

Volume 3

# Journal of the Assembly

Legislature of the State of California

1997–98 Regular Session

December 2, 1996 to November 30, 1998



HON. ANTONIO R. VILLARAIGOSA  
Speaker

HON. SHEILA JAMES KUEHL  
Speaker pro Tempore

HON. JOE BACA  
Assistant Speaker pro Tempore

HON. KEVIN SHELLEY  
Majority Floor Leader

HON. BILL LEONARD  
Minority Floor Leader

E. DOTSON WILSON  
Chief Clerk of the Assembly

PAM CAVILEER  
Minute Clerk

## Volume 3

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CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, August 25, 1997**

**ONE HUNDRED TWENTY-FIFTH SESSION DAY**

**TWO HUNDRED SIXTY-SEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, August 25, 1997

The Assembly met at 11 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Caldera moved a quorum call of the Assembly. Motion carried. Time, 11:01 a.m.

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

#### Quorum Present

At 11:22 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—80:

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

**PRAYER**

The following prayer was offered by Speaker pro Tempore Kuehl:

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

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

**COMMUNICATIONS**

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

August 14, 1997

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

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

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

Sincerely,

CURT L. PRINGLE  
Assembly Republican Leader

August 18, 1997

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

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

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

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

Sincerely,

BILL LEONARD

August 18, 1997

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

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

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

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

Sincerely,

BILL LEONARD  
Assembly Republican Leader

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

California State Auditor

Investigative Report I97-2

August 12, 1997

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

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

Respectfully submitted,

MARIANNE P. EVASHENK

for

KURT R. SJOBERG

State Auditor

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

California State Auditor

97502

August 20, 1997

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

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

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

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Public Safety.

California State Auditor

Investigative Report I960159

August 21, 1997

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

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

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

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

**MESSAGES FROM THE GOVERNOR**

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

Governor's Office, Sacramento  
August 15, 1997

*To the Members of the Assembly:*

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

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

Sincerely,

PETE WILSON

Governor's Office, Sacramento  
August 15, 1997

*To the Members of the Assembly:*

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

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

Sincerely,

PETE WILSON

Governor's Office, Sacramento  
August 15, 1997

*To the Members of the Assembly:*

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

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

Sincerely,

PETE WILSON

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 15, 1997

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

Assembly Bill No. 103

Assembly Bill No. 1465

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

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 15, 1997

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

Assembly Bill No. 64  
Assembly Bill No. 751  
Assembly Bill No. 783  
Assembly Bill No. 1086  
Assembly Bill No. 1153  
Assembly Bill No. 1576  
Assembly Bill No. 1578  
Assembly Bill No. 1579

Assembly Bill No. 1582  
Assembly Bill No. 1584  
Assembly Bill No. 1586  
Assembly Bill No. 1589  
Assembly Bill No. 1591  
Assembly Bill No. 1592  
Assembly Bill No. 1593

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

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 15, 1997

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

Assembly Bill No. 38  
Assembly Bill No. 170  
Assembly Bill No. 300  
Assembly Bill No. 361  
Assembly Bill No. 440  
Assembly Bill No. 611  
Assembly Bill No. 672  
Assembly Bill No. 692  
Assembly Bill No. 721

Assembly Bill No. 723  
Assembly Bill No. 754  
Assembly Bill No. 793  
Assembly Bill No. 1148  
Assembly Bill No. 1173  
Assembly Bill No. 1316  
Assembly Bill No. 1366  
Assembly Bill No. 1432

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

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 18, 1997

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

Assembly Bill No. 111  
Assembly Bill No. 174  
Assembly Bill No. 593

Assembly Bill No. 799  
Assembly Bill No. 1023  
Assembly Bill No. 1602

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

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 19, 1997

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

Assembly Concurrent Resolution No. 43

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

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 25, 1997

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

Assembly Bill No. 1039

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

#### REFERENCE OF BILLS TO COMMITTEE

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

*Assembly*

*Bill No.*

*Committee*

185 \_ \_ \_ \_ \_ B. & F.



*Assembly Constitutional**Amendment No.**Committee*

27 ----- C.P., G.E. &amp; E.D. and Budget

*Assembly Concurrent**Resolution No.**Committee*

68 ----- Rls.

70 ----- Rls.

74 ----- Rls.

*Assembly Joint**Resolution No.**Committee*

36 ----- Trans.

*House**Resolution No.**Committee*

39 ----- Rls.

*Senate Concurrent**Resolution No.**Committee*

20 ----- Rls.

38 ----- Rls.

44 ----- Rev. &amp; Tax.

48 ----- Trans.

49 ----- Rls.

54 ----- L. &amp; E.

*Senate Joint**Resolution No.**Committee*

26 ----- Trans.

**REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, August 25, 1997

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

LOUIS J. PAPAN

Assembly Chamber, August 25, 1997

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

DEBRA BOWEN

Assembly Chamber, August 25, 1997

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

CAROLE MIGDEN

Assembly Chamber, August 25, 1997

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

VALERIE BROWN

Assembly Chamber, August 25, 1997

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

MICHAEL SWEENEY

Above requests ordered transmitted to the Committee on Rules.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Environmental Safety and Toxic Materials**

August 25, 1997

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

Senate Bill No. 1307

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

WAYNE, Chairman

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

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

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Environmental Safety and Toxic Materials**

August 25, 1997

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

Senate Bill No. 1189

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

WAYNE, Chairman

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

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

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Local Government**

August 25, 1997

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

Senate Bill No. 712

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

SWEENEY, Chairman

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

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

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

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

Senate Bill No. 318

Senate Bill No. 567

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

MIGDEN, Chairwoman

**SENATE BILL NO. 318**—An act to amend Section 41865 of, and to add Chapter 4.5 (commencing with Section 39750) to Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

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

**SENATE BILL NO. 567**—An act to amend Section 130051 of the Public Utilities Code, relating to transportation.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

August 25, 1997

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

Assembly Bill No. 880

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

HERTZBERG, Chairman

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

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

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

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

Senate Bill No. 776

Senate Bill No. 1039

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

MIGDEN, Chairwoman

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

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

**SENATE BILL NO. 1039**—An act to amend Sections 4500.5, 4501, 4508, 4512, 4593, 4595, 4598, 4647, 4648, 4660, 4661, 4664, and 4666 of, and to add Sections 4414, 4418.3, 4542, 4602, 4640.8, and 12300.5 to, the Welfare and Institutions Code, relating to human services.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

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

Senate Bill No. 227

Senate Bill No. 543

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

MIGDEN, Chairwoman

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

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

**SENATE BILL NO. 543**—An act to amend Sections 74224 and 11454 of the Water Code, and to add Section 32.5 to the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

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

Senate Bill No. 394

Senate Bill No. 463

Senate Bill No. 1052

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

MIGDEN, Chairwoman

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

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

**SENATE BILL NO. 463**—An act to amend Section 12009 of, and to add Article 8 (commencing with Section 7400) to Chapter 2 of Part 2 of Division 6 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

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

**SENATE BILL NO. 1052**—An act to amend Sections 10232.1, 10234.93, and 10237.1 of, to amend and renumber Section 10232.8 of, to add Sections 10232.2, 10232.92, 10232.93, 10232.95, 10232.96, 10234.86, 10234.87, 10235.9, 10235.30, 10235.40, 10235.50, 10235.51, 10235.52, 10235.90, 10237.4, 10237.5, and 10237.6 to, and to repeal and add Section 10234.95 of, the Insurance Code, relating to health insurance.

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

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Budget**

August 25, 1997

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

Senate Bill No. 726

Senate Bill No. 744

Senate Bill No. 727

Senate Bill No. 750

Senate Bill No. 731

Senate Bill No. 768

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

DUCHENY, Chairwoman

**SENATE BILL NO. 726**—An act relating to the Department of the Youth Authority, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 727**—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 731**—An act relating to air pollution, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 744**—An act relating to consumer affairs, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 750**—An act relating to public health, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 768**—An act relating to taxation, and declaring the urgency thereof, to take effect immediately.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

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

Senate Bill No. 936	Senate Bill No. 842
Senate Bill No. 95	Senate Bill No. 1006
Senate Bill No. 316	Senate Bill No. 1031
Senate Bill No. 408	Senate Bill No. 1234
Senate Bill No. 472	Senate Bill No. 1291
Senate Bill No. 526	Senate Bill No. 1338
Senate Bill No. 542	Senate Bill No. 1339

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

MIGDEN, Chairwoman

**SENATE BILL NO. 936**—An act to amend Sections 11475.8, 15200.8, 15200.9, and 15200.95 of, to add Section 15200.92 to, and to repeal and add Section 15200.91 of, the Welfare and Institutions Code, relating to human services.

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

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

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

**SENATE BILL NO. 316**—An act to add Chapter 7 (commencing with Section 99300) to Part 65 of the Education Code, relating to postsecondary education.

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

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

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

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

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

**SENATE BILL NO. 526**—An act to amend Section 1054.2 of the Penal Code, relating to criminal procedure.

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

**SENATE BILL NO. 542**—An act to amend Sections 63.1, 75.31, 255, 273, 273.5, 275, 275.5, 276, 401.13, 430.5, 534, 1603, and 1605 of, and to add Section 5145.5 to, the Revenue and Taxation Code, relating to taxation.

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

**SENATE BILL NO. 842**—An act to amend Section 23221 of the Revenue and Taxation Code, relating to taxation.

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

**SENATE BILL NO. 1006**—An act to add and repeal Sections 10915, 10916, 10917, and 10918 of the Fish and Game Code, relating to marine refuges, and making an appropriation therefor.

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

**SENATE BILL NO. 1031**—An act to add and repeal Article 3.6 (commencing with Section 35746) of Chapter 4 of Part 21 of the Education Code, relating to education.

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

**SENATE BILL NO. 1234**—An act to amend Sections 17009, 17039, 17941, 18633.5, 23036, and 23038 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

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

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

**SENATE BILL NO. 1338**—An act relating to state purchases, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 1339**—An act to amend Section 12020 of the Penal Code, relating to firearms.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

August 25, 1997

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

Senate Bill No. 431

Senate Bill No. 451

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

SWEENEY, Chairman

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

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

**SENATE BILL NO. 451**—An act to amend Sections 65302, 65351, and 65352 of the Government Code, relating to land use.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

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

Senate Bill No. 79

Senate Bill No. 826

Senate Bill No. 135

Senate Bill No. 827

Senate Bill No. 713

Senate Bill No. 1184

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

MIGDEN, Chairwoman

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

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

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



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

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

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

**SENATE BILL NO. 826**—An act to amend Sections 1601, 1616.5, and 1742 of, and to add Sections 160.5 and 1616.1 to, the Business and Professions Code, and to amend Section 830.3 of the Penal Code, relating to dentistry.

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

**SENATE BILL NO. 827**—An act to amend Sections 101, 128.5, 130, 200.1, 205, 675, 800, 1242.5, 1680, 2071, 2221.1, 2660, 2701, 2708, 2761, 2841, 2842, 2847, 2873.6, 2873.7, 2881, 2890, 2893, 2894, 3527, 3750, 4001, 4003, 4008, 4501, 4503, 4546, 4547, 4800, 4804.5, 4833, 4834, 4835, 4848, 4905, 4955, 5510, 5517, 5526, 5536.27, 8520, and 8528 of, to amend and repeal Sections 5566, 5566.1, and 5566.2 of, to add Section 473.15, 473.16, 473.6, and 4832 to, to amend, repeal, and add Section 4842.2 to, the Business and Professions Code, relating to licensed professionals, and making an appropriation therefor.

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

**SENATE BILL NO. 1184**—An act to amend Sections 63000, 63010, 63021, 63025.1, 63026, 63055, and 63071 of, to amend and renumber Sections 63042 and 63048 of, to amend and renumber the headings of Article 4 (commencing with Section 63042) and Article 6 (commencing with Section 63048) of Chapter 2 of Division 1 of Title 6.7 of, to add Sections 63027, 63028, 63040, 63084, 63085, 63086, and 63087 to, to repeal Section 63001 of, to repeal Article 3 (commencing with Section 63040) of Chapter 2 of Division 1 of Title 6.7 of, to repeal the heading of Article 1 (commencing with Section 63050) of Chapter 3 of Division 1 of Title 6.7 of, to repeal Part 10.2 (commencing with Section 15710) of Division 3 of Title 2 of, and to repeal and add Article 5 (commencing with Section 63043) of Chapter 2 of Division 1 of Title 6.7 of, the Government Code, relating to state infrastructure.

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

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Natural Resources**

August 25, 1997

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

Senate Bill No. 1179

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

BOWEN, Chairwoman

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

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

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

August 25, 1997

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

Senate Bill No. 319

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

FIGUEROA, Chairwoman

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

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

**AUTHOR'S AMENDMENTS**  
**Committee on Environmental Safety and Toxic Materials**

August 25, 1997

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

Senate Bill No. 660

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

WAYNE, Chairman

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

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

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

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

Senate Bill No. 48

Senate Bill No. 921

Senate Bill No. 560

Senate Bill No. 945

Senate Bill No. 659

Senate Bill No. 1325

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

MIGDEN, Chairwoman

**SENATE BILL NO. 48**—An act to add Sections 1611.7 and 10214.7 to the Unemployment Insurance Code, relating to employment insurance, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 560**—An act to add Part 14.5 (commencing with Section 33001) to Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

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

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

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

**SENATE BILL NO. 921**—An act to amend Sections 16809, 16809.3, and 16809.4 the Welfare and Institutions Code, relating to public social services.

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

**SENATE BILL NO. 945**—An act to amend Sections 1337.7, 1337.9, 1338.5, 1728.1, 1736.3, 1736.5, and 1736.6 of the Health and Safety Code, and to amend Sections 15671, 15673, 15675 of the Welfare and Institutions Code, relating to health.

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

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

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

#### **AUTHOR'S AMENDMENTS** **Committee on Human Services**

August 25, 1997

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

Senate Bill No. 817

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

ARONER, Chairwoman

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

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

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

August 25, 1997

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

Senate Bill No. 614

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

MACHADO, Chairman

**SENATE BILL NO. 614**—An act to add Section 2762.1 to the Fish and Game Code, relating to fish, and making an appropriation therefor.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

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

Senate Bill No. 802

Senate Bill No. 818

Senate Bill No. 1121

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

MIGDEN, Chairwoman

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

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

**SENATE BILL NO. 818**—An act to amend Sections 2933 and 3057 of, and to add Chapter 4.9 (commencing with Section 1175) to Title 7 of Part 2 of, the Penal Code, relating to prisons.

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

**SENATE BILL NO. 1121**—An act to amend Sections 8502 and 8801.5 of the Family Code, relating to family law.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Utilities and Commerce**

August 25, 1997

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

Senate Bill No. 638

Senate Bill No. 1268

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

MARTINEZ, Chairwoman

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

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

**SENATE BILL NO. 1268**—An act to add Chapter 2.5 (commencing with Section 2718) to Division 2 of the Public Utilities Code, relating to water corporations.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

August 25, 1997

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

Senate Bill No. 406

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

GALLEGOS, Chairman

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

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

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

August 25, 1997

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

Assembly Bill No. 873

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

CALDERA, Chairman

**ASSEMBLY BILL NO. 873**—An act to add Sections 17053.30, 17053.31, 23630, and 23631 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

August 25, 1997

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

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

DON PERATA, Chairman

August 25, 1997

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

Assembly Bill No. 185

DON PERATA, Chairman

**MESSAGES FROM THE GOVERNOR**

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

**Item Veto—Assembly Bill No. 107**

Governor's Office, Sacramento

August 18, 1997

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I delete Provision 3 to conform to this action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

deleting Provision 7.

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

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

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

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

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

As a conforming action, I am deleting Provision 7.

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

As a conforming action, I am deleting Provision 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) 30-Land Resource Protection from \$2,345,000 to \$2,308,000, and

(k) Amount payable from the California Environmental License Plate Fund (Item 3480-001-0140) from –\$92,000 to –\$55,000.

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

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

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

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

(a) 100000-Personal services from \$308,273,000 to \$308,241,000,

(b) 300000-Operating expenses and equipment from \$121,869,000 to \$121,288,000, and

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

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

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

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

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

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

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

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

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

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

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

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

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

I revise Provision 4 to conform to this action.

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

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

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

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

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

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

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

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

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

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

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

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

- (b) 20-Boating Operations from \$9,225,000 to \$8,725,000
- (c) 30-Beach Erosion Control from \$4,473,000 to 3,423,000

and by deleting:

- (e) Amount payable from the Renewable Resources Investment Fund (Item 3680-101-0940) (—\$1,000,000).

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

and by deleting:

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

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

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

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

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

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

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

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

**Item 3760-301-0383**—For capital outlay, State Coastal Conservancy.

I revise this item by deleting Provision 3.

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

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

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

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

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

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

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

and by deleting:

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

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

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

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



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

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

and by deleting:

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

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

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

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

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

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

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

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

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

(3) Reimbursements from (–\$250,000)

and by deleting Provision 3.

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

I delete Provision 3 to conform to this action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and by deleting:

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

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

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

0140-California Environmental License Plate Fund

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(gg) Amount payable from the California Environmental License Plate Fund (Item 3940-001-0140) (–\$570,000),  
and by deleting Provision 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I am deleting Provision 3 to conform to this action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Item 5240-001-0001**—For support of the Department of Corrections. I reduce this item from \$3,407,986,911 to \$3,407,636,911 by reducing:

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

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

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

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

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

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

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

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

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

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

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

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

facilities. The CDC is currently reviewing its policies regarding inmate classification. Until such a review is completed, the pilot program required by this language is premature and could endanger the safety of both staff and inmates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) By November 30, 1997, the Superintendent of Public Instruction (SPI) shall recommend, and the State Board of Education (SBE) shall approve, a list of the programs that shall be evaluated during the 1997–98 fiscal year. The SBE may approve the whole list or make changes to the list, including rejecting programs or adding new programs to the list. The SPI shall identify the reasons that each of programs was chosen for evaluation, the primary objectives of each evaluation, the basic evaluation methodology, and the approximate cost of each evaluation. Except as specified by paragraph (3) of this provision, funds may not be spent prior to approval by the SBE of the list. To be eligible for funding, an evaluation must do the following:

- (A) Focus on major program or policy areas that are of significant interest to educators, have statewide implications, and have not been adequately evaluated.
- (B) Include a rigorous evaluation methodology that provides a high level of statistical confidence in the results. When feasible, an evaluation shall establish a control group in order to directly measure the

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

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

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

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

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

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

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

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

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

I am revising Provision 1 to conform to this action.

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

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

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

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

and by deleting:

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

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

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

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

I am revising Provision 2 to conform to this action.

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

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

I am deleting Provision 4 to conform to this action.

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

I am deleting Provision 5 to conform to this action.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Reimbursements (–\$155,000),  
and by deleting Provisions 5 and 6.

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

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

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

(a) 10-Standards for Preparation and Licensing of Teachers from \$5,828,000 to \$3,828,000  
and by revising Provision 2.

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

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

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

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

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

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

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

I delete Provision 24 to conform to this action.

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

I delete Provision 25 to conform to this action.

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

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

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

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

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

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

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

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

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

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

I delete Provision 1 to conform to this action.

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

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

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

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

I am deleting Provision 5 to conform to this action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and by deleting:

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

and by deleting Provision 21.

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

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

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

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

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

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

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

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

Glendale Community College District

Glendale College

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

San Jose—Evergreen Community College District

San Jose City College

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

Sonoma County Community College District

Santa Rosa Junior College

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

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

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

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

San Antonio Community College District

San Antonio Community College

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I delete Provision 1 to conform to this action.

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

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

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

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

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

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

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

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



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

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

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

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

and delete Provisions 4 and 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PETE WILSON

#### RECEIPT

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

RALPH ROMO  
Chief Assistant Clerk

**Item Veto—Assembly Bill No. 1578**

Governor's Office, Sacramento  
August 18, 1997

*To the Members of the California Assembly:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cordially,

PETE WILSON

#### RECEIPT

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

MELISSA SWART-WEIKEL  
Acting Chief Clerk

**Item Veto—Assembly Bill No. 1586**

Governor's Office, Sacramento  
August 18, 1997

*To the Members of the California Assembly:*

I have this date signed Assembly Bill 1586.

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

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

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

Cordially,

PETE WILSON

**RECEIPT**

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

MELISSA SWART-WEIKEL  
Acting Chief Clerk

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

**Veto Message—Assembly Bill No. 783**

Governor's Office, Sacramento  
August 18, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 783 without my signature.

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

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

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

Cordially,

PETE WILSON

### RECEIPT

I acknowledge receipt this 18th day of August 1997, at 12:45 p.m., of Assembly Bill No. 783, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL  
Acting Chief Clerk

### MESSAGES FROM THE SENATE

Senate Chamber, August 7, 1997

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

Assembly Bill No. 29  
Assembly Bill No. 140  
Assembly Bill No. 153  
Assembly Bill No. 200  
Assembly Bill No. 207  
Assembly Bill No. 235  
Assembly Bill No. 255  
Assembly Bill No. 407  
Assembly Bill No. 445  
Assembly Bill No. 582  
Assembly Bill No. 588

Assembly Bill No. 650  
Assembly Bill No. 760  
Assembly Bill No. 829  
Assembly Bill No. 849  
Assembly Bill No. 1104  
Assembly Bill No. 1112  
Assembly Bill No. 1116  
Assembly Bill No. 1317  
Assembly Bill No. 1390  
Assembly Bill No. 1526

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, August 7, 1997

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

Assembly Concurrent Resolution No. 4

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, August 8, 1997

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

Assembly Bill No. 206

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.



Senate Chamber, August 11, 1997

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

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

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, August 12, 1997

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

Assembly Bill No. 1092  
Assembly Bill No. 1221

Assembly Bill No. 1308  
Assembly Bill No. 1546

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, August 12, 1997

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

Assembly Bill No. 388  
Assembly Bill No. 500  
Assembly Bill No. 758  
Assembly Bill No. 761  
Assembly Bill No. 816

Assembly Bill No. 1093  
Assembly Bill No. 1325  
Assembly Bill No. 1377  
Assembly Bill No. 1491

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, August 12, 1997

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

Assembly Concurrent Resolution No. 2

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

#### **BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bills were placed on the Special Consent Calendar:

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

**SPECIAL COMMITTEE MEETINGS**

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

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

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

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

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

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

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

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

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

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

**REQUEST FOR PHOTOGRAPHER**

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

**ADJOURN IN MEMORY**

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

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

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

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

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

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

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

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eleanor S. Northup, of Davis; and Thomas A. Johnson, of West Sacramento.

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

#### **SPECIAL RECOGNITION**

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

#### **JOINT RULE 62(a) WAIVED**

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

#### **ANNOUNCEMENTS**

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

#### **ADJOURN IN MEMORY**

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

#### **RE-REFERENCE OF BILLS**

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

#### **SPECIAL RECOGNITION**

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

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Rules**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Joint Resolution No. 6

With the recommendation: Be adopted.

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

PERATA, Chairman

Above resolution ordered on file.

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

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

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

Resolution read.

### Members Made Coauthors of Senate Joint Resolution No. 6

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

#### Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

#### Request for Unanimous Consent

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

#### Consideration of Senate Joint Resolution No. 6, as Amended

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

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

#### AYES—79

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

#### NOES—None

Resolution ordered transmitted to the Senate.

#### BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE

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

**ADJOURN IN MEMORY**

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

**BILL RETURNED TO SENATE**

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

**COMMITTEE MEETING ANNOUNCEMENTS**

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

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Papan:

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

By Assembly Member Vincent:

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

By Assembly Member Brown:

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

By Assembly Member Sweeney:

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

Resolutions read, and adopted by the following vote:

**AYES—74**

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

**NOES—None**

**JOINT RULE 62(a) WAIVED**

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

**REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY  
SUSPEND THE RULES**

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

**JOINT RULE 62(a) WAIVED**

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

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

**RE-REFERENCE OF BILLS**

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

**ANNOUNCEMENTS**

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

**RECESS**

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

**REASSEMBLED**

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

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

**RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 42**

By Assembly Member Bustamante

*Relative to commending Louis Caldera.*

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

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

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

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

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

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

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

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

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

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

#### **REQUEST FOR PHOTOGRAPHER**

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



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

**HOUSE RESOLUTION NO. 42 TAKEN UP BY UNANIMOUS CONSENT**

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

**HOUSE RESOLUTION NO. 42**—Relative to commending Louis Caldera.

Resolution read, and adopted.

