Amendment 18
On page 43, lines 30 and 31, strike out "until 180 days after the regulations take effect"

Amendment 19
On page 43, line 32, strike out "180" and insert:

120

CONFERENCE

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 8
AS AMENDED IN SENATE JANUARY 13, 1982

Amendment 1
In line 1 of the title of the printed bill, as amended in Senate January 13, 1982, after "6459," insert:
6471, 6472, 6474,

Amendment 2
In line 13 of the title, strike out ", making" strike out lines 14 and 15 of the title, and insert a period

Amendment 3
On page 2, strike out line 14 and insert.

SEC. 2. Section 6471 of the Revenue and Taxation Code is amended to read:
6471. (a) ~~Upon receipt as provided in subdivision (b), upon written notification by the board, any person whose estimated measure of tax liability under this part averages seventeen thousand dollars (\$17,000) or more per month, as determined by the board, shall, without regard to the measure of tax in any one month, prepay not less than 90 percent of the amount of state and local tax liability for each of the first two monthly periods of each quarterly period. Persons engaged in their present business during all of the corresponding quarterly period of the preceding year, or persons who are successors to a business which was in operation during all of that quarterly period, may satisfy the above prepayment requirement by payment of an amount equal to one-third of the measure of tax liability reported on the return or returns filed for that quarterly period of the preceding year multiplied by the state and local tax rate in effect during the month for which the prepayment is made. Prepayment shall be made during the quarterly period designated by the board and during each succeeding quarterly period until further notified in writing by the board.~~

(b) ~~Notwithstanding subdivision (a), upon written notification by the board, any person whose estimated measure of tax liability under this part~~

Feb. 12, 1982

ASSEMBLY JOURNAL

207

AT LEAST ONE FOUR MILLION DOLLARS (\$4,000,000) OR MORE PER MONTH, AS DETERMINED BY THE BOARD, SHALL, WITHOUT REGARD TO THE NUMBER OF TAX IN ANY ONE MONTH, MAKE THE FOLLOWING DEPOSITMENTS:

(1) IN THE FIRST, THIRD, AND FOURTH CALENDAR QUARTERS, THE PERSON SHALL DEPOSIT NOT LESS THAN 70 PERCENT OF THE AMOUNT OF STATE AND LOCAL TAX LIABILITY FOR EACH OF THE FIRST TWO MONTHLY PERIODS OF EACH QUARTERLY PERIOD.

(2) IN THE SECOND CALENDAR QUARTER, THE PERSON SHALL DEPOSIT A FIRST DEPOSITMENT OF 90 PERCENT OF THE AMOUNT OF STATE AND LOCAL TAX LIABILITY FOR THE FIRST MONTHLY PERIOD OF EACH QUARTERLY PERIOD AND A SECOND DEPOSITMENT OF EITHER:

(i) 70 PERCENT OF THE AMOUNT OF STATE AND LOCAL TAX LIABILITY FOR THE SECOND MONTHLY PERIOD OF THE QUARTERLY PERIOD PLUS 20 PERCENT OF THE AMOUNT OF STATE AND LOCAL TAX LIABILITY FOR THE FIRST 15 DAYS OF THE THIRD MONTHLY PERIOD OF THE QUARTERLY PERIOD; OR

(ii) 70 PERCENT OF THE AMOUNT OF STATE AND LOCAL TAX LIABILITY FOR THE SECOND MONTHLY PERIOD OF THE QUARTERLY PERIOD PLUS 50 PERCENT OF 20 PERCENT OF THE AMOUNT OF THE LIABILITY FOR THE SECOND MONTHLY PERIOD OF THE QUARTERLY PERIOD.

PERSONS ENGAGED IN THEIR PRESENT BUSINESS DURING ALL OF THE CORRESPONDING QUARTERLY PERIODS OF THE PRECEDING YEAR, OR PERSONS WHO ARE SUCCESSORS TO A BUSINESS WHICH WAS IN OPERATION DURING ALL OF THAT QUARTERLY PERIOD, MAY SATISFY THE ABOVE DEPOSITMENT REQUIREMENTS FOR THE FIRST, THIRD, AND FOURTH CALENDAR QUARTERS BY PAYMENT OF AN AMOUNT EQUAL TO ONE-THIRD OF THE AMOUNT OF TAX LIABILITY REPORTED ON THE RETURN OR RETURNS FILED FOR THAT QUARTERLY PERIOD OF THE PRECEDING YEAR MULTIPLIED BY THE STATE AND LOCAL TAX RATE IN EFFECT DURING THE MONTH FOR WHICH THE DEPOSITMENT IS MADE.

THE PERSONS MAY SATISFY THEIR DEPOSITMENT REQUIREMENTS FOR THE SECOND CALENDAR QUARTER BY MAKING A FIRST DEPOSITMENT OF AN AMOUNT EQUAL TO ONE-THIRD OF THE AMOUNT OF TAX LIABILITY REPORTED, AND A SECOND DEPOSITMENT OF AN AMOUNT EQUAL TO ONE-HALF OF THE AMOUNT OF TAX LIABILITY REPORTED, ON THE RETURN OR RETURNS FILED FOR THAT QUARTERLY PERIOD OF THE PRECEDING YEAR MULTIPLIED BY THE STATE AND LOCAL TAX RATE IN EFFECT DURING THE MONTH FOR WHICH THE DEPOSITMENT IS MADE.

DEPOSITMENTS SHALL BE MADE DURING THE QUARTERLY PERIODS DESIGNATED BY THE BOARD AND DURING EACH SUCCEEDING QUARTERLY PERIODS UNTIL FURTHER NOTICED AS WRITTEN BY THE BOARD.

SEC. 2.1. Section 6472 of the Revenue and Taxation Code is amended to read:

6472. ~~Person~~ (a) FOR PURPOSES OF SUBDIVISION (a) OF SECTION 6471, DEPOSITMENT SHALL BE ACCOMPANIED BY A REPORT OF THE AMOUNT OF SUCH PREPAYMENT AS IS FORS PRESCRIBED BY THE BOARD AND SHALL BE MADE TO THE BOARD ON OR BEFORE THE 20th DAY NEXT FOLLOWING THE END OF EACH OF THE FIRST TWO MONTHLY PERIODS OF EACH QUARTERLY PERIOD.

(b) FOR PURPOSES OF SUBDIVISION (b) OF SECTION 6471, DEPOSITMENT SHALL BE ACCOMPANIED BY A REPORT OF THE AMOUNT OF SUCH DEPOSITMENT AS IS FORS PRESCRIBED BY THE BOARD AND SHALL BE MADE TO THE BOARD AS FOLLOWS:

(1) IN THE FIRST, THIRD, AND FOURTH CALENDAR QUARTERS, ON OR BEFORE THE 23rd DAY NEXT FOLLOWING THE END OF EACH OF THE FIRST TWO MONTHLY PERIODS OF EACH QUARTERLY PERIOD.

(2) IN THE SECOND CALENDAR QUARTER AS FOLLOWS:

(i) THE FIRST DEPOSITMENT ON OR BEFORE THE 23rd DAY NEXT FOLLOWING THE END OF THE FIRST MONTHLY PERIOD OF EACH QUARTERLY PERIOD.

(ii) THE SECOND DEPOSITMENT ON OR BEFORE THE 23rd DAY OF THE THIRD MONTHLY PERIOD OF EACH QUARTERLY PERIOD FOR THE SECOND MONTHLY PERIOD AND THE FIRST 15 DAYS OF THE THIRD MONTHLY PERIOD OF EACH QUARTERLY PERIOD.

SEC. 2.5. Section 6474 of the Revenue and Taxation Code is amended to read:

6474. In determining whether a person's estimated average of tax liability averages seventeen thousand dollars (\$17,000) or more per month for purposes of subdivision (a) of Section 6471, or four million dollars (\$4,000,000) or more per month for purposes of subdivision (b) of Section 6471, the board may consider tax returns filed pursuant to this part as well as any information in the board's possession or which may come into its possession.

SEC. 2.7. Section 6482 of the Revenue and Taxation

Amendment 4
On page 14, line 8, strike out "1981" and

1982

Amendment 5
On page 14, line 9, strike out "1982" and

R2041 10:07
RECORD # 110 BF

03365 PAGE NO. 8
SM 87 00280.

submit
1983

Amendment 6
On page 37, strike out lines 6 to 15, inclusive,
and insert.

SEC. 91. Notwithstanding any other provisions of law, additional revenue deposited to the credit of any fund or account, except the General Fund, which are attributable to the increase in interest pursuant to this act shall only be appropriated as provided in legislation enacted after the effective date of the interest payable increase attributable to this act in the interest payable for mass the state over to taxpayers shall be made unless and until an appropriation is made by the Legislature for that purpose.

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 16, 1982

**TWENTY-FIFTH SESSION DAY
ONE HUNDREDTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I

PROCEEDINGS OF THE ASSEMBLY

PART II

FULL TEXT OF AMENDMENTS CONSIDERED BY THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 16, 1982

The Assembly met at 10:30 a.m.

Hon. Wadie Deddeh, Member of the Assembly, 80th District, presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assemblywoman Bergeson moved a quorum call of the Assembly Motion carried. Time, 10:31 a.m.

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

**At 10:45 a.m., Assistant Speaker pro Tempore Tom Bane,
40th District, presiding.**

Quorum Present

At 10:55 a.m., Assistant Speaker pro Tempore Bane declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—73.

Agnos	Floyd	Lancaster	Sebastian
Alatorre	Frazee	Leonard	Sher
Baker	Frizzelle	Levine	Statham
Bane	Coggm	Lewis	Shrling, L
Bates	Greene	Lockyer	Tanner
Bergeson	Hallett	Marguth	Thurman
Berman	Hannigan	Martinez	Torres
Bosco	Hart	McAlister	Tucker
Brown, D	Herger	Moore	Vasconcellos
Campbell	Hughes	Moorhead	Vicencia
Chacon	Ingalls	Mountjoy	Waters, N
Cortese	Ivers	Naylor	Wray
Costa	Johnson, R	Nolan	Wright
Cramer	Johnston, P	Papan	Wyman
Deddeh	Kaploff	Robinson	Young
Elder	Katz	Rogers	Mr Speaker
Farr	Kelley	Ross	
Felando	Konnyu	Rosenthal	
Filante	La Follette	Ryan	

PRAYER

The following prayer was offered by Assembly Chaplain Reverend Walter R. Link:

Almighty God, We pray that we may serve You without arrogance and conceit. Help us to do what is ethically right without fanfare or expectation of special recognition. When we fail, give us courage to be accountable for our actions and a sense of concern for those whom we may have injured. We thank You for Your forgiving spirit with us—we pray we too may forgive others and give them hope, as You give it to us.—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Bane, Assemblyman Frizzelle then led the Assembly in the pledge of allegiance to the Flag

READING OF THE JOURNAL DISPENSED WITH

By unanimous consent, reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On legislative business: Assemblyman Dave Stirling

On personal business, and waiving per diem: Assemblymen Duffy, Imbrecht, and Lehman.

Because of illness: Assemblymen Harris, McCarthy, and Maxine Waters.