**Best Wishes Expressed**

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

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS**

**CONSIDERATION OF SENATE AMENDMENTS**

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

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

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

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

**AYES—50**

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

**NOES—24**

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

**Vote Changes**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1564 (Committee on Budget)**—An act making an appropriation for the payment of claims against the State of California, and declaring the urgency thereof, to take effect immediately.

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

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

Bill presented by Assembly Member Ducheny.

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

**AYES—75**

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

**NOES—None**

Above bill ordered enrolled.

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

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

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

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

**AYES—78**

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

**NOES—1**

Migden

Above bill ordered enrolled.

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

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

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

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

**AYES—46**

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

**NOES—27**

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

Above bill ordered enrolled.

**BILLS RETURNED TO THIRD READING FILE**

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

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

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

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

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

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

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—64**

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

**NOES—13**

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

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—64**

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

**NOES—13**

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

**Vote Changes**

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

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

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

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

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS**

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

Bill read third time.

**Motion to Amend**

Assembly Member Mazzoni moved the adoption of amendments.

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

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

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

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 1 p.m.

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

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

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

**Point of Personal Privilege**

Assembly Member Granlund arose to a point of personal privilege.

The question being on passage of the bill.

The roll was opened.

**Call of the Assembly**

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

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

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

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

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

Bill read third time.

**Motion to Amend by Assembly Member Oller—Set 1**

Assembly Member Oller moved the adoption of amendments.

Amendments read.

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

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

Assembly Member Shelley seconded the motion.

The roll was opened.

**Call of the Assembly**

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

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

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

**Motion to Amend by Assembly Member Oller—Set 2**

Assembly Member Oller moved the adoption of amendments.

Amendments read.

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

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

Assembly Member Sweeney seconded the motion.

The roll was opened.

**Call of the Assembly**

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

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

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

**Motion to Amend by Assembly Member Oller—Set 3**

Assembly Member Oller moved the adoption of amendments.

Amendments read.

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

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

Assembly Member Shelley seconded the motion.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 1:28 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.



**SENATE BILL NO. 238 (Haynes)**—An act to amend Section 903 of the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Leach.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1344 (Johnston)**—An act to add Chapter 1.4 (commencing with Section 24185) to Division 20 of the Health and Safety Code, relating to human cloning.

Bill read third time.

**Motion to Amend**

Assembly Member Battin moved the adoption of amendments.  
Amendments read.

**Senate Bill No. 1344 Passed Temporarily**

By unanimous consent Senate Bill No. 1344 was passed temporarily.

**At 1:35 p.m., Hon. Fred Keeley, 27th District, presiding**

**SENATE BILL NO. 1082 (Kelley)**—An act to add Section 1812.5 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Ducheny.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—59**

Ackerman	Davis	Leonard	Richter
Aguilar	Ducheny	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Olberg	Thomson
Baugh	Hertzberg	Oller	Torlakson
Bordonaro	Honda	Ortiz	Villaraigosa
Brewer	House	Pacheco	Wayne
Brown	Kaloogian	Perata	Woods
Campbell	Keeley	Poochigian	Wright
Cardenas	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Pringle	

**NOES—6**

Bowen	Havice	McClintock
Floyd	Machado	Murray

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—59**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Olberg	Thomson
Baugh	Hertzberg	Oller	Torlakson
Bordonaro	Honda	Ortiz	Villaraigosa
Brewer	House	Pacheco	Wayne
Brown	Kaloogian	Perata	Woods
Campbell	Keeley	Poochigian	Wright
Cardenas	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Pringle	

**NOES—6**

Bowen	Havice	McClintock
Floyd	Machado	Murray

**~~Bill ordered transmitted to the Senate.~~**

(NOTE: Later this day a motion to reconsider the above vote on Senate Bill No. 1082 was offered by Assembly Member Machado.)

**SENATE BILL NO. 73 (Kopp)**—An act to amend Sections 998 and 2101 of the Code of Civil Procedure, to amend Sections 9104, 9402, 9403, 9404, 9405, 9406, and 9407 of, and to repeal Section 5114 of, the Commercial Code, to amend Section 721 of the Evidence Code, and to amend Sections 12583 and 68616 of the Government Code, relating to civil law.

Bill read third time.

**Motion to Amend**

Assembly Member Baugh moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 850 (Kelley)**—An act to add Sections 6523.6, 6523.7, and 6523.75 to the Government Code, relating to public health.

Bill read third time, and presented by Assembly Member Baldwin.

Bill passed by the following vote:

**AYES—69**

Ackerman	Davis	Machado	Richter
Aguiar	Ducheny	Margett	Scott
Alby	Escutia	Mazzoni	Shelley
Alquist	Figueroa	McClintock	Strom-Martin
Aroner	Firestone	Migden	Takasugi
Ashburn	Floyd	Miller	Thompson
Baca	Frusetta	Morrissey	Thomson
Baldwin	Gallegos	Morrow	Torlakson
Battin	Goldsmith	Murray	Villaraigosa
Baugh	Granlund	Napolitano	Vincent
Bordonaro	Hertzberg	Olberg	Washington
Bowen	Honda	Oller	Wayne
Bowler	House	Ortiz	Woods
Brown	Kaloogian	Pacheco	Wright
Campbell	Keeley	Perata	Mr. Speaker
Cardenas	Leach	Poochigian	
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Pringle	

**NOES—3**

Havice	Martinez	Wildman
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Bill ordered transmitted to the Senate.

**FURTHER CONSIDERATION OF SENATE BILL NO. 1344**

**SENATE BILL NO. 1344 (Johnston)**—An act to add Chapter 1.4 (commencing with Section 24185) to Division 20 of the Health and Safety Code, relating to human cloning.

The question being on the adoption of the Battin amendments to Senate Bill No. 1344.

Battin amendments adopted by the following vote:

**AYES—62**

Aguiar	Figueroa	Leonard	Scott
Alby	Firestone	Machado	Shelley
Alquist	Frusetta	Margett	Sweeney
Ashburn	Gallegos	Mazzoni	Takasugi
Baca	Goldsmith	Migden	Thompson
Baldwin	Granlund	Miller	Thomson
Battin	Havice	Morrissey	Torlakson
Bordonaro	Hertzberg	Morrow	Villaraigosa
Bowler	Honda	Murray	Vincent
Brewer	House	Olberg	Washington
Brown	Kaloogian	Oller	Wayne
Campbell	Keeley	Perata	Wildman
Cardenas	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker
Davis	Leach	Pringle	
Ducheny	Lempert	Runner	

**NOES—5**

Baugh	Martinez	Napolitano
Floyd	McClintock	

Bill ordered reprinted, and to be returned to the third reading file.

**RE-REFERENCE OF BILLS AND JOINT RULE 62(a) WAIVER**

Assembly Member Sweeney was granted unanimous consent that Assembly Bill No. 66 and Assembly Concurrent Resolution No. 71 be re-referred from the Committee on Local Government to the Committee on Revenue and Taxation and that Joint Rule 62(a) be waived for the purpose of hearing the bills in the Committee on Revenue and Taxation.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 196 (Knight)**—An act to amend Section 599aa of the Penal Code, relating to animal abuse.

Bill read third time.

**Motion to Amend**

Assembly Member Runner moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 416 (Kelley)**—An act to add Section 124.1 to the Streets and Highways Code, relating to highways.

Bill read third time, and presented by Assembly Member Murray.

Bill passed by the following vote:

**AYES—60**

Aguiar	Escutia	Lempert	Shelley
Alby	Figueroa	Leonard	Strom-Martin
Alquist	Firestone	Machado	Sweeney
Aroner	Frusetta	Martinez	Takasugi
Baca	Gallegos	Mazzoni	Thompson
Battin	Goldsmith	Migden	Thomson
Bordonaro	Granlund	Miller	Torlakson
Bowen	Havice	Morrissey	Villaraigosa
Bowler	Hertzberg	Murray	Vincent
Brewer	Honda	Napolitano	Washington
Brown	House	Ortiz	Wayne
Cardenas	Keeley	Pacheco	Wildman
Cunneen	Kuehl	Papan	Woods
Davis	Kuykendall	Perata	Wright
Ducheny	Leach	Scott	Mr. Speaker

**NOES—7**

Ackerman	Baugh	McClintock	Oller
Baldwin	Kaloogian	Olberg	

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 190**, on request of Assembly Member Thomson.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 252 (Kelley)**—An act relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Martinez.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 418 (Costa)**—An act to amend Section 6256 of the Penal Code, relating to correctional facilities.

Bill read third time.

**Motion to Amend**

Assembly Member Olberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 680 (Solis)**—An act to amend Section 510 of, to add Sections 511, 512, 513, 514, and 557 to, and to repeal Section 1183.5 of, the Labor Code, relating to employment.

Bill read third time.

**Motion to Amend by Assembly Member Granlund—Set 1**

Assembly Member Granlund moved the adoption of amendments. Amendments read.

**Motion to Table Granlund Amendments  
to Senate Bill No. 680—Set 1**

Assembly Member Shelley moved that the amendments offered by Assembly Member Granlund to Senate Bill No. 680—Set 1 be laid upon the table.

Assembly Member Sweeney seconded the motion.

Motion carried by the following vote:

**AYES—39**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Migden	Thomson
Baca	Gallegos	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—35**

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Leonard	Poochigian
Alby	Cunneen	Margett	Prenter
Ashburn	Firestone	McClintock	Pringle
Baldwin	Goldsmith	Miller	Richter
Battin	Granlund	Morrissey	Runner
Baugh	House	Morrow	Thompson
Bordonaro	Kaloogian	Olberg	Woods
Bowler	Kuykendall	Oller	

**Vote Changes**

By unanimous consent, the following vote change was permitted on the Shelley motion to table the amendments offered by Assembly Member Granlund to Senate Bill No. 680—Set 1: Assembly Member Havice, from “Aye” to “Not Voting”.

**Amendments Withdrawn**

Without objection, Assembly Member Granlund withdrew his amendments to Senate Bill No. 680—Set 2.

**Motion to Amend by Assembly Member Granlund—Set 3**

Assembly Member Granlund moved the adoption of amendments. Amendments read.

**Motion to Table Granlund Amendments  
to Senate Bill No. 680—Set 3**

Assembly Member Shelley moved that the amendments offered by Assembly Member Granlund to Senate Bill No. 680—Set 3 be laid upon the table.

Assembly Member Sweeney seconded the motion.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Olberg moved a call of the Assembly.

Motion carried. Time, 2:10 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**At 2:10 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 219**

Assembly Member Alby was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 219; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on August 14, 1997 (Assembly Journal, page 3689); and whereby on August 11, 1997 (Assembly Journal, page 3636), the Assembly concurred in Senate amendments and ordered the bill enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 67 (Kopp)**—An act to amend Section 1714.45 of the Civil Code, relating to product liability.

Bill read third time, and presented by Assembly Member Shelley.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Leonard moved a call of the Assembly.

Motion carried. Time, 2:12 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.



**SENATE BILL NO. 468 (Rainey)**—An act to add Section 1522.06 to the Health and Safety Code, relating to community care facilities.

Bill read third time, and presented by Assembly Member Torlakson.

Bill passed by the following vote:

**AYES—70**

Ackerman	Figueroa	Margett	Runner
Aguiar	Firestone	Mazzoni	Scott
Alquist	Frusetta	McClintock	Shelley
Ashburn	Gallegos	Miller	Strom-Martin
Baca	Goldsmith	Morrissey	Sweeney
Baldwin	Granlund	Morrow	Takasugi
Battin	Havice	Murray	Thompson
Baugh	Hertzberg	Napolitano	Thomson
Bordonaro	Honda	Olberg	Torlakson
Bowen	House	Oller	Villaraigosa
Bowler	Kaloogian	Ortiz	Vincent
Brewer	Keeley	Pacheco	Washington
Brown	Knox	Papan	Wayne
Campbell	Kuykendall	Perata	Wildman
Cardenas	Leach	Poochigian	Woods
Cardoza	Lempert	Prenter	Mr. Speaker
Davis	Leonard	Pringle	
Escutia	Machado	Richter	

**NOES—4**

Alby	Aroner	Martinez	Migden
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Bill ordered transmitted to the Senate.

**SENATE BILL NO. 500 (Polanco)**—An act to add Chapter 1.3 (commencing with Section 12125) to Title 2 of Part 4 of the Penal Code, relating to firearms.

Bill read third time.

**Motion to Amend**

Assembly Member Perata moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 471 (Burton)**—An act to amend Sections 22002, 22115, 22119.2, 22134, 22155, 22456, 22701, 22710, 22713, 22901, 22903, 22904, 22950, 22951, 22952, 22954, 22955, 23000, 23002, 23005, 23008, 24005, 24205, and 24950 of the Education Code, relating to school employees.

Bill read third time, and presented by Assembly Member Knox.

Bill passed by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguilar	Escutia	Machado	Richter
Alby	Figueroa	Martinez	Runner
Alquist	Firestone	Mazzoni	Scott
Aroner	Frusetta	McClintock	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Baugh	Hertzberg	Murray	Thomson
Bordonaro	Honda	Napolitano	Torlakson
Bowen	House	Olberg	Villaraigosa
Bowler	Kaloogian	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Brown	Knox	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 219 (Rosenthal)**—An act to amend Sections 3695.5, 3772.5, and 3791.4 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

**Motion to Amend**

Assembly Member Torlakson moved the adoption of amendments.  
Amendments read and adopted.

**Senate Bill No. 219 Passed Temporarily**

By unanimous consent Senate Bill No. 219 was passed temporarily on file.

**SENATE BILL NO. 883 (Committee on Local Government)**—An act to amend Section 4106 of the Food and Agricultural Code, to amend Sections 25332, 25843, 26220, 50274, and 56706 of, to amend and renumber Section 25526.6 of, and to repeal Chapter 3.5 (commencing with Section 55530) of Part 2 of Division 2 of Title 5 of, the Government Code to amend Sections 32, 150, and 153 of, and to add Sections 156 and 157 to, the Fairfield-Suisun Sewer District Act (Chapter 303 of the Statutes of 1951), to amend Sections 3 and 6 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session), and to amend Section 201 of the Colusa Basin Drainage District Act (Chapter 1399 of the Statutes of 1987), relating to the Local Government Omnibus Act of 1997.

Bill read third time.

**Motion to Amend**

Assembly Member Sweeney moved the adoption of amendments.  
Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1299 (Watson)**—An act to amend Section 14087.961 of the Welfare and Institutions Code, relating to human services.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—44**

Aguilar	Escutia	Mazzoni	Strom-Martin
Alquist	Figueroa	McClintock	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Caldera	Knox	Papan	Washington
Cardenas	Kuehl	Perata	Wayne
Cardoza	Lempert	Prenter	Wildman
Davis	Machado	Scott	Wright
Ducheny	Martinez	Shelley	Mr. Speaker

**NOES—26**

Ackerman	Campbell	Leonard	Pringle
Alby	Frusetta	Margett	Runner
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Leach	Pacheco	

Bill ordered transmitted to the Senate.

**At 2:30 p.m., Assistant Speaker pro Tempore Joe Baca,**  
**62nd District, presiding**

**UNFINISHED BUSINESS (RESUMED)**

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949, 452, 1577, and 1583; and Senate Bills Nos. 682, 305, 248, 512, and ~~376~~ were continued until Thursday, August 28, 1997.

(NOTE: Later this day, the action was rescinded whereby the motion to reconsider Senate Bill No. 376 was continued. See page 3782.)

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Knox returned Assembly Bill No. 1104 to the Senate for further action.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Vincent announced his intention to request that Senate Bill No. 220 be removed from the inactive file.

**REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 1175**

Assembly Member Shelley was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 1175; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on August 14, 1997 (Assembly Journal, page 3689); and whereby on August 7, 1997 (Assembly Journal, page 3543), the Assembly concurred in Senate amendments and ordered the bill enrolled.

**JOINT RULE 62(a) WAIVED**

Assembly Member Takasugi was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 30, Assembly Bill No. 66, and Assembly Concurrent Resolution No. 71 for hearing in the Committee on Revenue and Taxation on Tuesday, August 26, 1997.

**ACTION RESCINDED ON SENATE BILL NO. 376**

Assembly Member Ortiz was granted unanimous consent to rescind the action whereby earlier this day (Assembly Journal, page 3781), the motion to reconsider Senate Bill No. 376 was continued.

**Senate Bill No. 376 Reconsidered by Unanimous Consent**

In compliance with a motion given by Assembly Member Davis, Assembly Member Ortiz was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 376 was refused passage.

**Further Consideration of Senate Bill No. 376**

**SENATE BILL NO. 376 (Alpert)**—An act to amend and repeal Sections 48431.6, 48431.7, 62000.1, and 62000.5 of, to amend, repeal, and add Sections 63000 and 64000 of, to add Part 28.5 (commencing with Section 53008) to, to add and repeal Sections 42926, 44498, 44689.6, 48642, 52091, 52115, 52187, 54669.1, 54686.3, 58410, and 58609 of, to add and repeal Article 4 (commencing with Section 44689.1) of Chapter 3.1 of Part 25 of, and Article 4 (commencing with Section 54146) of Chapter 2 of, and Article 3 (commencing with Section 54349) of Chapter 3 of, Part 29 of, Article 6 (commencing with Section 58070) of Chapter 1 of, and Article 7 (commencing with Section 58930) of Chapter 9 of, Part 31 of, to repeal Article 4 (commencing with Section 44490) of Chapter 3 of Part 25 of, Article 2 (commencing with Section 48630) of Chapter 4 of Part 27 of, Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of, Article 3 (commencing with Section 54660) and Article 4.5 (commencing with Section 54685) of, Chapter 9 of Part 29 of, to repeal Chapter 11.3 (commencing with Section 42920) of Part 24 of, Chapter 3.1 (commencing with Section 44670.1) of, and Chapter 3.15 (commencing with Section 44689.5) of, Part 25 of, Chapter 6.8 (commencing with Section 52080) of, and Chapter 6.9 (commencing with Section 52100) of, Part 28 of, Chapter 2 (commencing with Section 54100) of, and Chapter 3 (commencing with Section 54300) of, Part 29 of, and to repeal Chapter 1 (commencing with Section 58000) of, Chapter 2 (commencing with Section 58400) of, Chapter 4 (commencing with Section 58600) of, and Chapter 9 (commencing with Section 58900) of, Part 31 of, the Education Code, relating to education.

Bill read third time.

**Motion to Amend**

Assembly Member Ortiz moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1175**, on request of Assembly Member Shelley.

**ADJOURN IN HONOR**

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of Kouver Richard Smith, born on August 15, 1997 to Danielle Walters and Richard Smith.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Murray announced that the Committee on Transportation would meet today, 15 minutes after adjournment of Floor session.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 347 (Thompson)**—An act to amend Sections 651 and 668 of, and to add Section 655.7 to, the Harbors and Navigation Code, and to amend Section 11837.3 of the Health and Safety Code, relating to vessels.

Bill read third time.

**Motion to Amend**

Assembly Member Goldsmith moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 628 (Kopp)**—An act to amend Section 1800.3 of the Probate Code, and to amend Sections 15657 and 15657.3 of, and to add Section 15610.06 to, the Welfare and Institutions Code, relating to elderly and dependent adults.

Bill read third time.

**Motion to Amend**

Assembly Member Pacheco moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON**  
**SENATE BILL NO. 355**

At 2:42 p.m., on motion of Assembly Member Thomson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 355 passed by the following vote:

**AYES—43**

Aguiar	Escutia	Kuehl	Shelley
Alquist	Figueroa	Kuykendall	Strom-Martin
Aroner	Firestone	Margett	Sweeney
Ashburn	Floyd	Mazzoni	Takasugi
Baca	Frusetta	Napolitano	Thomson
Bordonaro	Gallegos	Ortiz	Torlakson
Brown	Hertzberg	Pacheco	Villaraigosa
Caldera	Honda	Papan	Wildman
Cardoza	House	Perata	Woods
Davis	Keeley	Richter	Wright
Ducheny	Knox	Runner	

**NOES—23**

Ackerman	Cunneen	McClintock	Oller
Alby	Granlund	Migden	Prenter
Baldwin	Havice	Miller	Pringle
Baugh	Kaloogian	Morrissey	Thompson
Bowler	Leach	Morrow	Wayne
Campbell	Leonard	Olberg	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 355: Assembly Members Ackerman, Cunneen, and Miller, from "Aye" to "No"; Assembly Member Woods, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 340**

At 2:42 p.m., on motion of Assembly Member Kuehl, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Kuehl moved to continue the call of the Assembly.

Motion carried. Time, 2:44 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
VILLARAIGOSA MOTION TO TABLE OLLER AMENDMENTS TO  
SENATE BILL NO. 146—SET 1**

At 2:44 p.m., on motion to Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Villaraigosa motion to table Oller amendments to Senate Bill No. 146—Set 1 carried by the following vote:

**AYES—40**

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Gallegos	Mazzoni	Sweeney
Baca	Havice	Migden	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cardenas	Keeley	Ortiz	Vincent
Cardoza	Knox	Papan	Washington
Davis	Kuehl	Perata	Wayne
Ducheny	Lempert	Scott	Wildman
Escutia	Machado	Shelley	Mr. Speaker

**NOES—33**

Ackerman	Brewer	McClintock	Pringle
Aguiar	Campbell	Miller	Richter
Alby	Frusetta	Morrissey	Runner
Ashburn	Goldsmith	Morrow	Takasugi
Baldwin	Granlund	Olberg	Thompson
Battin	House	Oller	Woods
Baugh	Leach	Pacheco	
Bordonaro	Leonard	Poochigian	
Bowler	Margett	Prenter	

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
VILLARAIGOSA MOTION TO TABLE OLLER AMENDMENTS TO  
SENATE BILL NO. 146—SET 2**

At 2:44 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Villaraigosa motion to table Oller amendments to Senate Bill No. 146—Set 2 carried by the following vote:

**AYES—40**

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Gallegos	Mazzoni	Sweeney
Baca	Havice	Migden	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cardenas	Keeley	Ortiz	Vincent
Cardoza	Knox	Papan	Washington
Davis	Kuehl	Perata	Wayne
Ducheny	Lempert	Scott	Wildman
Escutia	Machado	Shelley	Mr. Speaker

**NOES—33**

Ackerman	Brewer	McClintock	Pringle
Aguiar	Campbell	Miller	Richter
Alby	Frusetta	Morrissey	Runner
Ashburn	Granlund	Morrow	Takasugi
Baldwin	House	Olberg	Thompson
Battin	Kaloogian	Oller	Woods
Baugh	Leach	Pacheco	
Bordonaro	Leonard	Poochigian	
Bowler	Margett	Prenter	

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
VILLARAIGOSA MOTION TO TABLE OLLER AMENDMENTS TO  
SENATE BILL NO. 146—Set 3**

At 2:45 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Villaraigosa motion to table Oller amendments to Senate Bill No. 146—Set 3 carried by the following vote:

**AYES—39**

Alquist	Escutia	Machado	Strom-Martin
Aroner	Figueroa	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Caldera	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Perata	Wayne
Davis	Kuehl	Scott	Wildman
Ducheny	Lempert	Shelley	

**NOES—34**

Ackerman	Brewer	Margett	Prenter
Aguiar	Campbell	McClintock	Pringle
Alby	Frusetta	Miller	Richter
Ashburn	Goldsmith	Morrissey	Runner
Baldwin	Granlund	Morrow	Takasugi
Battin	House	Olberg	Thompson
Baugh	Kaloogian	Oller	Woods
Bordonaro	Leach	Pacheco	
Bowler	Leonard	Poochigian	

**Objection to Vote Adds**

Assembly Member Aroner withheld unanimous consent on any requests for vote adds or vote changes on the roll call votes taken on this day on the Villaraigosa motions to table Oller amendments to Senate Bill No. 146—Sets 1, 2, and 3.

**Further Consideration of Senate Bill No. 146**

**SENATE BILL NO. 146** (Johnston)—An act to amend Section 12050 of the Penal Code, relating to weapons.

Bill read third time, and presented by Assembly Member Ortiz.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Ortiz moved a call of the Assembly.