(NOTE: For letter explaining the absence of Assemblyman Dave Stirling on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 16, 1982

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

Assembly Bill No. 2—An act to add Sections 16366 35 and 16367 5 to, and to amend Section 16366 8 of, the Government Code, and to amend Sections 11008, 11155, 11157, 11158, 11201, 11250 6, 11250 7, 11253, 11308, 11310, 11350 1, 11403, 11450, 11451 6, 11457, 11475, 11475 1, 11475 2, 11476, 11476 1, 11476 2, 11477, 11478, 11478 5, and 14005 1 of, and to add Sections 11004, 11004 5, 11008 13, 11008 14, 11104, 11250 4, 11257, 11311, 11350 5, 11450 8, and 14007 5 to, and to repeal Sections 11004, 11104, 11255, 11257, and 11261 of, and to add Chapter 5 (commencing with Section 13000) to Part 3 of Division 9 of, the Welfare and Institutions Code, and to repeal Section 3 of Chapter 1077 of the Statutes of 1981, and Section 7 of Chapter 1080 of the Statutes of 1981, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

And reports the same correctly enrolled, and presented to the Governor at 10 a. m., February 16, 1982

JAMES D. DRISCOLL, Chief Clerk

RESOLUTIONS

The following resolution was offered:

By Assemblyman Katz:

House Resolution No 4

Relative to the Public Utilities Commission.

WHEREAS, Since the beginning of 1982, there have been instituted by the Public Utilities Commission unprecedented increases in electric and gas rates, and

WHEREAS, The magnitude of these increases have forced tremendous financial burdens on the ratepayers, particularly working men and women of moderate means, senior citizens, and others of limited and fixed incomes, and

WHEREAS, These utility rate increases have come at a time when fuel costs have been stable and in some instances in decline, and

WHEREAS, There have been allegations of gross miscalculations and mismanagement at Pacific Gas and Electric Company, the largest utility in the state, resulting in increased burdens and added uncertainties for the ratepayer, and

WHEREAS, The commission has announced its intention to hold a closed meeting on Wednesday, February 17, 1982, to discuss these issues; now, therefore be it

Resolved by the Assembly of the State of California, That the Public Utilities Commission is requested to hold its Wednesday, February 17, 1982, meeting and all other meetings of the commission concerning increases or other adjustments in rates, open and public in accordance with the spirit and intent of Section 306 of the Public Utilities Code; and be it further

Resolved, That the commission is requested to suspend all electric and gas rate increases approved since January 1, 1982, and reinstitute the rate structure in effect as of that date until the Auditor General can complete a management investigation of Pacific Gas and Electric Company; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Public Utilities Commission

House Resolution No. 4 Referred to Committee

By unanimous consent, House Resolution No 4 was referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 1 (Robinson)—Relative to adjournment of the 1981-82 First Extraordinary Session of the Legislature

Resolution read

Motion to Amend

Assemblyman Robinson moved the adoption of amendments

(NOTE: For full text of the above amendments, see Part II of this day's Assembly Journal)

Amendments read and adopted, resolution ordered reprinted

Request for Unanimous Consent

Assemblyman Robinson was granted unanimous consent to take up Assembly Concurrent Resolution No 1, as amended, without reference to print or file, and that the same be considered engrossed

Consideration of Assembly Concurrent Resolution No. 1, as Amended

Assembly Concurrent Resolution No. 1—Relative to adjournment of the 1981-82 First Extraordinary Session of the Legislature

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

AYES—56

Agnos	Floyd	Konnyu	Rogers
Alatorre	Frazee	La Follette	Roos
Bane	Frizzelle	Lancaster	Rosenthal
Bergeson	Goggin	Levine	Ryan
Berman	Greene	Lewis	Statham
Brown, D	Hallett	Lockyer	Stirling, L
Campbell	Hart	Martinez	Torres
Cortese	Herger	McAlister	Vicencia
Costa	Ivers	Moorhead	Waters, N
Cramer	Johnson, R	Mountjoy	Wray
Deddeh	Johnson, P	Naylor	Wright
Elder	Kaploff	Nolan	Wyman
Farr	Katz	Papan	Young
Felando	Kelley	Robinson	Mr Speaker

NOES—None

Resolution ordered transmitted to the Senate

ANNOUNCEMENT OF CONFERENCE COMMITTEE MEETING

Assemblyman Robinson announced that the Conference Committee on Assembly Bill No 7 would meet today at 11 30 a m, in the Rules Committee Meeting Room

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 11:05 a 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.

RECESS

By unanimous consent, at 11:06 a m, Assistant Speaker pro Tempore Bane declared the Assembly recessed.

REASSEMBLED

At 11:17 a m., the Assembly reconvened.

Hon Tom Bane, Assistant Speaker pro Tempore of the Assembly, presiding

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Assembly Chamber, February 16, 1982

Mr Speaker Your Committee on Rules reports

House Resolution No 4

With the recommendation Be adopted

PAPAN. Chairman

Above resolution ordered on file

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

Assembly Bill No. 3 (Alatorre)—An act to amend Section 10212 of, and to repeal and add Chapter 5 (commencing with Section 30040) of Division 18 of, the Elections Code, relating to redistricting.

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

(NOTE: For text of amendments of November 12, 1981, see Senate Journal, page 23.)

(NOTE: For text of amendments of January 7, 1982, see Senate Journal, page 29.)

(NOTE: For text of amendments of January 28, 1982, see Senate Journal, page 73.)

The roll was called, and the Assembly refused to concur in the above Senate amendments by the following vote

AYES—1

Alatorre

NOES—61

Bane	Floyd	Lancaster	Sher
Bates	Frazer	Levine	Statham
Bergeson	Frizzelle	Lewis	Stirling, L
Berman	Goggin	Lockyer	Tanner
Bosco	Greene	Marguth	Thurman
Brown, D	Hannigan	Martinez	Torres
Campbell	Hart	McAlister	Vasconcellos
Chacon	Herger	Moorhead	Waters, N
Cortese	Ivers	Mountjoy	Wray
Costa	Johnson, R	Naylor	Wright
Cramer	Johnston, P	Papan	Wyman
Deddeh	Kapiloff	Robinson	Young
Elder	Katz	Rogers	Mr Speaker
Farr	Kelley	Roos	
Felando	Konnyu	Ryan	
Filante	La Follette	Sebastiani	

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO 4**

Assemblyman Katz was granted unanimous consent to take up House Resolution No. 4 without reference to file

Consideration of House Resolution No 4

House Resolution No. 4—Relative to the Public Utilities Commission.

(NOTE The full text of House Resolution No 4 appears at page 214 of the Assembly Daily Journal for this day)

Resolution read, and presented by Assemblyman Katz

Demand for Previous Question

Assemblymen Deddeh, Chacon, Rosenthal, Floyd, and Robinson demanded the previous question Demand sustained

The question being on the adoption of the resolution.

Roll Call Demanded

Assemblymen Katz, Bosco, and Robinson demanded a roll call
The roll was called, and House Resolution No 4 adopted by the following vote.

AYES—53

Agnos	Felando	Konnyu	Tanner
Alatorre	Filante	La Follette	Thurman
Bane	Floyd	Lockyer	Torres
Bates	Goggn	Marguth	Tucker
Bergeson	Greene	Martinez	Vasconcellos
Berman	Hallett	Moorhead	Vicencia
Bosco	Hart	Naylor	Waters, N
Chacon	Herger	Papan	Wray
Cortese	Hughes	Robinson	Wyman
Costa	Ingalls	Rogers	Young
Cramer	Ivers	Roos	Mr Speaker
Deddeh	Kapiloff	Rosenthal	
Elder	Katz	Sher	
Farr	Kelley	Statham	

NOES 1

Sebastian

**APPOINTMENT OF COMMITTEE ON CONFERENCE
ASSEMBLY BILL NO. 3**

The Speaker appointed the following Members of the Assembly as a Committee on Conference concerning Assembly Bill No 3. Alatorre, Naylor, and Berman

ANNOUNCEMENT OF CONFERENCE COMMITTEE MEETING

Assemblyman Alatorre announced that the Conference Committee on Assembly Bill No 3 would meet on Wednesday, February 17, 1982

RECESS

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

REASSEMBLED

At 12.08 p m, the Assembly reconvened

Hon Tom Bane, Assistant Speaker pro Tempore of the Assembly, presiding

MESSAGES FROM THE SENATE

Senate Chamber, February 16, 1982

Mr Speaker I am directed to inform your honorable body that the Senate appointed Senators Alquist, Russell, and Ayala as a Committee on Conference concerning

Assembly Bill No. 7.

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

REPORT OF COMMITTEE ON CONFERENCE

February 16, 1982

The following report of Committee on Conference was presented by Assemblyman Robinson:

Mr. Speaker: The Committee on Conference submits its report concerning:

Assembly Bill No. 7, as amended in Senate February 8, 1982—An act relating to fiscal affairs, and declaring the urgency thereof, to take effect immediately.

The undersigned Members consenting to the report

ALFRED E. ALQUIST
RUBEN AYALA

RICHARD ROBINSON
JOHN VASCONCELLOS

Senate Committee on Conference Assembly Committee on Conference
The Conference Committee has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill be further amended

(NOTE: For amendments of the Conference Committee, see Part II of the Assembly Daily Journal for this day)

Report read.

CAUCUS ANNOUNCEMENTS

At 12:09 p.m., Assemblyman Naylor was granted unanimous consent that the Republican Caucus be permitted to meet at this time in the Rules Committee Meeting Room

RECESS

By unanimous consent, at 12:10 p.m., Assistant Speaker pro Tempore Bane declared the Assembly recessed

REASSEMBLED

At 12:40 p.m., the Assembly reconvened
Hon. Tom Bane, Assistant Speaker pro Tempore of the Assembly, presiding.

**FURTHER CONSIDERATION OF CONFERENCE COMMITTEE REPORT
ON ASSEMBLY BILL NO. 7**

The question being on the adoption of the Conference Committee Report on Assembly Bill No. 7

Demand for Previous Question

Assemblymen Alatorre, Young, Dennis Brown, Levine, and Greene demanded the previous question

Demand sustained by the following vote

AYES—42

Agnos	Farr	Levine	Thurman
Alatorre	Floyd	Lockyer	Torres
Bane	Goggin	Martinez	Tucker
Bates	Greene	McAlister	Vasconcellos
Campbell	Hannigan	Moore	Vicencia
Chacon	Hart	Moorhead	Waters, N
Cortese	Hughes	Robinson	Wray
Costa	Ingalls	Roos	Young
Cramer	Johnston, P	Rosenthal	Mr Speaker
Deddeh	Kaploff	Sher	
Elder	Katz	Tanner	

NOES—24

Baker	Frizzelle	La Follette	Rogers
Bergeson	Herger	Lancaster	Ryan
Brown, D	Ivers	Leonard	Sebastian
Felando	Johnson, R	Lewis	Stirling, L
Filante	Kelley	Naylor	Wright
Frazee	Konnyu	Nolan	Wyman

The question being on the adoption of the Conference Committee Report on Assembly Bill No 7

Additional Time for Debate Granted

Assemblyman Roos was granted unanimous consent that Assemblyman Robinson be granted three minutes additional time to close debate

The question being on the adoption of the Conference Committee Report on Assembly Bill No. 7.

Report adopted by the following vote

AYES—42

Agnos	Elder	Levine	Thurman
Alatorre	Farr	Lockyer	Torres
Bane	Floyd	Martinez	Tucker
Berman	Greene	McAlister	Vasconcellos
Bosco	Hannigan	Moore	Vicencia
Campbell	Hart	Moorhead	Waters, N
Chacon	Hughes	Robinson	Wray
Cortese	Ingalls	Roos	Young
Costa	Johnston, P	Rosenthal	Mr Speaker
Cramer	Kaploff	Sher	
Deddeh	Katz	Tanner	

NOES—26

Baker	Frizzelle	Lancaster	Ryan
Bates	Goggin	Leonard	Sebastian
Bergeson	Ivers	Lewis	Stirling, L
Brown, D	Johnson, R	Mountjoy	Wright
Felando	Kelley	Naylor	Wyman
Filante	Konnyu	Nolan	
Frazee	La Follette	Rogers	

VOTE ADDS

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

Assembly Concurrent Resolution No. 1: Costa, Goggin, Levine, Martinez, Torres, and Wray—Aye.