Motion carried. Time, 3:26 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SHELLEY MOTION TO TABLE GRANLUND AMENDMENTS TO  
SENATE BILL NO. 680—SET 3**

At 3:27 p.m., on motion of Assembly Member Olberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Shelley motion to table Granlund amendments to Senate Bill No. 680—Set 3 carried by the following vote:

**AYES—39**

Alquist	Figueroa	Migden	Thomson
Aroner	Floyd	Murray	Torlakson
Baca	Gallegos	Napolitano	Villaraigosa
Bowen	Hertzberg	Ortiz	Vincent
Brown	Honda	Papan	Washington
Caldera	Keeley	Perata	Wayne
Cardenas	Knox	Scott	Wildman
Davis	Kuehl	Shelley	Wright
Ducheny	Lempert	Strom-Martin	Mr. Speaker
Escutia	Martinez	Sweeney	

**NOES—36**

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Leonard	Poochigian
Alby	Cunneen	Margett	Prenter
Ashburn	Firestone	McClintock	Pringle
Baldwin	Goldsmith	Miller	Richter
Battin	Granlund	Morrissey	Runner
Baugh	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Kuykendall	Oller	Woods

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call votes taken on this day on the Shelley motions to table Granlund amendments to Senate Bill No. 680—Sets 1 and 3.



**Further Consideration of Senate Bill No. 680**

**SENATE BILL NO. 680 (Solis)**—An act to amend Section 510 of, to add Sections 511, 512, 513, 514, and 557 to, and to repeal Section 1183.5 of, the Labor Code, relating to employment.

Bill read third time, and presented by Assembly Member Knox.

**At 3:55 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**Point of Personal Privilege**

Assembly Member Miller arose to a point of personal privilege.

Assembly Member Martinez arose to a point of personal privilege.

**Demand for Previous Question**

Assembly Members Villaraigosa, Sweeney, Alquist, Ortiz, and Washington demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—42**

Alquist	Figueroa	Martinez	Thomson
Aroner	Floyd	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Caldera	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	

**NOES—32**

Ackerman	Campbell	Leach	Pacheco
Ashburn	Cunneen	Leonard	Poochigian
Baldwin	Firestone	Margett	Prenter
Battin	Goldsmith	McClintock	Pringle
Baugh	Granlund	Miller	Richter
Bordonaro	House	Morrow	Runner
Bowler	Kaloogian	Olberg	Thompson
Brewer	Kuykendall	Oller	Woods

Bill ordered transmitted to the Senate immediately.

**Objection to Vote Adds**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 680.

**Communications**

The following explanation of vote was presented by the Chief Clerk and ordered printed in the Journal:

**Explanation of Vote—Senate Bill No. 680**

August 25, 1997

*Mr. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Third Floor  
Sacramento, California*

Dear Mr. Wilson: I intended to vote for Senate Bill 680 by Senator Hilda Solis today on the Assembly Floor, SB 680 requires overtime pay for overtime work. I support this.

I bring this matter to your attention for official documentation of the issue if it is ever misrepresented in the future.

Sincerely,

PETER FRUSETTA, Assembly Member  
Twenty-eighth District

**FURTHER CONSIDERATION OF SENATE BILL NO. 219**

**SENATE BILL NO. 219 (Rosenthal)**—An act to amend Sections 3695.5, 3772.5, and 3791.4 of the Revenue and Taxation Code, relating to taxation.

**Amendments Withdrawn**

Without objection, Assembly Member Prenter withdrew his amendments to Senate Bill No. 219.

Senate Bill No. 219 ordered reprinted, as amended earlier this day by Assembly Member Torlakson, and to be returned to the third reading file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 816 (O'Connell)**—An act to amend Section 7735 of, and to add and repeal Section 17530.7 of, the Business and Professions Code, relating to funeral practices.

Bill read third time, and presented by Assembly Member Davis.

Bill passed by the following vote:

**AYES—53**

Ackerman	Davis	Leach	Strom-Martin
Aguiar	Ducheny	Leonard	Sweeney
Alquist	Escutia	Machado	Takasugi
Aroner	Figueroa	Martinez	Thomson
Ashburn	Firestone	Mazzoni	Torlakson
Baca	Floyd	Migden	Villaraigosa
Bordonaro	Callegos	Morrissey	Washington
Bowen	Havice	Murray	Wayne
Brewer	Hertzberg	Ortiz	Wildman
Brown	Honda	Papan	Wright
Campbell	Keeley	Perata	Mr. Speaker
Cardenas	Knox	Prenter	
Cardoza	Kuehl	Scott	
Cunneen	Kuykendall	Shelley	

**NOES—20**

Alby	Goldsmith	Morrow	Pringle
Baldwin	House	Olberg	Richter
Battin	Kaloogian	Oller	Runner
Baugh	McClintock	Pacheco	Thompson
Bowler	Miller	Poochigian	Woods

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 340**

At 4:11 p.m., on motion of Assembly Member Kuehl, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

**Request to Expunge Record and Rescind Action**

Assembly Member Kuehl requested unanimous consent that the record be expunged and the action rescinded whereby a roll call vote was taken on this day on Senate Bill No. 340.

Assembly Member Floyd withheld unanimous consent.

**Parliamentary Inquiry**

Assembly Member Martinez arose to the following parliamentary inquiry:

In the absence of unanimous consent, what is the vote required to permit the action to be rescinded and the record expunged whereby a roll call vote was taken on Senate Bill No. 340?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that such action is a suspension of the rules and would therefore require  $\frac{2}{3}$  present and voting.

**At 4:16 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**Parliamentary Inquiry**

Assembly Member Brown arose to the following parliamentary inquiry:

What is the status of the motion by Assembly Member Martinez to temporarily suspend the rules to permit the action to be rescinded and the record expunged whereby a roll call vote was taken on Senate Bill No. 340?

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore replied that Assembly Member Martinez' motion was not recognized as she spoke prior to making the motion, and further, the motion was not seconded.

**Vote Announced on Senate Bill No. 340**

**AYES—40**

Alquist	Escutia	Lempert	Shelley
Aroner	Figueroa	Martinez	Strom-Martin
Bowen	Callegos	Mazzoni	Sweeney
Brown	Havice	Migden	Thomson
Caldera	Hertzberg	Napolitano	Torlakson
Cardenas	Honda	Ortiz	Villaraigosa
Cardoza	Keeley	Pacheco	Vincent
Cunneen	Knox	Papan	Washington
Davis	Kuehl	Perata	Wayne
Ducheny	Kuykendall	Scott	Wildman

**NOES—25**

Ackerman	Brewer	Margett	Pringle
Alby	Campbell	McClintock	Runner
Ashburn	Granlund	Miller	Takasugi
Baldwin	House	Morrow	Woods
Baugh	Kaloogian	Olberg	
Bordonaro	Leach	Oller	
Bowler	Leonard	Poochigian	

**Motion to Reconsider Senate Bill No. 340  
on Next Legislative Day**

Assembly Member Kuehl moved to reconsider on Thursday, August 28, 1997 the vote whereby Senate Bill No. 340 was this day refused passage.

Senate Bill No. 340 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 67**

At 4:20 p.m., on motion of Assembly Member Leonard, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Olberg moved to continue the call of the Assembly.

Motion carried. Time, 4:20 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 146**

At 4:22 p.m. on motion of Assembly Member Ortiz, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Oller moved to continue the call of the Assembly.

Motion carried. Time, 4:22 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**At 4:23 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 67**

At 4:23 p.m., on motion of Assembly Member Olberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 67 passed by the following vote:

**AYES—46**

Aguiar	Figueroa	Machado	Sweeney
Alquist	Firestone	Martinez	Thompson
Aroner	Frusetta	Mazzoni	Thomson
Bordonaro	Gallegos	Migden	Torlakson
Bowen	Goldsmith	Napolitano	Villaraigosa
Brown	Havice	Ortiz	Vincent
Caldera	Honda	Pacheco	Washington
Cardenas	Keeley	Perata	Wayne
Cunneen	Knox	Prenter	Wildman
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Kuykendall	Shelley	
Escutia	Lempert	Strom-Martin	

**NOES—21**

Ackerman	Brewer	McClintock	Pringle
Alby	Granlund	Miller	Runner
Ashburn	Kaloogian	Morrow	Woods
Baldwin	Leach	Olberg	
Baugh	Leonard	Oller	
Bowler	Margett	Poochigian	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 146**

At 4:24 p.m., on motion of Assembly Member Oller, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 146 passed by the following vote:

**AYES—41**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Caldera	Honda	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Mr. Speaker
Davis	Kuykendall	Scott	
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	

**NOES—34**

Ackerman	Bowler	Margett	Pringle
Aguiar	Brewer	McClintock	Richter
Alby	Campbell	Miller	Runner
Ashburn	Frusetta	Morrissey	Takasugi
Baca	Granlund	Morrow	Thompson
Baldwin	House	Olberg	Woods
Battin	Kaloogian	Oller	Wright
Baugh	Leach	Poochigian	
Bordonaro	Leonard	Prenter	

Bill ordered transmitted to the Senate.

**COMMITTEE MEETING ANNOUNCEMENTS**

Speaker pro Tempore Kuehl made the following committee announcements:

Elections, Reapportionment, and Constitutional Amendments at 5 p.m. today, in Room 447;

Governmental Organization, upon adjournment of Session today, in Room 3162;

Natural Resources, 15 minutes after adjournment of Session today, in Room 437;

Revenue and Taxation, on Tuesday, August 26, 1997, at 1:30 p.m., in Room 444;

Televising the Assembly and Information Technology, on Tuesday, August 26, 1997, at 10:30 a.m., in Room 126; and

Transportation, 15 minutes after adjournment of Session today.

**MOTION TO RECONSIDER SENATE BILL NO. 1082  
ON NEXT LEGISLATIVE DAY**

Assembly Member Machado moved to reconsider on the next legislative day the vote whereby Senate Bill No. 1082 was this day passed.

Senate Bill No. 1082 ordered to the unfinished business file.

**OBJECTION WITHDRAWN**

Assembly Member Thompson withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motions to table Granlund amendments to Senate Bill No. 680—Sets 1 and 3.

**OBJECTION TO VOTE ADDS**

Assembly Member Ortiz withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 146.

**JOINT RULE 62(a) WAIVED**

Assembly Member Alquist was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1614 and Senate Bill No. 1273 for hearing in the Committee on Televising the Assembly and Information Technology on Tuesday, August 26, 1997.

**OBJECTION TO VOTE ADDS**

Assembly Member Granlund withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motions to table Granlund amendments to Senate Bill No. 680—Sets 1 and 3.

**ADJOURN IN MEMORY**

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John P. Cook, Superintendent of the Montebello Unified School District.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Joint Resolution No. 6, Coauthors:** Baldwin, Brown, Gallegos, and Goldsmith—Aye.

**Senate Joint Resolution No. 6:** Baldwin, Brown, and Gallegos—Aye.

**Assembly Bill No. 1310, Concurrence:** Aguiar, Frusetta, Gallegos, and Morrissey—Aye; Baugh, Bordonaro, Margett, and Martinez—No.

**Assembly Bill No. 1564, Concurrence:** Aguiar, Baugh, Bordonaro, Gallegos, Goldsmith, Margett, Morrissey, and Olberg—Aye.

**Assembly Bill No. 307, Concurrence:** Baugh, Gallegos, Margett, and Morrissey—Aye.

**Assembly Bill No. 400, Concurrence:** Gallegos, Hertzberg, Machado, Morrissey, and Washington—Aye; Baugh, Martinez, and Prenter—No.

**Assembly Bill No. 1055 and Urgency:** Gallegos—Aye; Baugh, Margett, and Olberg—No.

**Senate Bill No. 238 and Urgency:** Bowen, Davis, and Gallegos—Aye.

**Senate Bill No. 1082 and Urgency:** Baugh, Cunneen, Hertzberg, and Torlakson—Aye; Machado—No.

**Senate Bill No. 850:** Baugh, Bowen, Cunneen, Hertzberg, Machado, Oller, and Scott—Aye.

**Senate Bill No. 1344, Battin Amendments:** Alby, Bowler, Cunneen, Davis, Hertzberg, Kaloogian, Kuykendall, Machado, Olberg, Oller, Prenter, Scott, and Torlakson—Aye; Baugh—No.

**Senate Bill No. 416:** Baca, Bowen, Brown, Cunneen, Goldsmith, Havice, Machado, Martinez, and Scott—Aye; Baugh, Kaloogian, and Oller—No.

**Senate Bill No. 252 and Urgency:** Baca, Baugh, Cardenas, Cunneen, Kaloogian, Machado, and Oller—Aye.

**Senate Bill No. 680, Shelley Motion to Table Granlund Amendments—Set 1:** Baugh and Cunneen—No.

**Senate Bill No. 468:** Baca, Baugh, Brown, Cardenas, Davis, Gallegos, Granlund, and Machado—Aye.

**Senate Bill No. 471:** Baca, Baugh, Brown, Cardenas, Gallegos, Granlund, and Machado—Aye.

**Senate Bill No. 1299:** Machado, Prenter, and Torlakson—Aye; Goldsmith and Granlund—No.

**Senate Bill No. 355:** Davis, Hertzberg, and Honda—Aye; Campbell and Wayne—No.

**Senate Bill No. 816:** Baca, Brewer, and Leach—Aye; Olberg and Prenter—No.

#### **MOTION TO ADJOURN**

At 4:28 p.m., Assembly Member Martinez moved that the Assembly do now adjourn.

Assembly Member Washington seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 4:29 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

#### **RESOLUTIONS**

The following resolution was offered:

**HOUSE RESOLUTION NO. 43—Sweeney,** (Principal coauthor: Villaraigosa) Alquist, Aroner, Baca, Bowen, Brown, Cardenas, Cardoza, Davis, Ducheny, Escutia, Gallegos, Havice, Hertzberg, Honda, Keeley, Knox, Kuehl, Lempert, Martinez, Mazzoni, Migden, Napolitano, Ortiz, Perata, Scott, Shelley, Strom-Martin, Thomson, Torlakson, Vincent, Washington, Wayne, and Wildman. Relative to automated teller machine surcharges.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Banking and Finance**

August 25, 1997

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Assembly Bill No. 185

With author's amendments with the recommendation: Amend, and re-refer to the committee.

PAPAN, Chairman

**ASSEMBLY BILL NO. 185—**An act to amend Section 3537 of the Civil Code, relating to statutory interpretation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.



**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 25, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 535

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 535**—An act to add Section 11362.59 to the Health and Safety Code, relating to marijuana, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Joint Resolution No. 25

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 39

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

PERATA, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 20

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

**Committee on Governmental Organization**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1350

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

BROWN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 990

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

BROWN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, August 25, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9) and 61(a)(10) as it relates to Senate Bill No. 1161.

DENNIS CARDOZA

Above request ordered transmitted to the Committee on Rules.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 25, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Lee and Maddy as a Committee on Conference concerning:

**Assembly Bill No. 1126.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, August 25, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Rosenthal, Watson and Brulte as a Committee on Conference concerning:

**Senate Bill No. 593.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

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August 25, 1997

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill 450 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

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Senate Chamber, August 25, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 291

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 291**—An act relating to the payment of judgments and settlement claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**INTRODUCTION OF GUESTS**

Assembly Member Figueroa, of the 20th Assembly District, introduced Carol Bertsen, of Sunnyvale; and Kathy and Ken Hoyle, of Fremont.

Assembly Member Wildman, of the 43rd Assembly District, introduced Jennifer Hoang, of Glendale; and D'Valarie Travis, of Burbank.

Assembly Member Leonard, of the 63rd Assembly District, introduced Andres Gorbea, of Highland; and Rocio Castillo, of San Bernardino.

Assembly Member Takasugi, of the 37th Assembly District, introduced Lindsay, Diane, and Michael Hebert, of Camarillo.

**ADJOURNMENT**

At 4:30 p.m., pursuant to the motion by Assembly Member Martinez, the Assembly adjourned until 7 a.m., Tuesday, August 26, 1997, out of respect to the memory of Isabel "Al" Alva, on motion of Assembly Member Baca; out of respect to the memory of John Herrera, on motion of Assembly Member Battin; out of respect to the memory of Kyle O'Brien, on motion of Assembly Member Campbell; out of respect to the memory of Ed Petersen, on motion of Assembly Member Woods; out of respect to the memory of John P. Cook, on motion of Assembly Member Napolitano; out of respect to the memory of Jasmine Palesoo, on motion of Assembly Member Lempert; out of respect to the memory of Mary Gibson, on motion of Assembly Member Frusetta; out of respect to the memory of Karen Margreta Wood, George Yorgo Spyropoulos, and Clifford Perkins, on motion of Assembly Member Brewer; out of respect to the memory of Deputy Shayne York, on motion of Assembly Member Hertzberg; out of respect to the memory of Rembert "Itsie" Collins, on motion of Assembly Member Migden; out of respect to the memory of Eleanor S. Northup and Thomas A. Johnson, on motion of Assembly Member Thomson; out of respect to the memory of Phylliss Takeuchi, on motion of Assembly Member Honda; and in honor of the birth of Kouver Richard Smith, on motion of Assembly Member Gallegos.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 25, 1997

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	<b>SB</b>	<b>RN</b>
185	9719939	659	9721009
873	9715299	660	9720538
880	9712962	712	9721360
		713	9721008
		726	9721080
		727	9721066
		731	9721081
		744	9721073
		750	9721098
		768	9711075
		776	9720884
		802	9721029
		817	9720458
		818	9720259
		826	9720883
		827	9720935
		842	9721063
		883	9720751
		921	9721023
		936	9720954
		945	9720955
		1006	9721046
		1031	9710879
		1039	9721288
		1052	9721191
		1121	9720776
		1179	9721154
		1184	9721096
		1189	9721298
		1234	9721103
		1268	9720340
		1291	9721180
		1307	9721374
		1325	9720826
		1338	9721142
		1339	9721166
		1344	9720789

**Daily Total: 72**

**Cumulative Total: 3111**

Amendments were considered by the Assembly, but not adopted, to the following measures:

**SB**

- 146 (Oller amendments—Set 1, RN 9718826, laid upon the table)
- (Oller amendments—Set 2, RN 9719069, laid upon the table)
- (Oller amendments—Set 3, RN 9719640, laid upon the table)
- 680 (Granlund amendments—Set 1, RN 9719892, laid upon the table)
- (Granlund amendments—Set 3, RN 9720066, laid upon the table)

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, August 26, 1997**

**ONE HUNDRED TWENTY-SIXTH SESSION DAY**

**TWO HUNDRED SIXTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, August 26, 1997

The Assembly met at 7 a.m.

Hon. Bruce Thompson, Assembly Member, 66th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

Ackerman	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

Quorum present.

At 1:26 p.m., Hon. Jim Morrissey, 69th District, presiding

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Aguiar, Caldera, and Oller.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

August 19, 1997

*Speaker Cruz Bustamante  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I am requesting to be excused for the morning of Tuesday, August 26 for the purpose of district-related business.

If you have any questions, please contact Tiffany Baker in my office at 445-1670. Thank you for your attention to this matter.

Sincerely,

FRED AGUIAR, Assembly Member  
Sixty-first District

August 26, 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: This letter is to request that I be excused from check-in session on Tuesday, August 26, 1997, and Wednesday, August 27, 1997, due to business in my district office.

Thank you for your attention to this matter.

Sincerely,

LOUIS CALDERA, Assembly Member  
Forty-sixth District

August 25, 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I have legislative business in my district tomorrow, Tuesday, August 26 and am requesting to be excused from check-in session. Thank you for your consideration.

Sincerely,

THOMAS "RICO" OLLER, Assembly Member  
Fourth District



**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

August 26, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Robert Hertzberg to the Assembly Judiciary Committee to replace Assemblymember Louis Caldera for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 26, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Nao Takasugi to the Assembly Local Government Committee to replace Assemblymember George Runner for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 26, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember George House to the Assembly Local Government Committee to replace Assemblymember Steve Kuykendall for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 26, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Tom Bordonaro to the Assembly Health Committee to replace Assemblymember Fred Aguiar for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 26, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Bernie Richter to the Assembly Insurance Committee to replace Assemblymember Jim Cunneen for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 26, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Roy Ashburn to the Assembly Insurance Committee to replace Assemblymember Fred Aguiar for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 26, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Wally Knox as Acting Chairman of the Assembly Revenue and Taxation Committee for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 26, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Ted Lempert to the Assembly Revenue and Taxation Committee for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 26, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 873

Assembly Bill No. 880

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, August 26, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 185

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

#### **AUTHOR'S AMENDMENTS Committee on Appropriations**

August 26, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 1229

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1229**—An act to amend Sections 6055 and 6937 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

August 26, 1997

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 933

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**ASSEMBLY BILL NO. 933**—An act to amend Section 1596.871 of the Health and Safety Code, and to amend Section 781 of the Welfare and Institutions Code, relating to child day care facilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 8

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

VINCENT, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 66

With the recommendation: Be adopted, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 525

Senate Bill No. 1102

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Concurrent Resolution No. 43

Senate Concurrent Resolution No. 48

With the recommendation: Be adopted, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above resolutions re-referred to the Committee on Appropriations.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Joint Resolution No. 26

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

MURRAY, Chairman

Above resolution ordered on file.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Joint Resolution No. 36

With the recommendation: Be adopted.

MURRAY, Chairman

Above resolution ordered to third reading.

#### **Committee on Labor and Employment**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Labor and Employment reports:

Senate Concurrent Resolution No. 54

With amendments with the recommendation: Amend, and be adopted, as amended.

FLOYD, Chairman

Above resolution ordered to second reading.

#### **Committee on Judiciary**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1145

With amendments with the recommendation: Amend, and do pass, as amended.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

#### **Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 225

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

VINCENT, Chairman

Above bill ordered to second reading.

**Committee on Local Government**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 451

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

SWEENEY, Chairman

Above bill ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 66

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

KNOX, Acting Chairman

Above bill re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 726**—An act to amend Section 1382 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 727**—An act to amend Sections 2550.3 and 46010 of, to amend and renumber Section 46010.5 of, to add Section 42238.7 to, to repeal Section 46015 of, and to repeal and add Sections 2550.4, 42238.8, and 46010.2 of, the Education Code, relating to school finance.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 731**—An act to repeal Section 43843 of the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 744**—An act to amend Section 20128.5 of the Public Contract Code, relating to public construction contracts.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 750**—An act to amend Section 1367.10 of the Health and Safety Code, relating to health care coverage.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 768**—An act to amend Sections 25014.6 and 25017 of the Corporations Code, relating to securities.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1350**—An act to add Chapter 6 (commencing with Section 101860) to Part 4 of Division 101 of the Health and Safety Code, relating to health care.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO  
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communication was presented permitting the introduction of an Assembly bill:

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Joe Baca to introduce a bill relating to Religious Freedom Restoration Act. Request No. 9721444.

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 1617—Baca and Bowler.** An act to add Chapter 4.5 (commencing with Section 6400) to Division 7 of Title 1 of the Government Code, relating to religious freedom.

**MOTION TO RECONSIDER SENATE BILL NO. 1082 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 1082 was continued until the next legislative day.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

**Senate Bill No. 220**, on request of Assembly Member Vincent.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 27, 1997.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 26, 1997**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
993	9721202
1229	9721295
1350	9721467
<b>Daily Total:</b>	<b>3</b>
<b>Cumulative Total:</b>	<b>3114</b>



CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, August 27, 1997**

**ONE HUNDRED TWENTY-SEVENTH SESSION DAY**

**TWO HUNDRED SIXTY-NINTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, August 27, 1997

The Assembly met at 7 a.m.

Hon. Elaine Alquist, Assembly Member, 22nd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—76:

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thompson
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Wright
Davis	Leach	Poochigian	Mr. Speaker

Quorum present.

At 2:20 p.m., Hon. Brett Granlund, 65th District, presiding

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Caldera and Cunneen.*

*Because of illness in their families: Assembly Members Perata and Prenter.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

August 27, 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session today, August 27, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

(NOTE: For letter explaining the absence of Assembly Member Caldera on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, August 26, 1997.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

August 27, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Liz Figueroa to the Assembly Appropriations Committee to replace Assemblymember Don Perata for today, August 27, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 27, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember George Runner to the Assembly Appropriations Committee to replace Assemblymember Bruce Thompson for today, August 27, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

August 26, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: I am forwarding a copy of the newly revised Assembly "Policy Against Sexual Harassment" for you to chronicle. This policy was adopted in Assembly Rules Committee on July 28, 1997, and shall take effect immediately.

Sincerely,

DON PERATA, Chair  
Assembly Rules Committee

#### **POLICY AGAINST SEXUAL HARASSMENT**

It is the policy of the California State Assembly that sexual harassment in the workplace is prohibited. This policy is intended to prevent sexual harassment of Assembly employees. The Assembly will take all reasonable steps to prevent harassment from occurring, and will take prompt and appropriate action when it knows that sexual harassment has occurred.

Sexual harassment in the workplace is also prohibited by state and federal law. Under the California Fair Employment and Housing Act, sexual harassment is in violation of the law if the harassment is sufficiently severe or pervasive as to alter the conditions of employment and create an abusive working environment, or if submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of employment. Sexual harassment is prohibited in similar circumstances under federal law by Title VII of the Civil Rights Act of 1964.

The sexual harassment policy of the Assembly imposes a stricter standard of conduct than that in state and federal law. It is a "zero tolerance" standard, prohibiting sexual harassment (defined below) even though the conduct may not be sufficiently severe or pervasive to constitute sexual harassment in violation of law.

This policy does not create a contract. The Rules Committee may, in its discretion, discipline employees for conduct or follow procedures not described in this policy.

A summary of this policy shall be posted in every office and placed in the employee handbook. A copy of the policy shall be given to every employee upon employment, at the beginning of every session, and whenever the policy is revised.

#### **WHAT IS SEXUAL HARASSMENT?**

For purposes of this policy, sexual harassment includes unwanted sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual nature when: (1) submission to the conduct is made either an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's

work performance or creating an intimidating, hostile, or offensive work environment.

Conduct which violates this policy may take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures, or cartoons. Examples of conduct which may violate this policy also include requests for sexual favors, conversation containing sexual comments which would be offensive to a reasonable person of the same sex as the complainant, and unwelcome sexual advances. Specific examples of conduct which may be found to violate this policy are:

1. Offering employment benefits in exchange for sexual favors.
2. Making or threatening reprisals after a negative response to sexual advances.
3. Verbal sexual advances or propositions; or pressuring or persistently asking an employee for dates.
4. Visual conduct: leering, sexual gestures, display of sexually suggestive objects or pictures, cartoons, calendars or posters.
5. Verbal conduct: sexually degrading or derogatory comments, epithets, slurs or jokes regarding a person's sex or physical appearance; constantly questioning someone about his or her personal life and speculating about his or her sex life.
6. Written conduct: suggestive or obscene letters, notes, electronic mail messages, or invitations.
7. Physical conduct: unwelcome touching, assault, or impeding or blocking normal movement.
8. Other unwelcome conduct of a sexual nature which is unbecoming of an Assembly official or employee and which creates an intimidating, hostile or offensive work environment.

Harassment may involve outside vendors, lobbyists, or visitors. If the harassment is by a person who is not employed by the Assembly, it should nevertheless be reported to one of the people listed below.

Not all conduct which an employee may find offensive will necessarily violate this policy. For example, an ordinary social invitation to an employee, made under circumstances and in a manner that would not intimidate or offend a reasonable person of the same sex under the same or similar circumstances, is not sexual harassment, even though the particular employee may find the conduct objectionable.

Until July 28, 2000, the Rules Committee will investigate only those complaints of sexual harassment which have been reported to it within three years of the alleged harassment. After July 28, 2000, Rules Committee will investigate all complaints of sexual harassment reported to it within one year of the harassment. Rules Committee will promptly investigate these claims and, if necessary, appropriate corrective action will be taken. The investigation will take into consideration the totality of the circumstances as alleged, including

the nature of the conduct, the severity or frequency of the conduct, the total number of days over which all of the conduct occurred, and the context in which the conduct occurred.

#### **WHAT TO DO IF YOU BELIEVE YOU HAVE BEEN SEXUALLY HARASSED**

If you have been subjected to conduct of a sexual nature that is not welcome, you may choose to speak directly with the person responsible for the conduct. This could be a quick and effective way to bring the offensive conduct to a halt.

If you believe you are being sexually harassed or have been exposed to a sexually hostile work environment, you should bring the problem to the attention of one of the following people: your supervisor, the Member of the Assembly in whose office you work, the Compliance Officer, the Chief Administrative Officer, or any Member of the Rules Committee. If you receive a sexual harassment complaint or observe conduct in the workplace which you believe violates this policy, you should notify one of these same people. Complaints of sexual harassment should be reported as soon as possible after the incident or incidents have occurred. **You are not required to notify your supervisor first, especially if your supervisor is the individual whom you believe is doing the harassing.**

#### **INTERNAL COMPLAINT POLICY AND PROCEDURES AVAILABLE TO ALL ASSEMBLY MEMBERS AND EMPLOYEES**

Until July 28, 2000, the Rules Committee will investigate only those complaints of sexual harassment which have been reported to it within three years of the alleged harassment. After July 28, 2000, Rules Committee will investigate all complaints of sexual harassment reported to it within one year of the harassment. The Rules Committee will promptly investigate these claims and, if necessary, appropriate corrective action will be taken. The complainant and the accused will be interviewed. Other employees and witnesses may also be interviewed if circumstances warrant.

In most cases, the Rules Committee will attempt to resolve the problem informally. If informal resolution is not feasible or appropriate, a formal investigation, with specific findings, may be made. If the complaint is found to have merit, disciplinary action may be recommended.

The Rules Committee will strive to limit disclosure of any complaint to those directly concerned, consistent with its duty of fairness to the people involved and its duty to prevent harassment from occurring in the future. However, complete confidentiality cannot be guaranteed.

In determining whether or not particular conduct violates this policy, the Rules Committee will take into account such factors as the severity, duration, nature of the conduct, and the totality of the circumstances in each case. In addition, the Assembly prohibits retaliation against any employee for making a complaint or cooperating in an investigation. As set forth below, retaliation is a separate violation of this policy and the law.

#### **I. INFORMAL RESOLUTION**

##### **A. Informal Resolution by a Supervisor**

If a complaint of harassment is initially brought to the attention of a supervisor, the supervisor may attempt to resolve the problem

informally within 10 working days, or may immediately refer the matter to the Compliance Officer. If the supervisor attempts to resolve the problem and either the complainant or the accused rejects the proposed resolution, the supervisor shall report both the complaint and the proposed resolution promptly to the Compliance Officer. If the supervisor successfully resolves the problem, both the complaint and its resolution shall be reported promptly to the Rules Committee personnel.

**B. Informal Resolution by the Rules Committee**

Any unresolved complaint of harassment brought to the attention of the Rules Committee shall be investigated and, where appropriate, effective corrective action shall be taken. The Rules Committee in its sole discretion may attempt to resolve the complaint through informal procedures, and will complete these procedures within 10 working days whenever possible.

The Compliance Officer, or other person designated by the Rules Committee, will interview the complainant, the accused, and other individuals as appropriate, and may review other evidence. The Committee will strive to keep the investigation confidential to the extent possible. In the event that informal resolution is unsuccessful, either the complainant or the accused may request that the matter be handled through the formal procedure outlined below. At any time the Chief Administrative Officer or Compliance Officer may decide that the matter is to be handled through the formal procedure.

**II. FORMAL RESOLUTION**

The Rules Committee will conduct a formal investigation under the following guidelines:

**A. Interviews and Information Gathering**

1. If the informal resolution procedure has not resolved the complaint an outside investigator will review all reasonably available evidence and will interview the complainant, the accused, and other individuals with information on the matter, as appropriate.

2. The investigator will attempt to complete the investigation within 30 calendar days. The Rules Committee in its sole discretion may extend the time for completion of the investigation.

3. The Committee will strive to keep the investigation confidential to the extent possible.

4. The matter may be resolved informally at any time during the formal procedure.

**B. Findings and Recommendations**

At the conclusion of the investigation, the investigator shall prepare a written report of findings of fact, and shall file the report with the Chief Administrative Officer.

1. If the Chief Administrative Officer determines that the facts found by the investigator do not constitute a violation of this policy, the investigation is complete.

2. If the Chief Administrative Officer determines that the facts found by the investigator constitute a violation of this policy, the Chief Administrative Officer shall promptly notify the Chair and Vice-Chair of the Rules Committee of the determination that a violation of this policy has occurred. If an employee has violated the

policy, the Chief Administrative Officer shall also notify the Chair and Vice-Chair of any corrective action that the Chief Administrative Officer proposes to take, and any discipline that the Chief Administrative Officer proposes to impose pursuant to Part IV. If a Member has violated the policy, the Chief Administrative Officer shall report to the Chair and Vice Chair pursuant to Part V.

Both parties shall be informed in writing of the outcome of the investigation immediately.

### **III. RIGHTS OF APPEAL OF AN EMPLOYEE**

The decision of the Chief Administrative Officer shall be final. However, a party may appeal this decision to the Chair and Vice-Chair of the Rules Committee by filing written objections with the Chief Administrative Officers within 10 working days of receipt of notification of the decision. If the Chair and Vice-Chair both determine that the accused or the complainant has been denied a fair evaluation of the complaint, the Chair and Vice-Chair shall direct the Chief Administrative Officer to take remedial action.

### **IV. DISCIPLINE AGAINST AN EMPLOYEE**

The Chief Administrative Officer shall take appropriate corrective action, and shall also impose appropriate discipline on an employee which may include, but is not limited to, reprimand, suspension without pay, reduction in pay, demotion, or termination. In addition, an employee may be required to participate in additional training or individual counseling about sexual harassment and the responsibilities of personnel to maintain a working environment free from harassment.

The Chief Administrative Officer shall impose discipline upon an employee found to have violated this policy within five working days after the expiration of the appeals period.

### **V. SANCTIONS AGAINST A MEMBER**

Upon receipt of a report by the Chief Administrative Officer that a Member has violated this policy, the Chair and Vice-Chair of the Rules Committee shall consult with the Speaker and Minority Floor Leader to determine what further action shall be taken. If appropriate, they may bring the matter before the Rules Committee in closed session. The Committee may decide on informal action, or it may vote to present a resolution to the floor of the Assembly for the formal discipline of a Member. Formal discipline may include reprimand, censure, or expulsion. In addition, a Member may be required to participate in additional training or individual counseling about sexual harassment and the responsibilities of supervisory personnel to maintain a working environment free from harassment.

### **VI. NOTICES AND RECORD-KEEPING IN ALL CASES**

#### **A. Notice of Action Taken**

The Rules Committee shall promptly inform the complainant and the accused of the outcome of its investigation under this policy, including any corrective actions taken as a result of the complaint and investigation. The Rules Committee will limit the information



conveyed in order to protect the reasonable expectations of privacy of the parties and witnesses.

**B. Written Records to be Maintained**

The Rules Committee shall keep written records of any supervisor's reports, informal or formal Rules Committee investigations, and any recommendations for discipline, corrective action, or sanctions made pursuant to this policy.

**VII. STATE AND FEDERAL COMPLAINTS**

In addition to or in lieu of filing a complaint with the Assembly under this policy, a person who believes that he or she has been subjected to sexual harassment in violation of law may file a complaint with the California Department of Fair Employment and Housing (DFEH) or the Federal Equal Employment Opportunity Commission (EEOC). A complaint with the DFEH must be filed within one year of the harassment. A complaint with the EEOC must be filed within 300 days of the harassment.

EEOC (800) 669-4000

TDD (415) 744-7392

DFEH (800) 884-1684

TDD (213) 897-2840 L.A.

TDD (916) 324-1678 SAC.

No Assembly supervisor or Rules Committee investigator may attempt to dissuade any person from filing a complaint with the DFEH or the EEOC. To the contrary, an employee who is not satisfied with the internal complaint procedure outlined in this policy may pursue his or her claim with these outside agencies.

**VIII. PERSONAL LIABILITY**

A Member of the Assembly who is found liable by a court of law for acts or omissions constituting sexual harassment, as defined by law, may be personally liable to the plaintiff for the total judgment and for the costs of the Member's defense (see Sec. 815.3, Gov. C.).

Any employee of the Assembly who is found liable by a court of law for acts constituting sexual harassment, as defined by law, may be personally liable to the plaintiff for money damages awarded because of those acts.

**IX. RETALIATION IS PROHIBITED**

Retaliation for reporting sexual harassment, filing a complaint, or providing information or assisting in the investigation of any complaint of sexual harassment is prohibited by this policy and by law. Retaliation in any form is prohibited. Examples of retaliation include, but are not limited to, verbal abuse, reduction in pay, termination, refusal to hire, or any other adverse employment actions which are intended to have a detrimental effect on an employee and are substantially influenced by improper retaliatory motives.

Retaliatory conduct is a separate violation of this policy and state and federal laws and is subject to the same procedures for investigation, discipline and sanctions that are applicable to sexual harassment.

**X. SELECTION OF COMPLIANCE OFFICER AND OUTSIDE INVESTIGATOR**

The Chief Administrative Officer shall make the selection of a Compliance Officer and an outside investigator from a list of candidates previously approved by the Chair and Vice-Chair of the Assembly Rules Committee.

**XI. NO EFFECT ON EMPLOYMENT RELATIONSHIP OR LEGAL REMEDIES**

Nothing in this policy shall alter the at-will employment relationship between the employee and the Assembly as set forth in the Personnel Policy Manual for Assembly Employees.

Nothing in this policy shall create any new cause of action or waive, extend, or otherwise alter any applicable statute of limitations in state or federal law.

Policy Adopted February 1993; revised July 1995; revised July 1997.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 37**—Ortiz and Perata (Senator Polanco, coauthor). Relative to ovarian cancer research.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 27, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 307

Assembly Bill No. 1310

Assembly Bill No. 400

Assembly Bill No. 1564

And reports the same correctly enrolled, and presented to the Governor at 10:45 a.m., August 27, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 27, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 933

Assembly Bill No. 1229

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS****Committee on Agriculture**

August 27, 1997

Mr. Speaker: The Chair of your Committee on Agriculture reports:

Senate Bill No. 1161

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CARDOZA, Chairman

**SENATE BILL NO. 1161**—An act to amend Sections 12021, 12103, 12104, 12112, 12201, 12252, 12784, 12843, 12845, 12846, 12931, 12991, 1299.4, and 14152, and the heading of Chapter 7 (commencing with Section 12101) of Division 6 of, to amend and renumber Sections 121153.3, 12115.5, and 12115.6 of, to add Chapter 10 (commencing with Section 12400) to Division 6 of, to repeal Sections 12115, 12115.1, 12115.2, 12115.4, 12932, and 12971.5 of, the heading of Article 1.5 (commencing with Section 12115) of Chapter 7 of Division 6 of, and Article 4.6 (commencing with Section 12848) of Chapter 2 of Division 7 of, to repeal and add Sections 12841, 12842, 12844, and 12847 of, and to repeal, add, and repeal Section 12841.1 of, the Food and Agricultural Code, relating to pesticides.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Water, Parks and Wildlife**

August 27, 1997

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 231

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chairman

**SENATE BILL NO. 231**—An act to add Article 3.5 (commencing with Section 2086) to Chapter 1.5 of Division 3 of the Fish and Game Code, and to add Article 8.6 (commencing with Section 570) to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to endangered species.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 27, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 1350

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 1350**—An act to add Chapter 6 (commencing with Section 101860) to Part 4 of Division 101 of the Health and Safety Code, relating to health care.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Local Government**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Local Government reports:  
Senate Bill No. 712

With the recommendation: Do pass.

SWEENEY, Chairman

Above bill ordered to second reading.

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Local Government reports:  
Senate Bill No. 431

With amendments with the recommendation: Amend, and do pass, as amended.

SWEENEY, Chairman

Above bill ordered to second reading.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 521

Senate Bill No. 1189

Senate Bill No. 660

Senate Bill No. 1307

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WAYNE, Chairman

Above bills re-referred to the Committee on Appropriations.

**Committee on Health**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 406

With the recommendation: Do pass.

GALLEGOS, Chairman

Above bill ordered to second reading.

**Committee on Transportation**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 545

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MURRAY, Chairman

Above bill ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1179

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

BOWEN, Chairwoman

Above bill ordered to second reading.

**Committee on Televising the Assembly and Information Technology**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Televising the Assembly and Information Technology reports:

Senate Bill No. 1273

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

ALQUIST, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS****SENATE CONCURRENT RESOLUTION NO. 54**—Relative to employment compensation.

Resolution read; amendments proposed by the Committee on Labor and Employment read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

**SENATE BILL NO. 1145**—An act to amend Sections 6086.65, 6140, 6140.3, and 6140.4 of, and to add and repeal Section 6140.17 of, the Business and Professions Code, relating to the State Bar of California.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 225**—An act to repeal and add Section 12900 of the Insurance Code, relating to insurance.

Bill read second time; amendments proposed by the Committee on Elections, Reapportionment and Constitutional Amendments read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 451**—An act to amend Sections 65302, 65351, and 65352 of the Government Code, relating to land use.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 27, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Joint Resolution No. 36

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS**

**MOTION TO RECONSIDER SENATE BILL NO. 1082 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 1082 was continued until the next legislative day.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Agriculture, on Thursday, August 28, 1997, upon adjournment of session, in Room 126;

Environmental Safety and Toxic Materials, on Friday, August 29, 1997, off the Floor.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Thursday, August 28, 1997.

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CRUZ M. BUSTAMANTE, Speaker.

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 27, 1997**

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The following measures were amended in the Assembly on this day:

<b>SB</b>	<b>RN</b>
225	9721502
231	9721411
451	9721588
1145	9721384
1161	9721440
1350	9721696
<b>SCR</b>	<b>RN</b>
54	9721448
<b>Daily Total:</b>	<b>7</b>
<b>Cumulative Total:</b>	<b>3121</b>

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, August 28, 1997**

**ONE HUNDRED TWENTY-EIGHTH SESSION DAY**

**TWO HUNDRED SEVENTIETH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, August 28, 1997

The Assembly met at 12:33 p.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Morrissey moved a quorum call of the Assembly.

Motion carried. Time, 12:34 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 1 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Caldera	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	



**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O God, Our spirit seeks You from the early dawn, for Your ways are a light to us. Illumine the eyes of our soul so that we may never sleep in sins. Protect our life from any bad influence and direct our steps to the way of peace. Lord, grant that this present day be peaceful so that our hearts may continue to be filled with Your praise.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Ortiz then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Thompson, seconded by Assembly Member Shelley.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Member Alby.*

*On personal business, and waiving per diem: Assembly Member Goldsmith.*

*Because of illness in his family: Assembly Member Prenter.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

August 28, 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: I request that I be excused from session today for legislative travel in conjunction with the conference of the National Foundation of Woman Legislators.

Cordially,

BARBARA ALBY, Assembly Member  
Fifth District

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

August 28, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Don Perata to the Assembly Banking and Finance Committee to replace Assemblymember Louis Caldera for today, August 28, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, August 28, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (10) as it relates to Senate Bills Nos. 3, 5, 6, 10, 25, 31, 42, 45, 49, 50, 72, 85, 88, 93, 135, 172, 200, 247, 255, 300, 303, 318, 345, 377, 445, 455, 458, 463, 499, 526, 534, 535, 540, 550, 591, 623, 624, 642, 669, 673, 702, 721, 802, 812, 820, 824, 853, 877, 914, 936, 940, 965, 972, 1026, 1031, 1034, 1035, 1036, 1039, 1051, 1060, 1064, 1089, 1090, 1092, 1099, 1101, 1106, 1110, 1113, 1130, 1140, 1147, 1155, 1163, 1173, 1195, 1198, 1226, 1254, 1270, 1306, 1311, 1338, 1339, 8, 225, 291, 521, 545, 660, 1135, 1179, 1189, 1273, and 1307.

CAROLE MIGDEN

Assembly Chamber, August 28, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (9) as it relates to Senate Bill No. 1066.

DEBRA BOWEN

Above requests ordered transmitted to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES****Committee on Televising the Assembly and Information Technology**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Televising the Assembly and Information Technology reports:

Assembly Bill No. 1614

With amendments with the recommendation: Amend, and do pass, as amended.

ALQUIST, Chairwoman

Above bill ordered to second reading.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning:

Assembly Bill No. 1126: Figueroa, Villaraigosa, and Aguiar;

Senate Bill No. 593: Gallegos, Granlund, and Honda.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Select Committee on Coastal Protection on Thursday, October 16, 1997, at 9:30 a.m., in Morro Bay; and on Wednesday, November 12, 1997, at 9:30 a.m. in Half Moon Bay.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

<i>Assembly</i>	
<i>Bill No.</i>	<i>Committee</i>
1617 -----	Jud.
<i>Assembly Concurrent</i>	
<i>Resolution No.</i>	<i>Committee</i>
75 -----	Budget and Rls.
<i>House</i>	
<i>Resolution No.</i>	<i>Committee</i>
40 -----	Rls.
41 -----	Rls.
43 -----	B. & F.
<i>Senate</i>	
<i>Bill No.</i>	<i>Committee</i>
291 -----	Appr.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 28, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 45  
Senate Bill No. 660

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 45**—An act to amend Sections 14523, 14524, 14525, 14526, 14527, 14530.1, 14531, 14536, 65081.1, 65082, 65083, and 65086 of, to add Sections 14529.1, 14529.8, 14529.12, and 14529.13 to, to repeal and add Sections 14520.3, 14529, and 65080 of, and repeal Sections 14524.5, 14529.01, 14529.2, 14529.6, 14530.5, 14555, 65071, 65081, and 65086.4 of, the Government Code, to amend Sections 99310, 99312, and 99315 of, and to repeal Sections 99315.5, 99315.6, 99318, and 99318.2 of, the Public Utilities Code, and to amend Sections 164.3, 167, 188, and 188.8 of, to add Sections 164.6 and 188.10 to, to repeal and add Sections 163, 164, and 182.5 of, to repeal Sections 164.2, 164.4, 164.35, 164.50, 164.51, 164.52, 164.55, 164.57, 168, 182.4, 182.8, 188.9, 199, 199.1, 199.2, 199.3, 199.4, 199.6, 199.7, 199.8, 199.9, 199.10, and 199.11 of, and to repeal Chapter 16 (commencing with Section 2600) of Division 3 of, the Streets and Highways Code, relating to transportation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 660**—An act to amend Sections 25143, 25160.5, 25165, 25166, 25166.5, 25174, 25174.1, 25174.2, 25174.6, 25178.1, 25192, 25201.6, 25201.9, 25204.7, 25205.4, 25205.5, 25205.6, 25205.7, 25205.12, 25205.14, 25205.16, 25205.18, 25205.19, 25207.12, 25209.7, 25221, 25324, 25330, 25336, 25337, 25343, 25351.1, 25354.5, 25360, 25404.5, and 25416 of, to amend and repeal Section 25205.15 of, to add Section 25173.6 to, to add Article 9.2 (commencing with Section 25206.1) to Chapter 6.5 of Division 20 of, and to repeal Sections 25167, 25187.9, 25205.8, 25205.9, 25340, 25341, 25345, and 25351 of, the Health and Safety Code, and to amend Sections 43053, 43054, and 43101 of, and to repeal Section 43055 of, the Revenue and Taxation Code, relating to hazardous waste, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

August 28, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61 (a) (10), as it relates to the following bills be granted:

Senate Bills Nos. 3, 5, 6, 10, 25, 31, 42, 45, 49, 50, 72, 85, 88, 93, 135, 172, 200, 247, 255, 300, 303, 318, 345, 377, 445, 455, 458, 463, 499, 526, 534, 535, 540, 550, 591, 623, 624, 642, 669, 673, 702, 721, 802, 812, 820, 824, 853, 877, 914, 936, 940, 965, 972, 1026, 1031, 1034, 1035, 1036, 1039, 1051, 1060, 1064, 1089, 1090, 1092, 1099, 1101, 1106, 1110, 1113, 1130, 1140, 1147, 1155, 1163, 1173, 1195, 1198, 1226, 1254, 1270, 1306, 1311, 1338, 1339, 8, 225, 291, 521, 545, 660, 1135, 1179, 1189, 1273, and 1307.

DON PERATA, Chairman

August 28, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61 (a) (9) and (10) as it relates to the following bill be granted:

Senate Bill No. 1161.

DON PERATA, Chairman

## MESSAGES FROM THE GOVERNOR

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

### Veto Message—Assembly Bill No. 1153

Governor's Office, Sacramento

August 26, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1153 without my signature.

Among other things, this bill would effectively exempt the Unemployment Insurance (UI) and State Disability Insurance (DSI) programs within the Employment Development Department (EDD) from any changes in eligibility criteria and standards based on provisions of the federal welfare reform bill. The bill would also, subject to appropriation in the annual Budget Act, require the Community Services and Development (CSD) Department to contract with, and allocate funds to, citizenship assistance providers in order to assist legal noncitizen immigrants with the naturalization process.

In order to discourage state benefits that will encourage illegal immigration, federal welfare reform legislation includes a requirement that no benefits under public assistance programs be paid to illegal residents without subsequent enactment of a state statute specifically authorizing the benefit. This bill would permit

the payment of UI and SDI benefits to illegal residents. It clearly violates the spirit of federal policy that wisely seeks to discourage illegal immigration by removing incentives for it. It is inconsistent and hypocritical for government to penalize the hiring of illegal immigrants and in the next breath authorize employment-based benefits that can only stimulate illegal entry and further violation of federal law.