Assembly Bill No. 3, Concurrence: Costa, Goggin, Martinez, and Wray—No.

House Resolution No. 4: Herger, Ivers, Kelley, Konnyu, La Follette, Papan, Vicencia, and Wyman—Aye.

Assembly Bill No. 7, on Demand for the Previous Question: Farr—Aye.

Assembly Bill No. 7, Conference Report: Bates and Goggin—No

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:06 p.m., Assistant Speaker pro Tempore Bane declared the quorum call of the Assembly dispensed with

RECESS

By unanimous consent, at 1.07 p.m., Assistant Speaker pro Tempore Bane, declared the Assembly recessed.

REASSEMBLED

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

MESSAGES FROM THE SENATE

Senate Chamber, February 16, 1982

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. 7

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

Above bill ordered enrolled

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 16, 1982

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

Assembly Bill No. 7—An act relating to fiscal affairs, and declaring the urgency thereof, to take effect immediately

And reports the same correctly enrolled, and presented to the Governor at 4 p m , February 16, 1982

JAMES D DRISCOLL, Chief Clerk

ADJOURNMENT

At 4:01 p.m., the Assembly adjourned to reconvene upon call of the Speaker.

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

Amendments considered in the Assembly on this day follow in Part II of this day's journal.

PART II

**FULL TEXT OF AMENDMENTS CONSIDERED IN
THE ASSEMBLY ON FEBRUARY 16, 1982**

This part of the Journal contains the full text of amendments considered by the Assembly on this day, printed in the following order:

Assembly Bill

7

*Assembly Concurrent
Resolution*

1

82043 9:30
RECORD # 20 SF:

ADOPTED
ASSEMBLY
FEB 16 1982

FEB 16 1982
07922 PAGE NO. 1
SM 82 002248

FLOOR

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY CONCURRENT RESOLUTION NO. 1

Amendment 1

On page 1 of the printed measure, strike out
line 5 and insert:

4 p.m., January 19, 1982

- 0 -

FEB 16 1982

82047 9:35
RECORD # 20 SF:

08101 PAGE NO. 1
SM 82 004197

Substitutive

CONFERENCE

1981-82 FIRST EXTRAORDINARY SESSION
AMENDMENTS TO ASSEMBLY BILL NO. 7
AS AMENDED IN SENATE FEBRUARY 8, 1982

Amendment 1

In line 1 of the title of the printed bill, as
amended in Senate February 8, 1982, after "act" insert:

to amend Section 3 of Chapter 528 of the Statutes of 1976,
and to repeal Section 2 of Chapter 528 of the Statutes of
1976,

Amendment 2

In lines 1 and 2 of the title, strike out ", and
declaring the urgency thereof, to take effect immediately"

Amendment 3

On page 3, between lines 25 and 26, insert:

Notwithstanding any other provisions of law, the
Controller shall not seek a deficiency appropriation to
pay claims in excess of the remaining balances of the
funds appropriated by Item 835-101-001 of the Budget act
of 1981, Item 425 of the Budget Act of 1980, and Item 3d
of the Budget Act of 1979.

Amendment 4

On page 4, strike out lines 22 to 29, inclusive,
and insert:

SEC. 9. Section 2 of Chapter 528 of the
Statutes of 1976 is repealed.

Sec. 10. The sum of one million seven hundred
thousand dollars (\$1,700,000), hereby appropriated from the
General Fund to the State Controller for payments to local
agencies pursuant to Section 1331 of the Revenue and
Statutes Code to continue the fee for costs incurred
pursuant to this act. This appropriation shall be
available until June 30, 1982.

For purposes of this section, costs for purposes
of Section 1331 of the Revenue and Statutes Code shall be
computed as follows:

(a) An actual local agency shall multiply the
actual amount, adjusted by the appropriate modification
factor and then divided by the amount for the current year by

922

ASSEMBLY JOURNAL

Feb 16, 1982

the percentage increase in losses attributable to the cost mandate, calculated by a rating bureau, licensed in accordance with Section 11751 of the Insurance Code, using commonly accepted actuarial practices.

If there were than one percentage increase in losses attributable to the cost mandate has been developed by rating bureaus, the State Department of Finance shall specify the applicable value to be used for the year of the claim.

Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller.

SEC. 10. Section 3 of Chapter 528 of the Statutes of 1976 is amended to read:

SEC. 8. The sum of one million five hundred eighty-two thousand two hundred twenty-three dollars (\$1,582,223) is hereby appropriated from the General Fund to the State Controller for payments to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse them for costs incurred pursuant to this act. This appropriation shall be available until June 30, 1979.

For purposes of this section, costs for purposes of Section 2231 of the Revenue and Taxation Code shall be computed as follows:

(a) An insured local agency shall multiply its annual premium, adjusted by its experience modification factor and less dividends received in the current year, by the percentage increase in losses attributable to the cost mandate, calculated by a rating bureau, licensed in accordance with Section 11751 of the Insurance Code, using commonly accepted actuarial practices.

(b) An uninsured local agency shall claim on the basis of actual losses or, in lieu thereof, may multiply total annual losses by the percentage increase in losses attributable to the cost mandate, calculated by a rating bureau, licensed in accordance with Section 11751 of the Insurance Code, using commonly accepted actuarial practices.

When more than one percentage increase in losses attributable to the cost mandate has been developed by rating bureaus, the State Department of Finance shall specify the applicable value to be used for the year of the claim.

Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller.

For purposes of this section, a reimbursable

mandate shall mean only permanent total disability, as defined in subdivision (a) of Section 4152.2 of the Labor Code.