Federal funds are allocated each year to the California Department of Education (CDE) for adult education, which includes some funding for citizenship education. In recognition of the importance of citizenship services, the Budget Act of 1997 provides a reappropriation of \$3 million federal funds to CSD and an appropriation of \$12.6 million in federal adult funds to the California Department of Education. These resources should meet the needs for naturalization assistance and citizenship education without the need for creating a general fund program.

Currently, the CDE receives federal funds annually to administer the English as a Second Language Citizenship Program. Although CSD received a one-time appropriation in unspent federal funds in the fiscal year 1994-95 State Budget for citizenship education assistance, continuing to fund citizenship education programs through CSD would expand the current role of the department and would shift program responsibilities from CDE.

Cordially,

PETE WILSON

#### RECEIPT

I acknowledge receipt this 27th day of August 1997, at 4:45 p.m., of Assembly Bill No. 1153, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO  
Chief Assistant Clerk

#### MESSAGES FROM THE SENATE

August 28, 1997

*Hon. E. Dotson Wilson  
Chief Clerk of the Assembly  
Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill 1088 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

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Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 7

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 27

Senate Joint Resolution No. 28

Senate Joint Resolution No. 29

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bill was read the first time:

**SENATE BILL NO. 7**—An act to amend Sections 3018, 3021, and 18370 of the Elections Code, relating to elections.

The following resolutions were read:

**SENATE JOINT RESOLUTION NO. 27**—Relative to World Exposition, EXPO 2000.

**SENATE JOINT RESOLUTION NO. 28**—Relative to the inclusion of Poland, Hungary, and the Czech Republic as members of the North Atlantic Treaty Organization.

**SENATE JOINT RESOLUTION NO. 29**—Relative to repealing export restrictions on encryption software and hardware products.

### ADJOURN IN MEMORY

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jack H. Smith, of Sacramento.

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Wayne Davies, of San Francisco.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dana E. Hill, of Santa Cruz.

Assembly Member Torlakson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marilyn Jackson Gravelle, of Walnut Creek.

Assembly Member Frusetta was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Judge Warren Hain, of Tres Pinos.

Assembly Member Bowen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tini Lujan, of Marina del Rey.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Susan Temple, of Costa Mesa.

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elsa Meyer Miller, of Berkeley.

Assembly Member Honda was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Diana Miller, of Los Altos.

Assembly Member Baldwin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Georgia Ayers, of Chula Vista.

**ADJOURN IN HONOR**

Assembly Member Leach was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of "The Danville Rockies" 1997 winners of the Pony League World Series, in Washington, PA.

**CAUCUS ANNOUNCEMENTS**

At 1:01 p.m., Assembly Member Leonard was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 1:01 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 1:55 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that Brian S. Ebbert is the new File Clerk at the Assembly Desk.

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Baca returned Assembly Bill No. 140 to the Senate for further action.

**ADJOURN IN MEMORY**

Assembly Member Mazzoni was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Molly Mangan O'Connor, of Mendocino.

Assembly Member Wildman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Easley, former Mayor of Burbank; and John "Jack" Whitney, of Burbank.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1585**, on request of Assembly Member Aroner.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Sweeney announced his intention to request that Senate Bill No. 880 be removed from the inactive file.

**ADJOURN IN MEMORY**

Assembly Member Cardenas was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mother Mercury Adams, of Pacoima.

**ACTION RESCINDED ON SENATE BILL NO. 443**

Assembly Member Hertzberg was granted unanimous consent to rescind the action whereby the Assembly, on July 21, 1997 (Assembly Journal, page 3309), passed Senate Bill No. 443, and whereby the bill was ordered transmitted to the Senate.

**Further Consideration of Senate Bill No. 443 without Reference to File**

Assembly Member Hertzberg was granted unanimous consent to take up Senate Bill No. 443, without reference to file, for purpose of amendment.

**SENATE BILL NO. 443 (Burton)**—An act to amend Section 1524 of, and to add Section 637.7 to, the Penal Code, relating to criminal procedure.

Bill read third time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**RULES TEMPORARILY SUSPENDED**

Assembly Member Hertzberg was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 443, as amended, on Friday, August 29, 1997.

**ADJOURN IN MEMORY**

Assembly Member Wayne was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jo Anne Ratcliff, of Oakland.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 255**, on request of Assembly Member Thomson.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Thomson announced her intention to request that Senate Bill No. 190 be removed from the inactive file.

**ADJOURN IN MEMORY**

Assembly Member Villaraigosa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dorothy Cecilia Stetzer, of Newcastle.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****MOTION TO RECONSIDER SENATE BILL NO. 1082 WAIVED**

Assembly Member Machado waived his motion to reconsider the vote whereby the urgency clause was adopted and Senate Bill No. 1082 was passed.

Senate Bill No. 1082 ordered transmitted to the Senate.

**ADJOURN IN MEMORY**

Assembly Member Machado was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frances Novetzke, of East Stockton.



**BILLS REMOVED FROM SPECIAL CONSENT CALENDAR  
AND PLACED UPON THE INACTIVE FILE**

The following bill was removed from the Special Consent Calendar, pursuant to Joint Rule 22.2 and placed upon the inactive file pursuant to Assembly Rule 78:

**Assembly Bill No. 1377**, on request of Assembly Member Gallegos.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 750**, on request of Assembly Member Gallegos.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Gallegos announced his intention to request that Senate Bill No. 392 be removed from the inactive file.

**RESOLUTIONS**

The following resolutions were offered:

**Resolution No. 1 to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61 be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bills Nos. 3, 5, 6, 10, 25, 31, 42, 45, 49, 50, 72, 85, 88, 93, 135, 172, 200, 247, 255, 300, 303, 318, 345, 377, 445, 455, 458, 463, 499, 526, 534, 535, 540, 550, 591, 623, 624, 642, 669, 673, 702, 721, 802, 812, 820, 824, 853, 877, 914, 936, 940, 965, 972, 1026, 1031, 1034, 1035, 1036, 1039, 1051, 1060, 1064, 1089, 1090, 1092, 1099, 1101, 1106, 1110, 1113, 1130, 1140, 1147, 1155, 1163, 1173, 1195, 1198, 1226, 1254, 1270, 1306, 1311, 1338, 1139, 8, 225, 291, 521, 545, 660, 1135, 1179, 1189, 1273, and 1307 for further action.

**Resolution No. 2 to Suspend Joint Rules**

By Assembly Member Cardoza:

*Resolved*, That Joint Rule 61 (a) (9) and (a) (10) be suspended to permit the Committee on Agriculture to meet, consider, and report Senate Bill No. 1161 for further action.

Resolutions read.

**Request for Division of the Question**

Assembly Member Aguiar requested that the question be divided to permit consideration of the Resolution No. 2 to Suspend Joint Rule 61 as it relates to Senate Bill No. 1161, separately.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled that the question is divisible, as requested.

**Question 1**

The question being on the adoption of Resolution No. 1 to Suspend Joint Rule 61.

Resolution adopted by the following vote:

**AYES—72**

Ackerman	Davis	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	Migden	Strom-Martin
Baldwin	Gallegos	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Woods
Cardoza	Leach	Perata	Wright
Cunneen	Lempert	Poochigian	Mr. Speaker

**NOES—None**

**Question 2**

The question being on the adoption of Resolution No. 2 to Suspend Joint Rule 61 as it relates to Senate Bill No. 1161.

Resolution adopted by the following vote:

**AYES—68**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Murray	Thomson
Bowen	Hertzberg	Napolitano	Torlakson
Bowler	Honda	Oller	Villaraigosa
Brown	House	Ortiz	Vincent
Campbell	Kaloogian	Pacheco	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Kuehl	Perata	Wildman
Cunneen	Kuykendall	Poochigian	Woods
Davis	Lempert	Pringle	Wright
Ducheny	Leonard	Richter	Mr. Speaker

**NOES—6**

Baldwin	Brewer	Morrow
Battin	McClintock	Olberg

**MOTION TO WAIVE JOINT RULE 62(a)**

Assembly Member Cardoza moved that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1161 for hearing in the Committee on Agriculture today.

Motion carried by the following vote:

**AYES—68**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Callegos	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Murray	Thomson
Bowen	Hertzberg	Napolitano	Torlakson
Bowler	Honda	Oller	Villaraigosa
Brown	House	Ortiz	Vincent
Campbell	Kaloogian	Pacheco	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Kuehl	Perata	Wildman
Cunneen	Kuykendall	Poochigian	Woods
Davis	Lempert	Pringle	Wright
Ducheny	Leonard	Richter	Mr. Speaker

**NOES—7**

Baldwin	Brewer	McClintock	Olberg
Battin	Leach	Morrow	

**MOTION TO TEMPORARILY SUSPEND THE RULES**

Assembly Member Wayne moved that Assembly Rule 56 be temporarily suspended for the purpose of permitting the Committee on Environmental Safety and Toxic Materials to notice hearing of Senate Bill No. 1161 in the Assembly Daily File, prior to re-referral to the committee, and that Joint Rule 62(a) be waived for the purpose of hearing the bill.

Motion carried by the following vote:

**AYES—66**

Ackerman	Escutia	Margett	Shelley
Aguiar	Figueroa	Martinez	Strom-Martin
Alquist	Firestone	Mazzoni	Sweeney
Aroner	Frusetta	Migden	Takasugi
Ashburn	Callegos	Miller	Thompson
Baca	Granlund	Morrissey	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Oller	Vincent
Bowler	House	Ortiz	Washington
Brown	Kaloogian	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Lempert	Pringle	Mr. Speaker
Davis	Leonard	Runner	
Ducheny	Machado	Scott	

**NOES—6**

Baldwin	Brewer	Morrow
Battin	McClintock	Olberg

**CONSIDERATION OF DAILY FILE  
SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 1145**, ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 712**—An act to amend Sections 56839.1 and 57103 of, and to add Section 57093 to, the Government Code, relating to local government organization.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 431**—An act to amend Section 97.37 of the Revenue and Taxation Code, relating to local government.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 406**—An act relating to health care service plans.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 545**—An act to amend Section 668.1 of, to add Section 658.6 to, and to repeal and add Section 658.5 of, the Harbors and Navigation Code, relating to vessels.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 1179**—An act to add Section 40059.1 to the Public Resources Code, relating to solid waste.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 1273**—An act to add Section 11104.5 to the Government Code, relating to state agencies.

Bill read second time; amendments proposed by the Committee on Televising the Assembly and Information Technology read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**At 2:23 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 625 (Martinez)**—An act relating to health care.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—30**

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	Margett	Pringle
Ashburn	Cunneen	McClintock	Richter
Baldwin	Granlund	Miller	Runner
Battin	House	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Kuykendall	Oller	
Bowler	Leach	Pacheco	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 625: Assembly Member Margett, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 200 (Kuehl)**—An act to amend Sections 3004, 3011, 3020, 3040, 3161 and 3162 of the Family Code, relating to family law.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poohigian	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 235 (Takasugi)**—An act to amend Section 51350 of the Health and Safety Code, relating to housing bonds, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—72

Ackerman	Escutia	Leonard	Richter
Aguiar	Figuerola	Machado	Runner
Alquist	Firestone	Margett	Scott
Ashburn	Floyd	Martinez	Shelley
Baca	Frusetta	Mazzoni	Strom-Martin
Battin	Gallegos	Migden	Sweeney
Baugh	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Wildman
Cunneen	Kuykendall	Perata	Woods
Davis	Leach	Poochigian	Wright
Ducheny	Lempert	Pringle	Mr. Speaker

#### NOES—3

Baldwin	McClintock	Oller
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#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 235: Assembly Member Oller, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 407 (Napolitano)**—An act to add Sections 31789.3 and 31789.5 to the Government Code, relating to public employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—58**

Aguiar	Escutia	Machado	Shelley
Alquist	Figueroa	Margett	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Ashburn	Floyd	Mazzoni	Takasugi
Baca	Gallegos	Migden	Thomson
Battin	Granlund	Miller	Torlakson
Baugh	Havice	Morrissey	Villaraigosa
Bordonaro	Hertzberg	Murray	Vincent
Bowen	Honda	Napolitano	Washington
Brown	House	Ortiz	Wayne
Cardenas	Keeley	Pacheco	Wildman
Cardoza	Knox	Papan	Wright
Cunneen	Kuehl	Perata	Mr. Speaker
Davis	Kuykendall	Richter	
Ducheny	Lempert	Scott	

**NOES—14**

Ackerman	Frusetta	McClintock	Thompson
Baldwin	Kaloogian	Morrow	Woods
Brewer	Leach	Olberg	
Campbell	Leonard	Oller	

Above bill ordered enrolled.

**BILL ORDERED TRANSMITTED TO SENATE IMMEDIATELY**

Assembly Member Ducheny was granted unanimous consent that Senate Bill No. 1082 be transmitted to the Senate immediately.



**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 760 (Migden)**—An act to amend Section 1370.4 of, and to add Section 1370.5 to, the Health and Safety Code, and to amend Section 10145.3 of, and to add Section 10145.4 to, the Insurance Code, relating to health coverage.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—51**

Aguiar	Escutia	Leach	Shelley
Alquist	Figueroa	Lempert	Strom-Martin
Aroner	Firestone	Machado	Sweeney
Baca	Floyd	Martinez	Thomson
Bordonaro	Frusetta	Mazzoni	Torlakson
Bowen	Gallegos	Migden	Villaraigosa
Brewer	Havice	Morrissey	Vincent
Brown	Hertzberg	Murray	Washington
Cardenas	Honda	Napolitano	Wayne
Cardoza	Keeley	Ortiz	Wildman
Cunneen	Knox	Papan	Wright
Davis	Kuehl	Perata	Mr. Speaker
Ducheny	Kuykendall	Scott	

**NOES—23**

Ackerman	Granlund	Miller	Pringle
Ashburn	House	Morrow	Runner
Baldwin	Kaloogian	Olberg	Takasugi
Battin	Leonard	Oller	Thompson
Baugh	Margett	Pacheco	Woods
Campbell	McClintock	Poochigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 829 (Thomson)**—An act to amend Sections 914, 933, and 933.05 of, and to add Section 938.4 to, the Penal Code, relating to grand juries.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poohigian	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**REQUEST TO TAKE UP SENATE BILL NO. 137, OUT OF ORDER**

Assembly Member Vincent requested unanimous consent to take up Senate Bill No. 137, out of order.

Assembly Member Thompson withheld unanimous consent.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 849 (Sweeney)**—An act to amend Sections 23817.5, 23817.7, 23817.8, and 23820 of, and to add Sections 23817.4, 23817.9, and 23817.10 to, the Business and Professions Code, relating to alcoholic beverages.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—48**

Aguilar	Escutia	Leonard	Strom-Martin
Alquist	Figueroa	Machado	Sweeney
Aroner	Frusetta	Mazzoni	Thompson
Baca	Gallegos	Migden	Thomson
Baldwin	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brown	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Wildman
Davis	Kuykendall	Perata	Woods
Ducheny	Lempert	Scott	Wright

**NOES—23**

Ackerman	Campbell	Martinez	Poochigian
Ashburn	Cunneen	McClintock	Pringle
Battin	Firestone	Miller	Richter
Baugh	Granlund	Morrow	Runner
Bordonaro	Kaloogian	Olberg	Takasugi
Brewer	Margett	Oller	

Above bill ordered enrolled.

**At 2:46 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 1112 (Gallegos)**—An act to add Chapter 4 (commencing with Section 123221) to Part 1 of Division 106 of the Health and Safety Code, and to add Section 14005.73 to the Welfare and Institutions Code, relating to health.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:

#### AYES—4

Bowen	Eseutia	Figueroa	Martinez
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#### NOES—72

Ackerman	Ducheny	Machado	Richter
Aguiar	Firestone	Margott	Runner
Anquist	Floyd	Mazzoni	Scott
Aroner	Frusetta	McClintock	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Granlund	Miller	Sweeney
Baldwin	Havice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thompson
Baugh	Honda	Murray	Thomson
Bordonaro	House	Napolitano	Torlakson
Bowler	Kaloogian	Olberg	Villaraigosa
Brewer	Keeley	Oller	Vincent
Brown	Knox	Ortiz	Washington
Campbell	Kuehl	Pacheco	Wayne
Cardenas	Kuykendall	Papan	Wildman
Cardoza	Leach	Perata	Woods
Cunneen	Lempert	Poechigian	Wright
Davis	Leonard	Pringle	Mr. Speaker

#### Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 1112: Assembly Members Aguiar and Villaraigosa, from "Aye" to "No".

(NOTE: On March 5, 1998, the action was rescinded whereby the Assembly refused to concur in Senate amendments to Assembly Bill No. 1112. See page 5775.)

**ASSEMBLY BILL NO. 1116 (Keeley)**—An act to amend Section 1636.5 of, to amend and repeal Section 1636 of, to amend, repeal, and add Section 1628 of, and to add Sections 1636.4, 1636.6, and 1700.5 to, the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Escutia	Leonard	Pringle
Aguiar	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Wright
Davis	Leach	Perata	Mr. Speaker
Ducheny	Lempert	Poochigian	

**NOES—4**

Baldwin	Baugh	McClintock	Runner
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1317 (Ducheny)**—An act to add Section 68083 to the Education Code, relating to postsecondary education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Honda	Murray	Villaraigosa
Bowen	House	Napolitano	Vincent
Bowler	Kaloogian	Olberg	Washington
Brewer	Keeley	Oller	Wayne
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—1**

Ortiz

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1390 (House)**—An act to amend Section 27203 of, and to add Section 27204 to, the Government Code, and to amend, repeal, and add Section 19.8 of the Penal Code, relating to county recorders.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Floyd	Mazzoni	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vincent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Pringle	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1526 (Escutia)**—An act to amend Section 3151 of, and to add Section 3151.5 to, the Family Code, relating to family law.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—58**

Aguiar	Cunneen	Kuykendall	Scott
Alquist	Davis	Leach	Shelley
Aroner	Ducheny	Lempert	Strom-Martin
Ashburn	Escutia	Machado	Sweeney
Baca	Figueroa	Martinez	Takasugi
Baldwin	Firestone	Mazzoni	Thomson
Battin	Floyd	Migden	Torlakson
Baugh	Frusetta	Miller	Villaraigosa
Bordonaro	Gallegos	Morrissey	Vincent
Bowen	Havice	Murray	Washington
Bowler	Hertzberg	Napolitano	Wayne
Brewer	Honda	Ortiz	Wildman
Brown	Keeley	Papan	Mr. Speaker
Cardenas	Knox	Perata	
Cardoza	Kuehl	Poochigian	

**NOES—16**

Ackerman	Kaloogian	Morrow	Pringle
Campbell	Leonard	Olberg	Runner
Granlund	Margett	Oller	Thompson
House	McClintock	Pacheco	Woods

Above bill ordered enrolled.

**ASSEMBLY CONCURRENT RESOLUTION NO. 4 (Perata)**—Relative to cigarette advertisement.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—51**

Aguiar	Figueroa	Machado	Strom-Martin
Alquist	Frusetta	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thompson
Baca	Granlund	Migden	Thomson
Battin	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Pacheco	Wayne
Cunneen	Kuehl	Papan	Wildman
Davis	Kuykendall	Perata	Wright
Ducheny	Leach	Scott	Mr. Speaker
Escutia	Lempert	Shelley	

**NOES—14**

Ackerman	Bordonaro	Miller	Takasugi
Ashburn	Kaloogian	Morrow	Woods
Baldwin	Margett	Oller	
Baugh	McClintock	Runner	

Above resolution ordered enrolled.



**ASSEMBLY BILL NO. 206 (Hertzberg)**—An act to add Chapter 5.1 (commencing with Section 8330) to Division 1 of Title 2 of the Government Code, relating to state government.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker
Ducheny	Leonard	Pringle	

**NOES—1**

Ackerman

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1157 (Wayne)**—An act to amend Section 25143 of the Health and Safety Code, relating to hazardous waste.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—53**

Alquist	Floyd	Margett	Strom-Martin
Aroner	Frusetta	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Takasugi
Bowen	Havice	Migden	Thomson
Brown	Hertzberg	Morrissey	Torlakson
Caldera	Honda	Murray	Villaraigosa
Cardenas	House	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Cunneen	Knox	Pacheco	Wayne
Davis	Kuehl	Papan	Wildman
Ducheny	Kuykendall	Perata	Mr. Speaker
Escutia	Leach	Richter	
Figueroa	Lempert	Scott	
Firestone	Machado	Shelley	

**NOES—23**

Ackerman	Bordonaro	Leonard	Poochigian
Aguiar	Bowler	McClintock	Pringle
Ashburn	Brewer	Miller	Runner
Baldwin	Campbell	Morrow	Thompson
Battin	Granlund	Olberg	Woods
Baugh	Kaloogian	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1547 (Committee on Consumer Protection, Governmental Efficiency and Economic Development)**—An act to repeal Section 1326 of the Code of Civil Procedure, and to amend Section 16302.1 of, to add Sections 16301.6, 16301.7, and 16301.8 to, and to repeal Sections 13940, 13941, 13942, 13943, 13943.1, and 13943.2 of, the Government Code, relating to state government.

Bill presented by Assembly Member Davis.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—74

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Callegos	Migden	Takasugi
Baldwin	Granlund	Miller	Thompson
Battin	Havice	Morrissey	Thomson
Baugh	Hertzberg	Morrow	Torlakson
Bordonaro	Honda	Murray	Villaraigosa
Bowen	House	Napolitano	Vincent
Bowler	Kaloogian	Olberg	Washington
Brewer	Keeley	Oller	Wayne
Brown	Knox	Ortiz	Wildman
Campbell	Kuehl	Pacheco	Woods
Cardenas	Kuykendall	Papan	Wright
Cardoza	Leach	Perata	Mr. Speaker
Cunneen	Lempert	Poochigian	
Davis	Leonard	Pringle	

#### NOES—None

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1547: Assembly Member Olberg, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1308 (Cardenas)**—An act to amend Section 830.31 of the Penal Code, relating to peace officers.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—56**

Aguiar	Figuerola	Lempert	Scott
Alquist	Firestone	Machado	Shelley
Aroner	Frusetta	Martinez	Strom-Martin
Baca	Gallegos	Mazzoni	Sweeney
Battin	Granlund	Migden	Takasugi
Bowen	Havice	Morrissey	Thomson
Bowler	Hertzberg	Morrow	Torlakson
Campbell	Honda	Murray	Villaraigosa
Cardenas	House	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Cunneen	Knox	Pacheco	Wayne
Davis	Kuehl	Papan	Wildman
Ducheny	Kuykendall	Perata	Wright
Escutia	Leach	Richter	Mr. Speaker

**NOES—15**

Ackerman	Bordonaro	Margett	Oller
Ashburn	Brewer	McClintock	Poochigian
Baldwin	Kaloogian	Miller	Thompson
Baugh	Leonard	Olberg	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 761 (McClintock)**—An act to amend Section 664 of the Welfare and Institutions Code, relating to youth.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figuerola	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 949 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 949 was continued until the next legislative day.

**At 3:06 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

**Leave of Absence—Balance of the Day**

August 29, 1997

*The Honorable Cruz Bustamante  
Speaker, California Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: I am in receipt of your memo regarding the revised Session Schedule for today, Thursday, August 28, 1997.

As I indicated in a letter delivered to your office on Monday, August 26, 1997, I will not be attending Session on Friday, August 29, 1997 because of some medical tests.

Please be advised that I need to leave Session today by 3:00 p.m. to begin taking medication necessary for the tests that I am undergoing tomorrow morning.

Thank you for your assistance.

Sincerely,

TOM WOODS, Assembly Member  
Second District

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 452**

**Request for Reconsideration**

In compliance with a motion given on a previous day, Assembly Member Wildman requested unanimous consent that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 452 were refused concurrence.

Assembly Member Thompson withheld unanimous consent.

**Motion**

Assembly Member Wildman moved that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 452 were refused concurrence.

Assembly Bill No. 452 reconsidered by the following vote:

**AYES—43**

Alquist	Floyd	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Caldera	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Kuykendall	Scott	Wright
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Machado	Strom-Martin	

**NOES—28**

Ackerman	Cunneen	Leonard	Oller
Ashburn	Firestone	Margett	Pacheco
Battin	Frusetta	McClintock	Poochigian
Baugh	Granlund	Miller	Pringle
Bowler	House	Morrissey	Runner
Brewer	Kaloogian	Morrow	Takasugi
Campbell	Leach	Olberg	Thompson

**Vote Changes**

By unanimous consent, the following vote change was permitted on the motion to reconsider Assembly Bill No. 452: Assembly Member Kuykendall, from "No" to "Aye".

**Further Consideration of Senate Amendments to Assembly Bill No. 452**

**ASSEMBLY BILL NO. 452 (Wildman)**—An act to add Section 1797.219 to the Health and Safety Code, relating to emergency medical services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—45**

Aguiar	Figueroa	Martinez	Thomson
Alquist	Floyd	Mazzoni	Torlakson
Aroner	Gallegos	Migden	Villaraigosa
Baca	Granlund	Murray	Vincent
Bowen	Havice	Napolitano	Washington
Brown	Hertzberg	Ortiz	Wayne
Caldera	Honda	Papan	Wildman
Cardenas	Keeley	Perata	Wright
Cardoza	Knox	Scott	Mr. Speaker
Davis	Kuehl	Shelley	
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	

**NOES—21**

Ackerman	Firestone	Margett	Runner
Baldwin	Frusetta	McClintock	Takasugi
Baugh	Kaloogian	Miller	Thompson
Bordonaro	Kuykendall	Olberg	
Bowler	Leach	Oller	
Brewer	Leonard	Pacheco	

Above bill ordered enrolled.

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 682, 305, 248, and 512; and Assembly Bill No. 1577 were continued until the next legislative day.

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 1583****Request for Reconsideration**

In compliance with a motion given on a previous day, Assembly Member Ducheny requested unanimous consent that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 1583 were refused concurrence.

Assembly Member Thompson withheld unanimous consent.

**Motion**

Assembly Member Ducheny moved that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 1583 were refused concurrence.

Assembly Bill No. 1583 reconsidered by the following vote:

**AYES—43**

Alquist	Figueroa	Lempert	Strom-Martin
Aroner	Firestone	Leonard	Sweeney
Baca	Floyd	Martinez	Thomson
Bowen	Gallegos	Mazzoni	Torlakson
Brown	Havice	Migden	Villaraigosa
Caldera	Hertzberg	Murray	Vincent
Cardenas	Honda	Napolitano	Washington
Cardoza	Keeley	Ortiz	Wayne
Davis	Knox	Perata	Wildman
Ducheny	Kuehl	Scott	Mr. Speaker
Escutia	Kuykendall	Shelley	

**NOES—27**

Ackerman	Bowler	Leach	Pacheco
Aguiar	Brewer	McClintock	Poochigian
Ashburn	Campbell	Miller	Pringle
Baldwin	Frusetta	Morrissey	Runner
Battin	Granlund	Morrow	Takasugi
Baugh	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	

**Further Consideration of Senate Amendments to  
Assembly Bill No. 1583**

**ASSEMBLY BILL NO. 1583 (Shelley)**—An act to amend Section 39612 of the Health and Safety Code, relating to air pollution.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—44**

Alquist	Escutia	Lempert	Strom-Martin
Aroner	Figueroa	Martinez	Sweeney
Baca	Firestone	Mazzoni	Thomson
Bowen	Floyd	Migden	Torlakson
Brown	Gallegos	Murray	Villaraigosa
Caldera	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	Keeley	Pacheco	Wayne
Cunneen	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Kuykendall	Shelley	Mr. Speaker

**NOES—26**

Ackerman	Bowler	Leonard	Poochigian
Aguiar	Brewer	Machado	Pringle
Ashburn	Campbell	McClintock	Runner
Baldwin	Granlund	Miller	Takasugi
Battin	House	Morrow	Thompson
Baugh	Kaloogian	Olberg	
Bordonaro	Leach	Oller	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1583: Assembly Member Havice, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**MOTION TO RECONSIDER SENATE BILL NO. 340**

**Request for Reconsideration**

In compliance with a motion given on a previous day, Assembly Member Kuehl requested unanimous consent that the vote be reconsidered whereby Senate Bill No. 340 was refused passage.

Assembly Member Thompson withheld unanimous consent.

**Motion**

Assembly Member Kuehl moved that the vote be reconsidered whereby Senate Bill No. 340 was refused passage.



Senate Bill No. 340 reconsidered by the following vote:

**AYES—44**

Alquist	Escutia	Lempert	Strom-Martin
Aroner	Figueroa	Machado	Sweeney
Baca	Firestone	Martinez	Thomson
Bowen	Floyd	Mazzoni	Torlakson
Brown	Gallegos	Migden	Villaraigosa
Caldera	Havice	Napolitano	Vincent
Cardenas	Hertzberg	Ortiz	Washington
Cardoza	Honda	Pacheco	Wayne
Cunneen	Keeley	Papan	Wildman
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Shelley	Mr. Speaker

**NOES—23**

Ackerman	Bordonaro	Leonard	Poochigian
Aguiar	Bowler	McClintock	Pringle
Ashburn	Campbell	Miller	Runner
Baldwin	Granlund	Morrow	Takasugi
Battin	House	Olberg	Thompson
Baugh	Kaloogian	Oller	

**Further Consideration of Senate Bill No. 340**

**SENATE BILL NO. 340 (Sher)**—An act to add Section 1714.455 to the Civil Code, relating to product liability.

Bill read third time.

**Motion to Amend by Assembly Member Kuehl—Set 1**

Assembly Member Kuehl moved the adoption of amendments.  
Amendments read and adopted.

**Motion to Amend by Assembly Member Granlund—Set 2**

Assembly Member Granlund moved the adoption of amendments.  
Amendments read.

**Motion to Table Granlund Amendments  
to Senate Bill No. 340—Set 2**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Granlund to Senate Bill No. 340—Set 2 be laid upon the table.

Assembly Member Escutia seconded the motion.

Motion carried by the following vote:

**AYES—42**

Alquist	Figueroa	Martinez	Thomson
Aróner	Floyd	Mazzoni	Torlakson
Baca	Gallegos	Migden	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Caldera	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	

**NOES—32**

Ackerman	Campbell	Leach	Oller
Aguiar	Cunneen	Leonard	Pacheco
Ashburn	Firestone	Margett	Poochigian
Battin	Frusetta	McClintock	Pringle
Baugh	Granlund	Miller	Richter
Bordonaro	House	Morrissey	Runner
Bowler	Kaloogian	Morrow	Takasugi
Brewer	Kuykendall	Olberg	Thompson

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Villaraigosa motion to table Granlund amendments to Senate Bill No. 340—Set 2.

**Bill Ordered Reprinted**

Senate Bill No. 340, as amended by Assembly Member Kuehl, ordered reprinted and to be returned to the third reading file.

**BILL HELD AT DESK**

Assembly Member Ducheny was granted unanimous consent that Assembly Bill No. 1583 be held at the Desk.

(NOTE: Senate amendments to Assembly Bill No. 1583 concurred in earlier this day.)

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY JOINT RESOLUTION NO. 36 (Machado)**—Relative to child passenger restraint systems.

Resolution read, and adopted by the following vote:

**AYES—63**

Aguiar	Ducheny	Kuykendall	Richter
Alquist	Escutia	Leach	Runner
Aroner	Figueroa	Lempert	Scott
Ashburn	Firestone	Machado	Shelley
Baca	Floyd	Margett	Strom-Martin
Battin	Frusetta	Martinez	Sweeney
Bordonaro	Gallegos	Mazzoni	Takasugi
Bowen	Granlund	Migden	Thomson
Bowler	Havice	Morrissey	Torlakson
Brewer	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Caldera	House	Ortiz	Washington
Cardenas	Kaloogian	Pacheco	Wayne
Cardoza	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Wright
Davis	Kuehl	Poochigian	

**NOES—7**

Ackerman	Campbell	Miller	Thompson
Baugh	Leonard	Morrow	

Resolution ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 727 BY UNANIMOUS CONSENT**

Assembly Member Mazzoni was granted unanimous consent to take up Senate Bill No. 727, out of order.

**SENATE BILL NO. 727 (Rosenthal)**—An act to amend Sections 2550.3 and 46010 of, to amend and renumber Section 46010.5 of, to add Section 42238.7 to, to repeal Section 46015 of, and to repeal and add Sections 2550.4, 42238.8, and 46010.2 of, the Education Code, relating to school finance.

Bill read third time, and presented by Assembly Member Mazzoni.

Bill passed by the following vote:

**AYES—72**

Ackerman	Davis	Lempert	Perata
Aguiar	Ducheny	Leonard	Poochigian
Alquist	Escutia	Machado	Richter
Aroner	Figueroa	Margett	Runner
Ashburn	Firestone	Martinez	Scott
Baca	Frusetta	Mazzoni	Shelley
Baldwin	Gallegos	McClintock	Strom-Martin
Battin	Granlund	Migden	Sweeney
Baugh	Havice	Miller	Takasugi
Bordonaro	Hertzberg	Morrissey	Thompson
Bowen	Honda	Morrow	Thomson
Bowler	House	Murray	Torlakson
Brewer	Kaloogian	Napolitano	Villaraigosa
Brown	Keeley	Olberg	Vincent
Campbell	Knox	Oller	Washington
Cardenas	Kuehl	Ortiz	Wildman
Cardoza	Kuykendall	Pacheco	Wright
Cunneen	Leach	Papan	Mr. Speaker

**NOES—1**

Floyd

Bill ordered transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 66 (Greene)**—An act to add and repeal Chapter 19 (commencing with Section 17200) of Part 10 of the Education Code, relating to class size in the public elementary schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Mazzoni.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—74**

Ackerman	Ducheny	Machado	Richter
Aguiar	Eseutia	Margott	Runner
Alquist	Figueroa	Martinez	Seott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vinecent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Wright
Cardoza	Leach	Perata	Mr. Speaker
Cunneen	Lempert	Poechigian	
Davis	Leonard	Pringle	

**NOES—None**

The question being on the passage of the bill:

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Machado	Richter
Aguiar	Eseutia	Margott	Runner
Alquist	Figueroa	Martinez	Seott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vinecent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Wright
Cardoza	Leach	Perata	Mr. Speaker
Cunneen	Lempert	Poechigian	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

(NOTE: On September 10, 1997, the action was rescinded whereby the urgency clause to Senate Bill No. 66 was adopted and the bill passed, and whereby the bill was ordered transmitted to the Senate. See page 4462.)

**OBJECTION TO PASS AND RETAIN**

Assembly Member Kuykendall withheld unanimous consent to requests to pass and retain measures on this day's file.

**BILLS PASSED ON FILE**

Senate Bill No. 720—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 954 (Rosenthal)**—An act to add Part 6.2 (commencing with Section 12693) to Division 2 of the Insurance Code, relating to health.

Bill read third time, and presented by Assembly Member Figueroa.

Bill passed by the following vote:

**AYES—44**

Alquist	Frusetta	Mazzoni	Sweeney
Aróner	Gallegos	Migden	Takasugi
Baca	Havice	Murray	Thomson
Bowen	Hertzberg	Napolitano	Torlakson
Brown	Honda	Ortiz	Villaraigosa
Cardenas	Keeley	Papan	Vincent
Cardoza	Knox	Perata	Washington
Cunneen	Kuehl	Runner	Wayne
Davis	Lempert	Scott	Wildman
Escutia	Machado	Shelley	Wright
Figueroa	Martinez	Strom-Martin	Mr. Speaker

**NOES—25**

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Margett	Poochigian
Baldwin	Firestone	McClintock	Pringle
Battin	Granlund	Miller	Thompson
Baugh	House	Morrow	
Bordonaro	Kaloogian	Olberg	
Bowler	Kuykendall	Oller	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 954: Assembly Member McClintock, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 376 (Greene)**—An act to add and repeal Article 6 (commencing with Section 35790) of Chapter 4 of Part 21 of the Education Code, and to repeal Sections 1 and 2 of Chapter 1229 of the Statutes of 1988, relating to school districts, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Ortiz.

Bill passed by the following vote:

**AYES—42**

Alquist	Figueroa	Martinez	Thomson
Aroner	Floyd	Mazzoni	Torlakson
Baca	Gallegos	Migden	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Caldera	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	

**NOES—33**

Ackerman	Campbell	Margett	Poochigian
Aguiar	Cunneen	McClintock	Pringle
Ashburn	Firestone	Miller	Richter
Baldwin	Frusetta	Morrissey	Runner
Battin	Granlund	Morrow	Takasugi
Baugh	Kaloogian	Murray	Thompson
Bordonaro	Kuykendall	Olberg	
Bowler	Leach	Oller	
Brewer	Leonard	Pacheco	

Bill ordered transmitted to the Senate.

At 3:35 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

**BILLS PASSED ON FILE**

Senate Bill No. 1014—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1212 (Vasconcellos)**—An act to add Section 11517.5 to the Government Code, relating to administrative adjudication.

Bill read third time, and presented by Assembly Member Ortiz.

Bill passed by the following vote:

**AYES—45**

Alquist	Floyd	McClintock	Thomson
Aroner	Frusetta	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Baldwin	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Caldera	Knox	Perata	Wildman
Cardenas	Kuehl	Scott	Wright
Cardoza	Lempert	Shelley	Mr. Speaker
Davis	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Takasugi	

**NOES—27**

Ackerman	Brewer	Kuykendall	Olberg
Aguiar	Cunneen	Leach	Oller
Ashburn	Firestone	Leonard	Pacheco
Battin	Granlund	Margett	Poochigian
Baugh	Havice	Miller	Pringle
Bordonaro	House	Morrissey	Thompson
Bowler	Kaloogian	Morrow	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 884 (Polanco)**—An act to amend Section 11751.8 of the Insurance Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Brewer.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—74**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vincent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Wright
Cardoza	Leach	Perata	Mr. Speaker
Cunneen	Lempert	Poochigian	
Davis	Leonard	Pringle	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vincent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Wright
Cardoza	Leach	Perata	Mr. Speaker
Cunneen	Lempert	Poochigian	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 514 (Hayden)**—An act to amend Section 51226.3 of the Education Code, relating to educational curriculum.

Bill read third time.

**Motion to Amend**

Assembly Member Shelley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 1334, 1344, and 1094**—Passed on file.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

August 28, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61 (a) (9) and (10), as it relates to the following bill be granted:

Senate Bill No. 638

DON PERATA, Chairman

**CAUCUS ANNOUNCEMENTS**

At 3:40 p.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, August 28, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (9) and (a) (10) as it relates to Assembly Bill No. 297.

EDWARD VINCENT

Above request ordered transmitted to the Committee on Rules.



**RECESS**

By unanimous consent, at 3:40 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 4:45 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**REQUEST TO TAKE UP RESOLUTION TO SUSPEND RULES**

Assembly Member Perata requested unanimous consent to take up the Resolution to Suspend Rules as it relates to Assembly Bill No. 297.

Assembly Member Leonard withheld unanimous consent.

**ADJOURN IN MEMORY**

Assembly Member Scott was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James C. Greene, former Chairman of the Board of Pacific Oaks College, Pasadena.

**OBJECTION WITHDRAWN**

Assembly Member Leonard withdrew his objection to the request by Assembly Member Perata to take up the Resolution to Suspend Rules as it relates to Senate Bill No. 297.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 4:55 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**CONSIDERATION OF SENATE BILL NO. 89 BY UNANIMOUS CONSENT**

Assembly Member Murray was granted unanimous consent to take up Senate Bill No. 89, out of order.

**SENATE BILL NO. 89 (Hayden)**—An act to add Sections 130051.20 and 130051.25 to the Public Utilities Code, relating to transportation.

Bill read third time.

**Motion to Amend**

Assembly Member Murray moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS PASSED ON FILE**

**Senate Bill No. 1050**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 124 (Karnette)**—An act to amend Sections 82015, 82028, and 82030 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Bordonaro.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—72**

Ackerman	Cunneen	Lempert	Poochigian
Aguiar	Davis	Leonard	Richter
Alquist	Ducheny	Machado	Runner
Aroner	Escutia	Margett	Scott
Ashburn	Figuroa	Martinez	Shelley
Baca	Firestone	Mazzoni	Strom-Martin
Baldwin	Floyd	McClintock	Sweeney
Battin	Gallegos	Migden	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Olberg	Vincent
Brown	Kaloogian	Oller	Washington
Caldera	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—72**

Ackerman	Cunneen	Lempert	Poochigian
Aguiar	Davis	Leonard	Richter
Alquist	Ducheny	Machado	Runner
Aroner	Escutia	Margett	Scott
Ashburn	Figuroa	Martinez	Shelley
Baca	Firestone	Mazzoni	Strom-Martin
Baldwin	Floyd	McClintock	Sweeney
Battin	Gallegos	Migden	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Olberg	Vincent
Brown	Kaloogian	Oller	Washington
Caldera	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 628**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 466 (Rainey)**—An act to add Section 56111.13 to the Government Code, and to amend Section 99 of the Revenue and Taxation Code, relating to local agencies.

Bill read third time.

**Motion to Amend**

Assembly Member Torlakson moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS PASSED ON FILE**

**Senate Bill No. 121**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 605 (Maddy)**—An act to add Section 19328 to the Education Code, relating to the law library of the California State Library.

Bill read third time, and presented by Assembly Member Poochigian.

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Floyd	Mazzoni	Strom-Martin
Baca	Frusetta	McClintock	Sweeney
Battin	Gallegos	Migden	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	Havice	Morrissey	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Bowler	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Olberg	Washington
Caldera	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Wright
Cardoza	Kuykendall	Papan	Mr. Speaker
Cunneen	Leach	Perata	
Davis	Lempert	Poochigian	

**NOES—None**

Bill ordered transmitted to the Senate.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

Assembly Member Papan was granted unanimous consent that the Committee on Banking and Finance be permitted to meet at this time, in the Speaker's Conference Room, and that Joint Rule 62(a) be waived for the purpose of hearing Assembly Bill No. 185, and without objection, the House was permitted to continue in Floor session.

**BILLS PASSED ON FILE**

**Senate Bill No. 1196**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 908 (Lee)**—An act to amend Section 25892.1 of the Public Utilities Code, relating to transportation.

Bill read third time, and presented by Assembly Member Perata.

Bill passed by the following vote:

**AYES—42**

Alquist	Firestone	Machado	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Scott	Mr. Speaker
Escutia	Kuykendall	Shelley	
Figueroa	Lempert	Strom-Martin	

**NOES—28**

Ackerman	Bowler	Kaloogian	Morrow
Aguiar	Brewer	Leonard	Olberg
Ashburn	Campbell	Margett	Oller
Baldwin	Cunneen	Martinez	Poochigian
Battin	Frusetta	McClintock	Richter
Baugh	Granlund	Miller	Takasugi
Bordonaro	House	Morrissey	Thompson

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 548 (Solis)**—An act to add Section 1941.3 to the Civil Code, relating to civil law.

Bill read third time.

**Motion to Amend**

Assembly Member Ortiz moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

August 28, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61 (a) (3) (5) (9), as it relates to the following bill be granted:

Assembly Bill No. 297.

DON PERATA, Chairman

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 196 (Knight)**—An act to amend Section 599aa of the Penal Code, relating to animal abuse.

Bill read third time, and presented by Assembly Member Runner.  
The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Runner moved a call of the Assembly.

Motion carried. Time, 5:27 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 73 (Kopp)**—An act to amend Sections 998 and 2101 of the Code of Civil Procedure, to amend Sections 9402, 9403, 9404, 9405, 9406, and 9407 of, and to repeal Section 5114 of, the Commercial Code, to amend Section 721 of the Evidence Code, and to amend Sections 12583 and 68616 of the Government Code, relating to civil law.

Bill read third time, and presented by Assembly Member Baugh.

Bill passed by the following vote:

**AYES—72**

Ackerman	Ducheny	Lempert	Poochigian
Aguiar	Escutia	Leonard	Pringle
Alquist	Figueroa	Machado	Richter
Ashburn	Firestone	Margett	Runner
Baca	Floyd	Martinez	Scott
Baldwin	Frusetta	Mazzoni	Shelley
Battin	Gallegos	McClintock	Sweeney
Baugh	Granlund	Migden	Takasugi
Bordonaro	Havice	Miller	Thompson
Bowen	Hertzberg	Morrissey	Thomson
Bowler	Honda	Morrow	Torlakson
Brewer	House	Murray	Villaraigosa
Brown	Kaloogian	Napolitano	Vincent
Campbell	Keeley	Olberg	Washington
Cardenas	Knox	Oller	Wayne
Cardoza	Kuehl	Ortiz	Wildman
Cunneen	Kuykendall	Pacheco	Wright
Davis	Leach	Perata	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bills Nos. 941 and 184—Passed on file.

**BILL ORDERED TRANSMITTED TO SENATE**

Assembly Member Ortiz was granted unanimous consent that Senate Bill No. 376 be transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 263 (McPherson)**—An act to amend Sections 714, 1055, 7149.2, and 13005 of, and to add Section 3031.2 to, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Oller.

Bill passed by the following vote:

**AYES—72**

Ackerman	Davis	Lempert	Poochigian
Aguiar	Ducheny	Leonard	Pringle
Alquist	Figueroa	Machado	Richter
Aroner	Firestone	Margett	Runner
Ashburn	Floyd	Martinez	Scott
Baca	Frusetta	Mazzoni	Shelley
Baldwin	Gallegos	Migden	Strom-Martin
Battin	Granlund	Miller	Sweeney
Baugh	Havice	Morrissey	Takasugi
Bordonaro	Hertzberg	Morrow	Thompson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Wright
Cunneen	Leach	Perata	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 418 and 515**—Passed on file.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 44	Assembly Bill No. 1059
Assembly Bill No. 175	Assembly Bill No. 1200
Assembly Bill No. 259	Assembly Bill No. 1226
Assembly Bill No. 323	Assembly Bill No. 1237
Assembly Bill No. 329	Assembly Bill No. 1527
Assembly Bill No. 460	Assembly Bill No. 1543
Assembly Bill No. 534	Assembly Bill No. 1580
Assembly Bill No. 662	Assembly Bill No. 1581
Assembly Bill No. 719	Assembly Bill No. 1599
Assembly Bill No. 1041	

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1072 (Burton)**—An act relating to judges.

Bill read third time, and presented by Assembly Member Perata.

Bill passed by the following vote:

**AYES—70**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alquist	Escutia	Margett	Scott
Aroner	Figueroa	Martinez	Shelley
Ashburn	Firestone	Mazzoni	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thomson
Baugh	Hertzberg	Morrow	Torlakson
Bordonaro	Honda	Murray	Villaraigosa
Bowen	House	Napolitano	Vincent
Bowler	Kaloogian	Olberg	Washington
Brewer	Keeley	Oller	Wayne
Brown	Knox	Ortiz	Wildman
Campbell	Kuehl	Pacheco	Wright
Cardenas	Kuykendall	Papan	Mr. Speaker
Cardoza	Leach	Perata	
Cunneen	Lempert	Poochigian	

**NOES—1**

Thompson

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 193**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 461 (Karnette)**—An act to amend Sections 3059 and 3090 of, and to add Sections 3051, 3060, 3090.1, 3096.6, 3096.7, and 3107.1 to, the Business and Professions Code, relating to optometry, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Brown moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 402 (Greene)**—An act to add Part 4.5 (commencing with Section 124960) to Division 106 of the Health and Safety Code, relating to health.

Bill read third time.

**Motion to Amend**

Assembly Member Bordonaro moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 867, 951, and 969**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 993 (Burton)**—An act to amend Section 25600 of, and to add Sections 23363.1 and 23363.2 to, the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, and presented by Assembly Member Brown.

Bill passed by the following vote:

**AYES—70**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Shelley
Ashburn	Floyd	Mazzoni	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Callegos	Miller	Takasugi
Battin	Granlund	Morrissey	Thomson
Baugh	Hertzberg	Morrow	Torlakson
Bordonaro	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Wright
Cardoza	Kuykendall	Papan	Mr. Speaker
Cunneen	Leach	Perata	
Davis	Lempert	Poochigian	

**NOES—4**

Bowen	Havice	Scott	Thompson
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Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 1323**—Passed on file.

**At 5:45 p.m., Hon. Fred Keeley, 27th District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 500 (Polanco)**—An act to add Chapter 1.3 (commencing with Section 12125) to Title 2 of Part 4 of the Penal Code, relating to firearms.

Bill read third time, and presented by Assembly Member Perata.

**Demand for Previous Question**

Assembly Members Washington, Sweeney, Shelley, Napolitano, and Scott demanded the previous question.