- 0 -

— — — — —

— — — — —

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 17, 1982

**TWENTY-SIXTH SESSION DAY
ONE HUNDRED FIRST CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 17, 1982

The Assembly met at 11:11 a.m.

Hon. William Filante, Member of the Assembly, 9th District,
presiding.

Chief Clerk James D. Driscoll at the Desk

Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their
names—72:

Agnos	Frazee	La Follette	Rosenthal
Bane	Fruzzelle	Lancaster	Ryan
Bergeson	Goggin	Leonard	Sher
Berman	Greene	Lewis	Statham
Bosco	Hallett	Lockyer	Stirling, L.
Brown, D	Hannagan	Marguth	Tanner
Campbell	Hart	Martinez	Thurman
Chacon	Herger	McAlister	Torres
Cortese	Hughes	McCarthy	Tucker
Costa	Imbrecht	Moore	Vasconcellos
Cramer	Ingalls	Moorhead	Vicencia
Deddeh	Ivers	Mountjoy	Waters, M
Duffy	Johnson, R.	Naylor	Waters, N
Elder	Johnston, P	Nolan	Wray
Farr	Kapiloff	Papan	Wright
Felando	Katz	Robinson	Wyman
Filante	Kelley	Rogers	Young
Floyd	Konnyu	Roos	Mr Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the
Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted
leaves of absence for the day:

*On legislative business: Assemblymen Baker, Bates, Levine, and
Sebastiani.*

*On personal business, and waiving per diem. Assemblymen
Lehman and Dave Stirling.*

Because of illness: Assemblyman Harris.

Because of a death in his family: Assemblyman Alatorre.

(NOTE For letters explaining the absences of Assemblymen Baker, Bates, Levine,

and Sebastian on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

MESSAGES FROM THE SENATE

Senate Chamber, February 17, 1982

Mr Speaker I am directed to inform your honorable body that the Senate appointed Senators Boatwright, Doolittle, and Garamendi as a Committee on Conference concerning

Assembly Bill No. 3.

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

ADJOURNMENT

At 11:15 a.m., the Assembly adjourned to reconvene upon call of the Speaker

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 18, 1982

**TWENTY-SEVENTH SESSION DAY
ONE HUNDRED SECOND CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 18, 1982

The Assembly met at 10:13 a.m.

Hon. Tom Bane, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—75:

Agnos	Frazee	Lehman	Ryan
Baker	Frizzelle	Leonard	Sebastian
Bane	Coggn	Levine	Sher
Bates	Greene	Lewis	Statham
Bergeson	Hannigan	Lockyer	Stirling, L.
Berman	Harris	Marguth	Tanner
Bosco	Hart	Martinez	Thurman
Brown, D	Herger	McAlister	Torres
Campbell	Imbrecht	McCarthy	Tucker
Chacon	Ingalls	Moore	Vasconcellos
Cortese	Ivers	Moorhead	Vicencia
Costa	Johnson, R	Mounjoy	Waters, M
Cramer	Johnston, P	Naylor	Waters, N
Deddeh	Kaploff	Nolan	Wray
Elder	Katz	Papan	Wright
Farr	Kelley	Robinson	Wyman
Felando	Konnyu	Rogers	Young
Filante	La Follette	Roos	Mr Speaker
Floyd	Lancaster	Rosenthal	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On legislative business: Assemblywoman Hughes

On personal business, and waiving per diem Assemblymen Duffy, Hallett, and Dave Stirling.

Because of a death in his family: Assemblyman Alatorre.

(NOTE: For letter explaining the absence of Assemblywoman Hughes on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session.)

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 10:13 a.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

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

*Assembly
Bill No.*

Committee

12 ----- Elections and Reapportionment

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 10:36 a.m., by unanimous consent, the members of the Committee on Elections and Reapportionment were excused for the purpose of attending a meeting of the committee at this time, in the Rules Committee Meeting Room

RECESS

By unanimous consent, at 10:37 a.m., Assistant Speaker pro Tempore Bane declared the Assembly recessed, to permit Assemblyman Larry Stirling and the members of the San Diego Delegation in the Assembly to make a presentation to Otto Kreisher, of the San Diego Union, commending him for his reporting during his assignment in Sacramento, and wishing him well on his assignment in Washington, D.C., and to permit Mr. Kreisher to address the Assembly

REASSEMBLED

At 11:18 a.m., the Assembly reconvened.

Hon. Tom Bane, Assistant Speaker pro Tempore of the Assembly, presiding.

MOTION TO TEMPORARILY SUSPEND THE RULES

Assemblyman Johnson moved that the Rules be temporarily suspended for the purpose of permitting him to make a motion on this day to withdraw Assembly Bill No. 12 from the Committee on Elections and Reapportionment

**Request for Unanimous Consent to Temporarily
Suspend the Rules**

Assemblyman Johnson asked for unanimous consent that the Rules be temporarily suspended for the purpose of permitting debate on his motion to suspend the Rules to permit him to make a motion on this day to withdraw Assembly Bill No. 12 from the Committee on Elections and Reapportionment

Assemblyman Papan withheld unanimous consent

Motion to Temporarily Suspend the Rules

Assemblyman Johnson moved that the Rules be temporarily suspended for the purpose of permitting debate on his motion to suspend the Rules to permit him to make a motion on this day to withdraw Assembly Bill No. 12 from the Committee on Elections and Reapportionment

Motion for temporary suspension of the Rules lost by the following vote:

AYES—21

Baker	Ivers	Lewis	Stirling, L
Bergeson	Johnson, R	Marguth	Wright
Felando	Kelley	Mounjoy	Wyman
Fraze	Konnyu	Naylor	
Herger	Lancaster	Nolan	
Imbrecht	Leonard	Satham	