**Roll Call Demanded**

Assembly Members Oller, Ackerman, and Brewer, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—43**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Caldera	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—32**

Ackerman	Brewer	Kuykendall	Oller
Aguiar	Campbell	Leach	Pacheco
Ashburn	Cunneen	Leonard	Poochigian
Baldwin	Firestone	Margett	Pringle
Battin	Frusetta	Miller	Richter
Baugh	Granlund	Morrissey	Runner
Bordonaro	House	Morrow	Takasugi
Bowler	Kaloogian	Olberg	Thompson

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Villaraigosa moved a call of the Assembly.

Motion carried. Time, 5:58 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS PASSED ON FILE**

Senate Bills Nos. 980, 1078, 1217, and 219—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 883 (Committee on Local Government)**—An act to amend Sections 25332, 25843, 26220, 50274, and 56706 of, to amend and renumber Section 25526.6 of, and to repeal Chapter 3.5 (commencing with Section 55530) of Part 2 of Division 2 of Title 5 of, the Government Code to amend Sections 32, 150, and 153 of, and to add Sections 156 and 157 to, the Fairfield-Suisun Sewer District Act (Chapter 303 of the Statutes of 1951), to amend Sections 3 and 6 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session), and to amend Section 201 of the Colusa Basin Drainage District Act (Chapter 1399 of the Statutes of 1987), relating to the Local Government Omnibus Act of 1997.

Bill read third time, and presented by Assembly Member Sweeney.

Bill passed by the following vote:

**AYES—70**

Ackerman	Ducheny	Margett	Richter
Aguiar	Escutia	Martinez	Runner
Alquist	Figueroa	Mazzoni	Scott
Aroner	Firestone	McClintock	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Granlund	Miller	Sweeney
Baldwin	Havice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thomson
Baugh	Honda	Murray	Torlakson
Bordonaro	House	Napolitano	Villaraigosa
Bowen	Kaloogian	Olberg	Vincent
Bowler	Keeley	Oller	Washington
Brewer	Knox	Ortiz	Wayne
Brown	Kuehl	Pacheco	Wildman
Campbell	Kuykendall	Papan	Wright
Cardenas	Leach	Perata	Mr. Speaker
Cunneen	Lempert	Poochigian	
Davis	Machado	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bill No. 1351—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 726 (Kopp)**—An act to amend Section 1382 of the Penal Code, relating to criminal procedure.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—74**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alquist	Escutia	Margett	Scott
Aroner	Figueroa	Martinez	Shelley
Ashburn	Firestone	Mazzoni	Strom-Martin
Baca	Frusetta	McClintock	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Caldera	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**At 6:03 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**SENATE BILL NO. 744 (Hughes)**—An act to amend Section 20128.5 of the Public Contract Code, relating to public construction contracts.

Bill read third time, and presented by Assembly Member Sweeney.

Bill passed by the following vote:

**AYES—66**

Ackerman	Davis	Leach	Runner
Aguiar	Ducheny	Lempert	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Margett	Strom-Martin
Ashburn	Firestone	Mazzoni	Sweeney
Baca	Floyd	Migden	Takasugi
Baldwin	Frusetta	Miller	Thomson
Battin	Gallegos	Morrissey	Torlakson
Bordonaro	Granlund	Morrow	Villaraigosa
Bowen	Havice	Murray	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brewer	Honda	Olberg	Wayne
Brown	House	Ortiz	Wildman
Campbell	Keeley	Papan	Wright
Cardenas	Knox	Perata	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cunneen	Kuykendall	Richter	

**NOES—8**

Baugh	Leonard	McClintock	Pacheco
Kaloogian	Martinez	Oller	Thompson

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 768**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 220 (Rosenthal)**—An act to amend Section 19556 of the Business and Professions Code, relating to horseracing.

Bill read third time, and presented by Assembly Member Vincent.

Bill passed by the following vote:

**AYES—54**

Ackerman	Escutia	Mazzoni	Scott
Aguiar	Firestone	Migden	Shelley
Aroner	Callegos	Miller	Strom-Martin
Ashburn	Granlund	Morrissey	Takasugi
Baca	Havice	Morrow	Thompson
Battin	Hertzberg	Murray	Thomson
Baugh	Honda	Napolitano	Torlakson
Bordonaro	Keeley	Olberg	Villaraigosa
Brewer	Knox	Oller	Vincent
Campbell	Kuykendall	Ortiz	Wildman
Cardenas	Leach	Papan	Wright
Cardoza	Leonard	Perata	Mr. Speaker
Cunneen	Machado	Poochigian	
Ducheny	Margett	Pringle	

**NOES—12**

Alquist	Floyd	McClintock	Sweeney
Bowen	Kuehl	Pacheco	Washington
Bowler	Martinez	Runner	Wayne

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 220: Assembly Member Sweeney, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE JOINT RESOLUTION NO. 25 (Solis)**—Relative to the Job Creation and Infrastructure Restoration Act and the Jobs 2000 Act of 1997.

Resolution read.

**Motion to Amend by Assembly Member Olberg**

Assembly Member Olberg moved the adoption of amendments, of 25 words or less.

Amendments read.

**Motion to Table Olberg Amendments  
to Senate Joint Resolution No. 25**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Olberg to Senate Joint Resolution No. 25 be laid upon the table.

Assembly Member Shelley seconded the motion.

Motion carried by the following vote:

**AYES—37**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—29**

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	Margett	Pringle
Ashburn	Cunneen	McClintock	Runner
Baldwin	Frusetta	Miller	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	
Bordonaro	Kaloogian	Oller	
Bowler	Leach	Pacheco	

**Objection to Vote Adds**

Assembly Member Olberg withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Villaraigosa motion to table Olberg amendments to Senate Joint Resolution No. 25.

**Point of Order**

Assembly Member Baca arose to the following point of order:

Assembly Member Olberg is not limiting debate to the merits of Senate Joint Resolution No. 25.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

**Further Consideration of Senate Joint Resolution No. 25**

The question being on the adoption of the resolution.

Resolution adopted by the following vote:

**AYES—43**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Callegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Caldera	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—30**

Ackerman	Campbell	Leach	Pacheco
Ashburn	Cunneen	Leonard	Poochigian
Baldwin	Firestone	Margett	Pringle
Battin	Frusetta	McClintock	Runner
Baugh	Granlund	Miller	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Olberg	
Brewer	Kuykendall	Oller	

Resolution ordered transmitted to the Senate.

**UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 582 (Martinez)**—An act to add Section 709.1 to the Public Utilities Code, relating to telecommunications.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Motion to Re-refer Assembly Bill No. 582 to Committee**

Assembly Member Olberg moved that Assembly Bill No. 518 be re-referred to the Committee on Utilities and Commerce.

Assembly Member Granlund seconded the motion.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 6:33 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 588 (Figueroa)**—An act to add Section 676.9 to the Insurance Code, relating to insurance.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Ducheny	Lempert	Poochigian
Aguiar	Escutia	Leonard	Pringle
Alquist	Figueroa	Machado	Runner
Aroner	Firestone	Margett	Scott
Baca	Floyd	Martinez	Shelley
Baldwin	Frusetta	Mazzoni	Strom-Martin
Battin	Gallegos	Migden	Sweeney
Baugh	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Wright
Davis	Leach	Perata	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 489 (Figueroa)**—An act to amend Section 10209.3 of, and to add Section 10113.4 to, the Insurance Code, relating to life insurance.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Davis	Leach	Perata
Aguiar	Ducheny	Lempert	Poochigian
Alquist	Escutia	Leonard	Scott
Aroner	Figueroa	Machado	Shelley
Ashburn	Firestone	Margett	Strom-Martin
Baca	Floyd	Martinez	Sweeney
Baldwin	Frusetta	Mazzoni	Takasugi
Battin	Gallegos	Migden	Thompson
Baugh	Granlund	Miller	Thomson
Bordonaro	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Morrow	Villaraigosa
Bowler	Honda	Murray	Vincent
Brewer	House	Napolitano	Washington
Brown	Kaloogian	Olberg	Wayne
Campbell	Keeley	Oller	Wildman
Cardenas	Knox	Ortiz	Wright
Cardoza	Kuehl	Pacheco	Mr. Speaker
Cunneen	Kuykendall	Papan	

**NOES—1**

McClintock

Above bill ordered enrolled.

**CAUCUS ANNOUNCEMENTS**

At 6:40 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 6:41 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 7:32 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 137 (Maddy)**—An act to amend sections 19400 and 19401 of the Business and Professions Code, relating to horseracing.

Bill read third time.

**Motion to Amend by Assembly Member Vincent**

Assembly Member Vincent moved the adoption of amendments.  
Amendments read.

**Motion to Offer Substitute Motion to Amend**

Assembly Member Knox moved to offer a substitute motion to amend.

Assembly Member Machado seconded the motion.

**Parliamentary Inquiry**

Assembly Member Leonard arose to the following parliamentary inquiry:

Are the amendments offered by Assembly Member Vincent prejudiced by consideration of the Knox motion?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that under Assembly Rule 91, Assembly Member Knox is in order to offer a substitute motion to amend the amendments offered by Assembly Member Vincent. If the motion by Assembly Member Knox is not adopted by the House, the first set of amendments offered by Assembly Member Vincent is before the Body for consideration.



**Parliamentary Inquiry**

Assembly Member Leonard arose to the following parliamentary inquiry:

Would it be in order for an author of a third set of amendments to move to amend the substitute amendment?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that pursuant to Assembly Rule 91 no amendment to an amendment may be amended. The Knox motion to offer a substitute motion to amend the Vincent amendment is before the Body. If the Knox motion loses, the Vincent amendment is before the Body; and, if the Knox motion carries, the Knox amendment would then be before the Body.

The question being on the Knox motion to offer a substitute motion to amend the amendments offered by Assembly Member Vincent.

Motion lost by the following vote:

**AYES—18**

Aroner	Honda	Ortiz	Washington
Bowen	Knox	Perata	Wayne
Figueroa	Kuehl	Scott	Wildman
Floyd	Machado	Shelley	
Gallegos	Martinez	Strom-Martin	

**NOES—40**

Ackerman	Cardoza	Leonard	Papan
Alquist	Escutia	Margett	Poochigian
Ashburn	Firestone	McClintock	Pringle
Baldwin	Granlund	Migden	Richter
Battin	Hertzberg	Miller	Runner
Baugh	House	Morrow	Takasugi
Bordonaro	Kaloogian	Murray	Thompson
Bowler	Keeley	Olberg	Thomson
Brewer	Leach	Oller	Vincent
Campbell	Lempert	Pacheco	Wright

**Further Consideration of Vincent Motion to Amend Senate Bill No. 137**

The question being on the adoption of Vincent amendments to Senate Bill No. 137.

Vincent amendments adopted by the following vote:

**AYES—39**

Ackerman	Campbell	Kaloogian	Pacheco
Aguiar	Cardenas	Leach	Papan
Ashburn	Cardoza	Leonard	Poochigian
Baca	Ducheny	Margett	Pringle
Baldwin	Firestone	McClintock	Richter
Battin	Gallegos	Miller	Runner
Baugh	Granlund	Morrow	Takasugi
Bordonaro	Havice	Murray	Vincent
Bowler	Hertzberg	Olberg	Wright
Brewer	House	Oller	

**NOES—25**

Alquist	Keeley	Napolitano	Thompson
Aroner	Knox	Ortiz	Thomson
Bowen	Kuehl	Perata	Torlakson
Brown	Kuykendall	Scott	Washington
Davis	Lempert	Shelley	
Escutia	Martinez	Strom-Martin	
Figueroa	Migden	Sweeney	

**Amendments Withdrawn**

Without objection, Assembly Member Pringle withdrew his amendments to Senate Bill No. 137.

**Senate Bill No. 137 Ordered Reprinted**

Senate Bill No. 137, as amended by Assembly Member Vincent, ordered reprinted.

**Re-reference of Bills to Committee Pursuant to Assembly Rule 77.2**

Pursuant to Assembly Rule 77.2, the Speaker re-referred Senate Bill No. 137 to the Committee on Governmental Organization.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 973 (Greene)**—An act relating to school facilities.

Bill read third time, and presented by Assembly Member Villaraigosa.

Bill passed by the following vote:

**AYES—58**

Aguiar	Escutia	Machado	Scott
Alquist	Figuerola	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Takasugi
Battin	Granlund	Migden	Thomson
Bordonaro	Havice	Miller	Torlakson
Bowler	Hertzberg	Morrissey	Villaraigosa
Brewer	Honda	Morrow	Vincent
Brown	House	Murray	Washington
Campbell	Kaloogian	Napolitano	Wayne
Cardenas	Keeley	Oller	Wildman
Cardoza	Knox	Ortiz	Wright
Cunneen	Kuehl	Pacheco	Mr. Speaker
Davis	Leach	Papan	
Ducheny	Leonard	Perata	

**NOES—5**

Ackerman	Bowen	Thompson
Baugh	Runner	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 94**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 860 (Thompson)**—An act relating to human services.

Bill read third time, and presented by Assembly Member Villaraigosa.

Bill passed by the following vote:

**AYES—43**

Alquist	Frusetta	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	

**NOES—26**

Ackerman	Brewer	Margett	Poochigian
Ashburn	Campbell	McClintock	Pringle
Baldwin	Granlund	Miller	Runner
Battin	House	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	
Bowler	Leonard	Pacheco	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 731**—Passed on file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 196**

At 8:04 p.m., on motion of Assembly Member Runner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 196 passed by the following vote:

**AYES—50**

Aguiar	Gallegos	Migden	Sweeney
Alquist	Havice	Morrow	Thompson
Aroner	Hertzberg	Murray	Thomson
Ashburn	Honda	Napolitano	Torlakson
Bordonaro	House	Ortiz	Villaraigosa
Bowen	Keeley	Pacheco	Vincent
Bowler	Knox	Papan	Washington
Brown	Kuehl	Perata	Wayne
Campbell	Kuykendall	Poochigian	Wildman
Cardenas	Leach	Runner	Wright
Cunneen	Lempert	Scott	Mr. Speaker
Davis	Martinez	Shelley	
Figueroa	Mazzoni	Strom-Martin	

**NOES—21**

Ackerman	Escutia	Margett	Pringle
Baldwin	Floyd	McClintock	Richter
Battin	Frusetta	Miller	Takasugi
Baugh	Granlund	Morrissey	
Caldera	Kaloogian	Olberg	
Ducheny	Leonard	Oller	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 196: Assembly Member Poochigian, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 500**

At 8:05 p.m., on motion of Assembly Member Villaraigosa, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 500 passed by the following vote:

**AYES—42**

Alquist	Firestone	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Caldera	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Cunneen	Kuehl	Perata	Wildman
Davis	Kuykendall	Scott	Mr. Speaker
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	

**NOES—33**

Ackerman	Brewer	Margett	Pringle
Aguiar	Campbell	McClintock	Richter
Ashburn	Ducheny	Miller	Runner
Baca	Frusetta	Morrissey	Takasugi
Baldwin	Granlund	Morrow	Thompson
Battin	House	Olberg	Wright
Baugh	Kaloogian	Oller	
Bordonaro	Leach	Pacheco	
Bowler	Leonard	Poochigian	

**Motion to Reconsider Senate Bill No. 500  
on Next Legislative Day**

Assembly Member Oller moved to reconsider on the next legislative day the vote whereby Senate Bill No. 500 was this day passed.

Senate Bill No. 500 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
OLBERG MOTION TO RE-REFER ASSEMBLY BILL NO. 582 TO COMMITTEE**

At 8:07 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Olberg motion to re-refer Assembly Bill No. 582 to the Committee on Utilities and Commerce lost by the following vote:

**AYES—31**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Ashburn	Cunneen	Leonard	Pringle
Baldwin	Firestone	Margett	Richter
Battin	Frusetta	McClintock	Runner
Baugh	Granlund	Miller	Takasugi
Bordonaro	House	Olberg	Thompson
Bowler	Kaloogian	Oller	

**NOES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Morrow	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figuerola	Martinez	Sweeney	

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Senate Resolutions**

**SENATE CONCURRENT RESOLUTION NO. 20 (Solis)**—Relative to Domestic Violence Awareness Month.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE JOINT RESOLUTION NO. 26 (Kopp)**—Relative to Aircraft Repair Station Safety Act of 1997.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above resolutions on the Consent Calendar adopted by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Granlund	Miller	Thompson
Battin	Havice	Morrissey	Thomson
Baugh	Hertzberg	Morrow	Torlakson
Bordonaro	Honda	Murray	Villaraigosa
Bowen	House	Napolitano	Vincent
Bowler	Kaloogian	Olberg	Washington
Brewer	Keeley	Oller	Wayne
Brown	Knox	Ortiz	Wildman
Campbell	Kuehl	Pacheco	Wright
Cardenas	Kuykendall	Papan	Mr. Speaker
Cardoza	Leach	Perata	
Cunneen	Lempert	Poochigian	
Davis	Leonard	Pringle	

**NOES—None****CONSIDERATION OF SPECIAL CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Special Consent Calendar.

**Consideration of Senate Amendments to Assembly Bills**

**ASSEMBLY BILL NO. 445 (Pacheco)**—An act to amend Section 664 of the Penal Code, relating to crime.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1546 (Commission on Consumer Protection, Governmental Efficiency and Economic Development)**—An act to amend Sections 5528, 5600, 5615, 5616, 5626, 5681, 5682, 5683, 7200, 7616, 7635, 8010, 8017, 8018, 8024.5, 8024.6, 8025, 8030.2, 8030.4, 8030.6, and 8030.8 of, to add Sections 102.3 and 5624 to, to add and repeal Section 5620 of, to repeal Sections 5623, 5625, 5627, and 5628 of, and to repeal and add Sections 5621 and 5622 of, the Business and Professions Code, and to amend Section 7100 of, and to add Section 7100.1 to, the Health and Safety Code, relating to consumer affairs, and making an appropriation therefor.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 388 (Runner)**—An act to add Chapter 9 (commencing with Section 540) to Division 1 of the Water Code, and to amend Sections 15.1 and 24 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), relating to water.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 500 (Ashburn)**—An act to add Section 4006.5 to the Penal Code, relating to prisons.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 816 (Brewer)**—An act to amend Sections 1760.5 and 1764.1 of the Insurance Code, relating to insurance.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1093 (Committee on Judiciary)**—An act to amend Sections 1281.6, 1281.9, 1282, and 1286.2 of the Code of Civil Procedure, relating to arbitration.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1325 (Bordonaro)**—An act to amend Sections 660 and 663 of the Welfare and Institutions Code, relating to youthful offenders.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1491 (Cunneen)**—An act to amend Sections 25284 and 25299.50 of, and to add Section 25292.3 to, the Health and Safety Code, relating to hazardous substances.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY CONCURRENT RESOLUTION NO. 2 (Floyd)**—Relative to the California Veterans' Cemetery at Yountville.

The Assembly concurred in the above Senate amendments; resolution ordered enrolled.

*(For the vote on the above resolution, see this day's  
Special Consent Calendar roll call.)*



**Special Consent Calendar Roll Call**

The roll was called, and the above bills on the Special Consent Calendar passed, by the following vote:

**AYES—71**

Ackerman	Davis	Lempert	Poochigian
Aguiar	Ducheny	Leonard	Runner
Alquist	Escutia	Machado	Scott
Aroner	Figueroa	Margett	Shelley
Ashburn	Firestone	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Baldwin	Gallegos	McClintock	Takasugi
Battin	Granlund	Migden	Thompson
Baugh	Havice	Miller	Thomson
Bordonaro	Hertzberg	Morrissey	Torlakson
Bowen	Honda	Morrow	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Wright
Cardoza	Kuykendall	Papan	Mr. Speaker
Cunneen	Leach	Perata	

**NOES—None****RESOLUTIONS**

The following resolution was offered:

**Resolution to Suspend Joint Rules**

By Assembly Member Bowen:

*Resolved*, That Joint Rule 61(a)(9) and (a)(10) be suspended to permit the Committees on Natural Resources and Appropriations to meet, consider, and report Senate Bill No. 638 for further action.

Resolution read, and adopted by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Granlund	Miller	Thompson
Battin	Havice	Morrissey	Thomson
Baugh	Hertzberg	Morrow	Torlakson
Bordonaro	Honda	Murray	Villaraigosa
Bowen	House	Napolitano	Vincent
Bowler	Kaloogian	Olberg	Washington
Brewer	Keeley	Oller	Wayne
Brown	Knox	Ortiz	Wildman
Campbell	Kuehl	Pacheco	Wright
Cardenas	Kuykendall	Papan	Mr. Speaker
Cardoza	Leach	Perata	
Cunneen	Lempert	Poochigian	
Davis	Leonard	Pringle	

**NOES—None**

**ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that any Members wishing to remove bills from the inactive file for purpose of amendment must notice removal by September 3rd as the last day to amend bills is September 5th; and further, the last day to notice removal of bills from the inactive file for purpose of consideration (without amendments) is September 10th.

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT**

Assembly Member Keeley was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1581, without reference to file.

**ASSEMBLY BILL NO. 1581 (Keeley)**—An act to add Division 28 (commencing with Section 36525) to the Public Resources Code, relating to ocean resources.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:

**AYES—3**

Bordonaro	Martinez	Thompson
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**NOES—70**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thomson
Baugh	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Wright
Cardoza	Kuykendall	Papan	Mr. Speaker
Cunneen	Leach	Perata	
Davis	Lempert	Poochigian	

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Cardoza announced that the Committee on Agriculture would meet on August 29, 1997 at 8 a.m., in Room 126, for the purpose of hearing Senate Bill No. 1161.

Assembly Member Wayne announced that the Committee on Environmental Safety and Toxic Materials would meet upon adjournment of Agriculture, on August 29, 1997, in Room 126, for the purpose of hearing Senate Bill No. 1161.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Resolution to Suspend Rules, Question 1:** Baldwin, Migden, and Murray—Aye.

**Resolution to Suspend Rules, Question 2:** Havice and Murray—Aye; Baldwin—No.

**Senate Bill No. 1161, Cardoza Motion to Suspend Rules:** Granlund and Murray—Aye; Baldwin—No.

**Senate Bill No. 1161, Wayne Motion to Suspend the Rules:** Ackerman, Granlund, and Murray—Aye; Baldwin—No.

**Assembly Bill No. 625, Concurrence:** Murray—Aye; Aguiar, Baldwin, and Cunneen—No.

**Assembly Bill No. 200, Concurrence:** Baldwin, Murray, Olberg, and Pacheco—Aye.

**Assembly Bill No. 235, Concurrence:** Ashburn, Campbell, Firestone, Granlund, Morrow, and Murray—Aye; Baldwin—No.

**Assembly Bill No. 407, Concurrence:** Battin, Granlund, Havice, Knox, Miller, Murray, and Pacheco—Aye; Ackerman and Baldwin—No.

**Assembly Bill No. 760, Concurrence:** Brewer, Cunneen, Havice, Kuykendall, Leach, Murray, Ortiz, and Torlakson—Aye; Ashburn, Baldwin, Granlund, and Pacheco—No.

**Assembly Bill No. 829, Concurrence:** Baldwin, Granlund, and Murray—Aye.

**Assembly Bill No. 849, Concurrence:** Baldwin, Knox, Murray, and Pacheco—Aye; Martinez—No.

**Assembly Bill No. 1112, Concurrence:** Baldwin and Murray—No.

**Assembly Bill No. 1116, Concurrence:** Bowen, Martinez, and Murray—Aye; Baldwin and Baugh—No.

**Assembly Bill No. 1317, Concurrence:** Baldwin and Murray—Aye.

**Assembly Bill No. 1390, Concurrence:** Baldwin and Murray—Aye.

**Assembly Bill No. 1526, Concurrence:** Baldwin, Battin, Murray, and Pochigian—Aye; Granlund—No.

**Assembly Concurrent Resolution No. 4, Concurrence:** Granlund, Kuykendall, Leach, and Murray—Aye; Baldwin—No.

**Assembly Bill No. 206, Concurrence:** Baldwin, Baugh, Cunneen, Granlund, Havice, and Murray—Aye.

**Assembly Bill No. 1157, Concurrence:** Davis and Murray—Aye; Baldwin, Campbell, and Granlund—No.

**Assembly Bill No. 1547, Concurrence:** Baldwin, Murray, and Villaraigosa—Aye.

**Assembly Bill No. 1308, Concurrence:** Bowen, Martinez, Morrow, and Murray—Aye; Baldwin and Olberg—No.

**Assembly Bill No. 761, Concurrence:** Baldwin and Murray—Aye.

**Assembly Bill No. 452, Wildman Motion to Reconsider:** Murray—Aye.

**Assembly Bill No. 452, Concurrence:** Murray—Aye; Baldwin and Pacheco—No.

**Assembly Bill No. 1583, Ducheny Motion to Reconsider:** Murray and Thomson—Aye; Baldwin—No.

**Assembly Bill No. 1583, Concurrence:** Cardoza, Murray, and Thomson—Aye; Baldwin—No.

**Senate Bill No. 340, Kuehl Motion to Reconsider:** Cunneen, Pacheco, and Villaraigosa—Aye; Baldwin and Miller—No.

**Assembly Joint Resolution No. 36:** Aguiar, Battin, Cardoza, Ducheny, Granlund, Murray, and Pacheco—Aye; Campbell and Morrow—No.