NOES—29

Agnos	Floyd	Katz	Rosenthal
Bane	Coggin	Lehman	Torres
Bates	Hannigan	Levine	Vasconcellos
Berman	Harris	Martinez	Waters, M
Campbell	Hart	McCarthy	Mr Speaker
Chacon	Ingalls	Moorhead	
Cortese	Johnston, P	Papan	
Costa	Kapiloff	Roos	

**Further Consideration of Motion to Temporarily Suspend Rules
to Permit Motion to Withdraw Assembly Bill No. 12**

The question being on the motion by Assemblyman Johnson to temporarily suspend the Rules to permit him to make a motion on this day to withdraw Assembly Bill No. 12 from the Committee on Elections and Reapportionment.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—22

Baker	Ivers	Marguth	Satham
Bergeson	Johnson, R	Mounjoy	Shrning, L
Felando	Konnyu	Naylor	Wright
Fraze	Lancaster	Nolan	Wyman
Herger	Leonard	Rogers	
Imbrecht	Lewis	Sebastian	

NOES—26

Agnos	Floyd	Kapiloff	Rosenthal
Bane	Coggin	Katz	Torres
Bates	Hannigan	Levine	Vasconcellos
Campbell	Harris	Martinez	Waters, M
Chacon	Hart	McCarthy	Mr Speaker
Cortese	Ingalls	Papan	
Costa	Johnston, P	Robinson	

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 12
FROM COMMITTEE**

Pursuant to the provisions of Assembly Rule 96, Assemblyman Johnson gave notice that in two days he would move to withdraw Assembly Bill No. 12 from the Committee on Elections and Reapportionment.

VOTE ADDS

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

Assembly Bill No. 12, motion to suspend rules to permit debate on motion to suspend rules to withdraw from committee: Agnos—No; Bergeson—Aye; Chacon and Cortese—No; Felando—Aye; Hart,

Martinez, and Torres—No.

Assembly Bill No. 12, motion to suspend rules, to withdraw from committee: Agnos—No; Bergeson—Aye, Chacon and Cortese—No; Felando—Aye; Hart, Martinez, and Torres—No.

ADJOURNMENT

At 11:23 a m., the Assembly adjourned, until 10:30 a.m., Monday, February 22, 1982.

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 22, 1982

**TWENTY-EIGHTH SESSION DAY
ONE HUNDRED SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I**PROCEEDINGS OF THE ASSEMBLY****IN ASSEMBLY**

Assembly Chamber, Sacramento
Monday, February 22, 1982

The Assembly met at 12:30 p.m.

Hon. Tom Bane, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Daniel McLean reading.

ROLL CALL

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

Agnos	Frizzelle	Lehman	Sebastian
Alatorre	Goggin	Leonard	Sher
Baker	Greene	Levine	Statham
Bane	Hallett	Lewis	Strling, D
Bates	Hannigan	Lockyer	Strling, L
Bergeson	Harris	Marguth	Tanner
Berman	Hart	Martinez	Thurman
Bosco	Herger	McAlister	Torres
Brown, D	Hughes	McCarthy	Tucker
Campbell	Imbrecht	Moore	Vasconcellos
Chacon	Ingalls	Moorhead	Vicencia
Cortese	Ivers	Mounjoy	Waters, M
Cramer	Johnson, R	Naylor	Waters, N
Deddeh	Johnston, P.	Nolan	Wray
Elder	Kapiloff	Papan	Wright
Farr	Katz	Robinson	Wyman
Felando	Kelley	Rogers	Young
Filante	Konnyu	Ross	Mr Speaker
Floyd	La Follette	Rosenthal	
Frazee	Lancaster	Ryan	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day:

On legislative business: Assemblyman Costa.

On personal business, and waiving per diem. Assemblyman Duffy.

(NOTE: For letter explaining the absence of Assemblyman Costa on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session.)

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS
MOTION TO WITHDRAW ASSEMBLY BILL NO. 12
FROM COMMITTEE**

In compliance with a notice given on a previous day, Assemblyman Johnson moved that Assembly Bill No 12 be withdrawn from the Committee on Elections and Reapportionment

Demand for Previous Question

Assemblymen Greene, Young, Kapiloff, Floyd, and Maxine Waters demanded the previous question. Demand sustained by the following vote.

AYES—31

Agnos	Floyd	Katz	Tanner
Bane	Coggn	Lehman	Thurman
Bates	Hannigan	Levine	Tucker
Bosco	Hart	McCarthy	Waters, M
Campbell	Hughes	Papan	Waters, N
Cramer	Ingalls	Robinson	Young
Deddeh	Johnston, P	Roos	Mr Speaker
Farr	Kapiloff	Rosenthal	

NOES—27

Baker	Imbrecht	Leonard	Sebastian
Bergeson	Ivers	Lewis	Sher
Brown, D	Johnson, R	Marguth	Statham
Felando	Kelley	Mountjoy	Stirling, D
Filante	Konnyu	Naylor	Wright
Fruzzelle	La Follette	Nolan	Wyman
Herger	Lancaster	Rogers	

Additional Time for Debate Granted

Assemblyman Roos was granted unanimous consent that Assemblyman Johnson be granted 2 minutes additional time to close debate

The question being on the motion to withdraw Assembly Bill No. 12 from committee.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Assemblyman Johnson moved a call of the Assembly.

Motion carried Time, 1:10 p.m.

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

**Call of the Assembly Dispensed with on Motion to
Withdraw Assembly Bill No. 12 from Committee**

At 1:11 p.m., on motion of Assemblyman Johnson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the motion to withdraw Assembly Bill No. 12 from committee lost by the following vote:

AYES—28

Baker	Innbrecht	Leonard	Ryan
Bergeson	Ivers	Lewis	Sebastian
Brown, D	Johnson, R	Marguth	Statham
Feiando	Kelley	Mountjoy	Stirling, D
Filante	Konnyu	Naylor	Stirling, L
Frizzelle	La Follette	Nolan	Wright
Herger	Lancaster	Rogers	Wyman

NOES—1

Mr. Speaker

ANNOUNCEMENTS

Assemblyman Sher announced that there would be a meeting held today in Room 447 relative to utility rates, at which executive officers from utility companies would be present, and invited any Members who are interested to attend

ADJOURNMENT

At 1:17 p.m., the Assembly adjourned to reconvene upon call of the Speaker

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

CALIFORNIA LEGISLATURE
1981-82 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

February 25, 1982

TWENTY-NINTH SESSION DAY
ONE HUNDRED NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



CONTENTS

PART I
PROCEEDINGS OF THE ASSEMBLY

PART I
PROCEEDINGS OF THE ASSEMBLY
IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 25, 1982

The Assembly met at 12:27 p m
Hon. Tom Bane, Assistant Speaker pro Tempore of the Assembly,
presiding
Assistant Chief Clerk R. Brian Kidney at the Desk.
Assistant Clerk Daniel McLean reading.

ROLL CALL

The roll was called, and the following answered to their names—77.

Agnos	Frazer	Lehman	Sher
Alatorre	Frizzelle	Leonard	Statham
Baker	Goggon	Levine	Stirling, D
Bane	Greene	Lewis	Stirling, L
Bates	Hallett	Lockyer	Tanner
Bergeson	Hanmigan	Marguth	Thurman
Bernan	Harris	Martinez	Torres
Bosco	Hart	McAlister	Tucker
Brown, D	Herger	McCarthy	Vasconcellos
Campbell	Hughes	Moore	Vicencia
Chacon	Imbrecht	Moorhead	Waters, M
Cortese	Ingalls	Mountjoy	Waters, N
Costa	Ivers	Naylor	Wray
Cramer	Johnson, R	Nolan	Wright
Deddeh	Johnston, P	Papan	Wyman
Elder	Katz	Rogers	Young
Farr	Kelley	Roos	Mr Speaker
Felando	Konnyu	Rosenthal	
Filante	La Follette	Ryan	
Floyd	Lancaster	Sebastian	

Quorum present

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assemblymen were granted leaves of absence for the day

On legislative business: Assemblyman Kapiloff

On personal business, and waiving per diem Assemblyman Duffy

Because of illness: Assemblyman Robinson

(NOTE For letter explaining the absence of Assemblyman Kapiloff on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for this day for the Regular Session)

MESSAGES FROM THE SENATE

Senate Chamber, February 25, 1982

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

Assembly Concurrent Resolution No 1

And respectfully requests the Assembly to concur in said amendments

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assemblyman Roos was granted unanimous consent to take up consideration of Senate amendments to Assembly Concurrent Resolution No 1, without reference to file

Consideration of Senate Amendments to Assembly Concurrent Resolution No. 1

Assembly Concurrent Resolution No. 1 (Robinson)—Relative to Adjournment of the 1981-82 First Extraordinary Session of the Legislature

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

(NOTE For text of amendments of February 25, 1982, see Senate Journal, page 116)

The roll was called, and the Assembly concurred in the above Senate amendments by the following vote

AYES—65

Alatorre	Frizzelle	Leonard	Sebastian
Baker	Greene	Levine	Sher
Banc	Hannigan	Lewis	Statham
Bates	Harris	Lockyer	Stirling, D
Bergeson	Hart	Marguth	Tanner
Berman	Heger	Martinez	Torres
Brown, D	Hughes	McAlister	Tucker
Chacon	Imbrecht	McCarthy	Vasconcellos
Cortese	Ingalls	Moore	Vicencia
Costa	Ivers	Moorhead	Waters, N
Cramer	Johnson, R	Mountjoy	Wray
Elder	Katz	Naylor	Wright
Farr	Kelley	Nolan	Wyman
Felando	Konyu	Rogers	Mr Speaker
Filante	La Follette	Roos	
Floyd	Lancaster	Rosenthal	
Frazee	Lehman	Ryan	

NOES—None

Above resolution ordered enrolled

VOTE ADDS

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

Assembly Concurrent Resolution No. 1, Concurrence: Berman and Harris—Aye

RECESS

By unanimous consent, at 12 29 p.m., Assistant Speaker pro Tempore Bane declared the Assembly recessed

MESSAGES FROM THE SENATE

Senate Chamber, February 25, 1982

Mr Speaker I am directed to inform your honorable body that the Senate returns without further action

Assembly Bill No 11

DARRYL R WHITE, Secretary of the Senate
By John W Rovane, Chief Assistant Secretary

REPORTS OF STANDING COMMITTEES**Committee on Human Services**

February 25, 1982

Mr Speaker Your Committee on Human Services reports

Assembly Bill No 9

Without action

LOCKYER, Chairman

Committee on Elections and Reapportionment

February 25, 1982

Mr Speaker Your Committee on Elections and Reapportionment reports

Assembly Bill No 4

Assembly Bill No 5

Assembly Bill No 12

Without action

ALATORRE, Chairman

BILLS WHICH DIED AT THE DESK

The following bills died at the Desk, without further action

Assembly Bills Nos. 1 and 10.

BILLS WHICH DIED ON FILE

The following bill died on the Assembly file, Conference Committee Report pending

Assembly Bill No. 3.

ADJOURNMENT

At 4 p.m., pursuant to the provisions of Assembly Concurrent Resolution No. 1, the Assembly adjourned the 1981-82 First Extraordinary Session *Sine die*.

WILLIE L. BROWN, JR., Speaker

ANABEL FLEURY, Minute Clerk

(NOTE The following report received after adjournment *sine die*)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 26, 1982

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

Assembly Concurrent Resolution No. 1—Relative to adjournment of the 1981-82 First Extraordinary Session of the Legislature

And reports the same correctly enrolled, and presented to the Secretary of State on the 26th day of February, 1982, at 10 a m

JAMES D DRISCOLL, Chief Clerk