**Senate Bill No. 727:** Baldwin, Battin, Ducheny, and Murray—Aye.

**Senate Bill No. 66 and Urgency:** Baldwin and Murray—Aye.

**Senate Bill No. 954:** Cunneen and Murray—Aye; Baldwin, Bordonaro, Campbell, Granlund, and Poochigian—No.

**Senate Bill No. 376:** Baldwin, Cunneen, Murray, and Olberg—No.

**Senate Bill No. 1212:** Baldwin, Bowen, Murray, and Scott—Aye; Aguiar, Ashburn, Cunneen, Havice, and Morrow—No.

**Senate Bill No. 884 and Urgency:** Baldwin, Ducheny, and Murray—Aye.

**Senate Bill No. 124 and Urgency:** Aguiar, Baldwin, and Battin—Aye.

**Senate Bill No. 605:** Aguiar, Battin, Migden, and Villaraigosa—Aye.

**Senate Bill No. 908:** Villaraigosa—Aye; Aguiar, Battin, Cunneen, and Olberg—No.

**Senate Bill No. 73:** Aguiar, Machado, and Villaraigosa—Aye.

**Senate Bill No. 263:** Aguiar, Baca, and Villaraigosa—Aye.

**Senate Bill No. 1072:** Aguiar, Kaloogian, Oller, and Villaraigosa—Aye.

**Senate Bill No. 993:** Aguiar, Granlund, Kaloogian, Oller, and Villaraigosa—Aye; Bowen—No.

**Senate Bill No. 500, Demand for Previous Question:** Machado—Aye.

**Senate Bill No. 883:** Campbell, Granlund, and Machado—Aye.

**Senate Bill No. 726:** Granlund, Kaloogian, and Oller—Aye.

**Senate Bill No. 744:** Battin and Granlund—Aye; Kaloogian and Oller—No.

**Senate Bill No. 220:** Knox, Mazzoni, Miller, Oller, Scott, and Torlakson—Aye.

**Senate Joint Resolution No. 25:** Morrow—No.

**Assembly Bill No. 588, Concurrence:** Baugh and Morrissey—Aye.

**Assembly Bill No. 489, Concurrence:** Baldwin, Battin, and Morrissey—Aye.

**Senate Bill No. 973:** Campbell and McClintock—Aye.

**Senate Bill No. 860:** Battin, Granlund, and Miller—No.

**Senate Bill No. 196:** Aroner, Ashburn, Migden, and Villaraigosa—Aye.

**Consent Calendar:** Wright—Aye.

**Special Consent Calendar:** Vincent—Aye.

**MOTION TO ADJOURN**

At 8:20 p.m., Assembly Member House moved that the Assembly do now adjourn.

Assembly Member Brewer seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 8:20 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Natural Resources, on September 2, 1997, at 10 a.m.

**RESOLUTIONS**

The following resolution was offered:

**HOUSE RESOLUTION NO. 44**—Thompson and Knox. Relative to religious tolerance in Russia.

**AUTHOR'S AMENDMENTS**

**Committee on Natural Resources**

August 28, 1997

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 1066

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chairwoman

**SENATE BILL NO. 1066**—An act to amend Sections 40001, 41781.2, 41785, 41820, 41850, 42000, and 42005 of, and to add Section 42000.1 to, the Public Resources Code, relating to solid waste.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 36	Senate Bill No. 348
Senate Bill No. 57	Senate Bill No. 364
Senate Bill No. 62	Senate Bill No. 393
Senate Bill No. 70	Senate Bill No. 394
Senate Bill No. 119	Senate Bill No. 492
Senate Bill No. 150	Senate Bill No. 507
Senate Bill No. 214	Senate Bill No. 513
Senate Bill No. 227	Senate Bill No. 532
Senate Bill No. 233	Senate Bill No. 547
Senate Bill No. 236	Senate Bill No. 558
Senate Bill No. 253	Senate Bill No. 560
Senate Bill No. 280	Senate Bill No. 576
Senate Bill No. 296	Senate Bill No. 589
Senate Bill No. 314	Senate Bill No. 596
Senate Bill No. 317	Senate Bill No. 601
Senate Bill No. 330	

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 609	Senate Bill No. 915
Senate Bill No. 625	Senate Bill No. 916
Senate Bill No. 641	Senate Bill No. 931
Senate Bill No. 653	Senate Bill No. 970
Senate Bill No. 654	Senate Bill No. 984
Senate Bill No. 659	Senate Bill No. 1006
Senate Bill No. 687	Senate Bill No. 1009
Senate Bill No. 707	Senate Bill No. 1023
Senate Bill No. 710	Senate Bill No. 1027
Senate Bill No. 716	Senate Bill No. 1037
Senate Bill No. 717	Senate Bill No. 1040
Senate Bill No. 719	Senate Bill No. 1061
Senate Bill No. 772	Senate Bill No. 1077
Senate Bill No. 825	Senate Bill No. 1123
Senate Bill No. 882	Senate Bill No. 1125
Senate Bill No. 912	Senate Bill No. 1129

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1144	Senate Bill No. 1291
Senate Bill No. 1174	Senate Bill No. 1292
Senate Bill No. 1220	Senate Bill No. 1312
Senate Bill No. 1243	Senate Bill No. 1329
Senate Bill No. 1251	Senate Bill No. 1347
Senate Bill No. 1253	

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 74	Senate Bill No. 1231
Senate Bill No. 543	Senate Bill No. 1234

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 28, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 451  
Senate Bill No. 990  
Senate Bill No. 1350

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 65  
Senate Bill No. 136  
Senate Bill No. 275  
Senate Bill No. 329  
Senate Bill No. 365  
Senate Bill No. 408  
Senate Bill No. 417  
Senate Bill No. 472  
Senate Bill No. 480  
Senate Bill No. 494  
Senate Bill No. 542  
Senate Bill No. 603  
Senate Bill No. 633  
Senate Bill No. 695  
Senate Bill No. 703  
Senate Bill No. 776

Senate Bill No. 894  
Senate Bill No. 920  
Senate Bill No. 946  
Senate Bill No. 987  
Senate Bill No. 989  
Senate Bill No. 999  
Senate Bill No. 1003  
Senate Bill No. 1015  
Senate Bill No. 1049  
Senate Bill No. 1100  
Senate Bill No. 1104  
Senate Bill No. 1105  
Senate Bill No. 1121  
Senate Bill No. 1175  
Senate Bill No. 1184  
Senate Bill No. 1238

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1240  
Senate Bill No. 1245  
Senate Bill No. 1302

Senate Bill No. 1325  
Senate Bill No. 1332

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 28, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 525  
Senate Bill No. 1102

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

**Committee on Judiciary**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1081

With amendments with the recommendation: Amend, and do pass, as amended.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 361

With the recommendation: That the bill be re-referred to the Committee on Human Services.

MIGDEN, Chairwoman

Above bill re-referred to the Committee on Human Services.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Concurrent Resolution No. 17

Senate Concurrent Resolution No. 23

With the recommendation: Be adopted.

MIGDEN, Chairwoman

Above resolutions ordered to third reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Concurrent Resolution No. 3

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above resolution ordered to Consent Calendar.

Date of Hearing: August 28, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Concurrent Resolution No. 39

Senate Concurrent Resolution No. 43

Senate Concurrent Resolution No. 48

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above resolutions ordered to Consent Calendar.

Date of Hearing: August 28, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Concurrent Resolution No. 66

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above resolution ordered to Consent Calendar.

**Committee on Banking and Finance**

Date of Hearing: August 28, 1997

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 185

With amendments with the recommendation: Amend, and do pass, as amended.

PAPAN, Chairman

Above bill ordered to second reading.



**MESSAGES FROM THE SENATE**

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 1609

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 67  
Senate Bill No. 162  
Senate Bill No. 238  
Senate Bill No. 269  
Senate Bill No. 416  
Senate Bill No. 468  
Senate Bill No. 508

Senate Bill No. 680  
Senate Bill No. 727  
Senate Bill No. 816  
Senate Bill No. 850  
Senate Bill No. 1224  
Senate Bill No. 1299  
Senate Joint Resolution No. 6

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

**Senate Bill No. 903.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bills were placed on the Special Consent Calendar:  
Assembly Bills Nos. 460, 662, and 1543.

**INTRODUCTION OF GUESTS**

Assembly Member Machado, of the 17th Assembly District, introduced Tracy Albee, Karla Villafan, and Sarah Zeiger.

Assembly Member Bordonaro, of the 33rd Assembly District, introduced Rick and Debbie Minton and their daughters, Michelle and Courtney, of Paso Robles.

**ADJOURNMENT**

At 8:25 p.m., pursuant to the motion by Assembly Member House, the Assembly adjourned until 9 a.m., Friday, August 29, 1997, out of respect to the memory of Molly Mangan O'Connor, on motion of Assembly Member Mazzoni; out of respect to the memory of Mother Mercury Adams, on motion of Assembly Member Cardenas, out of respect to the memory of Jo Anne Ratcliff, on motion of Assembly Member Wayne; out of respect to the memory of Frances Novetzke, on motion of Assembly Member Machado; out of respect to the memory of Susan Temple, on motion of Assembly Member Brewer; out of respect to the memory of Elsa Meyer Miller, on motion of Assembly Member Aroner; out of respect to the memory of Tini Lujan, on motion of Assembly Member Bowen; out of respect to the memory of Dorothy Cecilia Stetzer, on motion of Assembly Member Villaraigosa; out of respect to the memory of Diana Miller, on motion of Assembly Member Honda; out of respect to the memory of Jack H. Smith, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Wayne Davies, on motion of Assembly Member Migden; out of respect to the memory of Dana E. Hill, on motion of Assembly Member Thomson; out of respect to the memory of Marilyn Jackson Gravelle, on motion of Assembly Member Torlakson; out of respect to the memory of William Easley and John "Jack" Whitney, on motion of Assembly Member Wildman; out of respect to the memory of Judge Warren Hain, on motion of Assembly Member Frusetta; out of respect to the memory of James C. Greene, on motion of Assembly Member Scott; out of respect to the memory of Georgia Ayers, on motion of Assembly Member Baldwin; and in honor of "The Danville Rockies", on motion of Assembly Member Leach.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 28, 1997

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The following measures were amended in the Assembly on this day:

<b>SB</b>	<b>RN</b>
45	9721541
89	9721687
137	9713404
340	9721631
402	9721446
431	9721599
443	9721612
461	9719845
466	9721421
514	9721484
545	9721546
548	9721542
660	9721730
1066	9721445
1179	9721447
1273	9721553

<b>Daily Total:</b>	<b>16</b>
<b>Cumulative Total:</b>	<b>3137</b>

Amendments were considered by the Assembly, but not adopted, to the following measures:

**SB**

340 \* (Granlund amendments—Set 2, laid upon the table)

**SJR**

25 \* (Olberg amendments, laid upon the table)

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, August 29, 1997**

**ONE HUNDRED TWENTY-NINTH SESSION DAY**

**TWO HUNDRED SEVENTY-FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Friday, August 29, 1997

The Assembly met at 9 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Campbell moved a quorum call of the Assembly.

Motion carried. Time, 9:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 9:11 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—73:

Ackerman	Figueroa	Machado	Richter
Aguiar	Firestone	Margett	Runner
Alquist	Floyd	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Wayne
Cardenas	Knox	Ortiz	Wildman
Cardoza	Kuehl	Pacheco	Wright
Cunneen	Kuykendall	Papan	Mr. Speaker
Davis	Leach	Perata	
Ducheny	Lempert	Poochigian	
Escutia	Leonard	Pringle	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*Omnipotent Lord, You make the sun to rise on both the righteous and the unjust, the evil and the good. You make the daybreak to illumine the whole world; illumine also our hearts. Grant that in the coming day, we may please You. Keep us away from every sin, every evil deed and from every power that opposes You. For Yours it is to have mercy and to save us, and we glorify You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Shelley then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Baca, seconded by Assembly Member Baldwin.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Alby, Brewer, and Washington.*

*On legislative business, and waiving per diem: Assembly Member Bordonaro.*

*On personal business, and waiving per diem: Assembly Member Caldera.*

*Because of illness: Assembly Member Woods.*

*Because of illness in his family: Assembly Member Prenter.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

August 25, 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol  
Room 219  
Sacramento, California*

Dear Mr. Speaker: As the State and National Director for the National Organization of Women Legislators, I am requesting that I be excused from session to attend the organization's annual convention from August 29, 1997 through September 5, 1997.

I will be presenting and discussing legislation that my colleagues and myself have been deliberating on during our current session.

Cordially,

BARBARA ALBY, Assembly Member  
Fifth District

(NOTE: For further explanation of absence by Assembly Member Alby, see Assembly Journal for September 13, 1997, page 4733.)

August 29, 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request leave of absence from session for Friday August 29th 1997, as I have been asked to speak on disabilities issues facing California for the National Foundation for Women Legislators Conference.

Please waive per diem.

Thank you for your prompt attention to this request.

If you have any questions please direct them to Doria Morrison in my capitol office @445-7795.

Sincerely,

TOM J. BORDONARO, JR., Assembly Member  
Thirty-third District

August 28, 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: I am respectfully requesting to be excused from Assembly Floor Session on Friday, August 29, 1997, due to legislative business in my District Office.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 445-7222.

Sincerely,

MARILYN C. BREWER, Assembly Member  
Seventieth District

August 27, 1997

*The Honorable Cruz Bustamante  
Speaker  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: I would like to be excused from Session on Friday, August 29, 1997, for legislative business in my district.

Thank you for your attention to this matter.

Sincerely,

CARL WASHINGTON, Assembly Member  
Fifty-second District

#### COMMUNICATIONS

The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

#### Definition of Marriage. Initiative Statute.

Referred by the Speaker to the Committee on Judiciary.

**Water and Land Conservation Fund. Oil and Gas Revenues.  
Initiative Statute.**

Referred by the Speaker to the Committees on Natural Resources, Water, Parks and Wildlife, Appropriations, and Revenue and Taxation.

**Casino Gambling. Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Governmental Organization.

**Oil and Gas Revenues. Water and Land Conservation Fund. State Tax Credits.  
Initiative Statute.**

Referred by the Speaker to the Committee on Natural Resources, Water, Parks and Wildlife, Appropriations, and Revenue and Taxation.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Natural Community Conservation Planning Program,  
Quarterly Report (January–March 1997)  
(Pursuant to the Supplemental Budget Act of 1992)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated July 28, 1997, referred by the Speaker to the Committee on Budget.

**Nuclear Power Emergency Preparedness,  
1995–96 Annual Report to the Legislature  
(Pursuant to SB 876, Radiation Protection Act of 1993)**

Above transmitted report, together with letter of transmittal from Richard A. Andrews, Director, Governor's Office of Emergency Services, Sacramento, dated July 29, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Annual Railroad Safety Report to the Legislature, (Southern Pacific Railroad)  
(Pursuant to Public Utilities Code Sections 765.5 and 7711)**

Above transmitted report, together with letter of transmittal from Kenneth L. Ross, Director, Rail Safety and Carriers Division, San Francisco, dated July 30, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**Quarterly Report on Loaned Employees**

**Quarterly Report on Employees Working for Agency's  
Interdepartmental Initiatives  
(Pursuant to the Supplemental Report of the 1996 Budget Act,  
Items #0555-0001-044.2 and 0555-001-044.3)**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Acting Secretary, California Environmental Protection Agency, Sacramento, dated July 31, 1997, referred by the Speaker to the Committee on Budget.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 29, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 66

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.



**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

August 29, 1997

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Senate Bill No. 781

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CALDERA, Chairman

**SENATE BILL NO. 781**—An act to amend Section 6202 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

*Assembly Joint*

*Resolution No.*

*Committee*

37 ----- Rls.

*Senate*

*Bill No.*

*Committee*

7 ----- E., R. & C.A.

*Senate Joint*

*Resolution No.*

*Committee*

27 ----- Rls.

28 ----- Rls.

29 ----- Rls.

**REPORTS OF STANDING COMMITTEES**

**Committee on Agriculture**

Date of Hearing: August 29, 1997

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 1161

With the recommendation: Do pass, and be re-referred to the Committee on Environmental Safety and Toxic Materials.

CARDOZA, Chairman

Above bill re-referred to the Committee on Environmental Safety and Toxic Materials.

**Committee on Rules**

August 29, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61 (a) (9), as it relates to the following bill be granted:

Senate Bill No. 1066.

DON PERATA, Chairman

**ADJOURN IN MEMORY**

Assembly Member Olberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Oliver Fix, of Hesperia.

Assembly Member Villaraigosa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Fred Martinez, of Los Angeles.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1614**—An act to add Part 32 (commencing with Section 65001) to Division 2 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Televising the Assembly and Information Technology read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 185**—An act to add Section 1663 to the Civil Code, relating to contracts.

Bill read second time; amendments proposed by the Committee on Banking and Finance read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 431**, ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 36**—An act relating to elections.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 57**—An act to amend Section 148 of the Penal Code, relating to arrest.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 62**—An act to add Section 13177 to the Water Code, relating to the California Mussel Watch Program, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 70**—An act to amend Section 1367.6 of, and to add Section 1367.63 to, the Health and Safety Code, and to amend Section 10123.8 of, and to add Section 10123.86 to, the Insurance Code, relating to health coverage.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 119**—An act to amend Section 170.6 of the Code of Civil Procedure, relating to judicial officers.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 150**—An act to amend Section 10471 of the Business and Professions Code, to amend Section 86 of the Code of Civil Procedure, to add Section 3553 to the Labor Code, and to amend Section 1202.4 of the Penal Code, relating to restitution, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 214**—An act to amend Section 1804.1 of, and to add Article 1.7 (commencing with Section 2946.1) to Chapter 2 of Title 14 of Part 4 of Division 3 of, the Civil Code, relating to contracts.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 227**—An act to amend Sections 22509, 22801, and 22803 of, and to add Sections 22508.5 and 70905 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 233**—An act to amend Section 1256 of the Unemployment Insurance Code, relating to unemployment compensation benefits.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 236**—An act to amend Section 21655.5 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 253**—An act to add Section 1278.5 to the Health and Safety Code, relating to health facilities.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 280**—An act to add Section 5408.7 to the Business and Professions Code, and to amend Section 4000.37 of the Vehicle Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 296**—An act to add Section 1367.64 to the Health and Safety Code, and to add Section 10123.83 to the Insurance Code, relating to health care coverage.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 314**—An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 317**—An act to add Section 1373.21 to the Health and Safety Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 330**—An act to add Chapter 11.5 (commencing with Section 1130) to Division 1 of Title 1 of the Corporations Code, and to add Article 12 (commencing with Section 1399.80) to Chapter 2.2 of Division 2 of the Health and Safety Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 348**—An act to amend Section 11019.5 of the Government Code, to amend Section 6840 of, to add Section 6835.1 to, and to repeal Sections 6831, 6832, and 6842 of, the Harbors and Navigation Code, to amend Section 5782.27 of the Public Resources Code, and to amend Section 55310.2 of the Water Code, relating to local government.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 364**—An act to add and repeal Article 9.7 (commencing with Section 8420) of Chapter 2 of Part 3 of Division 6 of, and to repeal Section 8425 of, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 393**—An act to amend Section 1393.6 of, and to add Article 3.12 (commencing with Section 1357.22) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 10775) to Part 2 of Division 2 of the Insurance Code, relating to health care coverage.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 394**—An act to add Section 33117.7 to the Education Code, and to amend Section 15037.1 of the Unemployment Insurance Code, relating to school-to-career opportunities.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 492**—An act to add Section 27 to the Business and Professions Code, and to add Section 11018.5 to the Government Code, relating to state government.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 507**—An act to amend Sections 14076 and 14076.2 of the Government Code, to amend Sections 21683.1 and 30634 of the Public Utilities Code, to amend Sections 136.5, 253.8, 256.1, 344, 391, and 599 of the Streets and Highways Code, and to amend Sections 1807.5, 1808.5, 5901, 21100, 25104, 25258, 25803, and 40509.5 of, to add Section 521.5 to, to add Article 5 (commencing with Section 21250) to Chapter 1 of Division 11 of, to repeal Section 35780.5 of, and to repeal Chapter 6 (commencing with Section 35900) of Division 15 of, the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 513**—An act to add Section 12001.1 to the Penal Code, relating to firearms.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 532**—An act to amend Section 18804 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 547**—An act to add Chapter 3.8 (commencing with Section 13829) to Title 6 of Part 4 of the Penal Code, relating to gangs.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 558**—An act to amend Section 16367.5 of the Government Code, relating to energy assistance.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 560**—An act to add Part 14.5 (commencing with Section 33001) to Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 576**—An act to amend Section 12463.3 of, and to add Section 53895.5 to, the Government Code, to amend Section 33080.6 of, to add Section 33672.7 to, and to add and repeal Section 33080.8 of, the Health and Safety Code, relating to redevelopment.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 589**—An act to add Article 4.1 (commencing with Section 1804.10) to Chapter 1 of Title 2 of Part 4 of Division 3 of the Civil Code, relating to retail installment contracts.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 596**—An act to add and repeal Section 1644.6 of the Health and Safety Code, relating to health, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 601**—An act to amend Sections 19171, 19175, 19570, 19574, 19815.41, 19832, 19997, 19997.2, 19997.3, 19997.8, 19997.11, 19997.13, and 19997.14 of, to add Sections 19574.3 and 19997.16 to, and to repeal and add Section 19576 of, the Government Code, relating to state civil service.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 609**—An act to amend Section 23803 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 625**—An act to add Sections 1367.20 and 1367.24 to the Health and Safety Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 641**—An act to amend Section 1270.1 of the Penal Code, relating to bail.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 653**—An act to amend Sections 1706, 1756, 1758, and 1759 of, to add Sections 1766.1 and 1766.2 to, to repeal Sections 1757.1 and 1765 of, and to repeal and add Section 1757 of, the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 654**—An act to amend Section 12926 of the Government Code, relating to discrimination.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 659**—An act to amend Sections 25404.2 and 25404.3 of, and to add Section 25404.7 to, the Health and Safety Code, relating to hazardous waste and materials.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 687**—An act to add Section 1374.14 to the Health and Safety Code, and to add Section 10123.86 to the Insurance Code, relating to health coverage.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 707**—An act to amend Sections 49460, 49461, 49462, 49463, and 49465 of the Education Code, relating to pupils.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 710**—An act relating to teacher credentialing, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 716**—An act to amend Section 14571.4 of the Public Resources Code, relating to beverage containers.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 717**—An act to add and repeal Article 1 (commencing with Section 18701) of Chapter 3 of Part 10.2 of the Revenue and Taxation Code, relating to taxpayer contributions, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 719**—An act to add Article 3.5 (commencing with Section 1359) to Chapter 2.2 of Division 2 of the Health and Safety Code, to add Article 1.7 (commencing with Section 10128.50) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to health coverage.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 772**—An act to amend Sections 44012, 44036, and 44036.2 of, and to add Section 44012.5 to, the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 825**—An act to amend Sections 7000.5, 7011, 7155.5, 7156, 7157, and 7159 of the Business and Professions Code, relating to contractors.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 882**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 912**—An act to amend Section 116 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 915**—An act to amend Section 14450 of the Welfare and Institutions Code, relating to human services.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 916**—An act to amend Section 1529.2 of the Health and Safety Code, and to add Section 16001.5 to the Welfare and Institutions Code, relating to human services.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 931**—An act to amend Section 6025 of the Penal Code, relating to corrections.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 970**—An act to amend Sections 129805 and 129825 of the Health and Safety Code, relating to hospitals.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 984**—An act to amend Section 1348.6 of, and to add Section 1367.01 to, the Health and Safety Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1006**—An act to add and repeal Sections 10915, 10916, 10917, and 10918 of the Fish and Game Code, relating to marine life refuges, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1009**—An act to add Section 14087.301 to the Welfare and Institutions Code, relating to human services.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1023**—An act to amend Section 21580 of the Government Code, relating to public employees.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1027**—An act to amend Sections 23200 and 23202 of, to add Chapter 14.2 (commencing with Section 22820) to Part 13 of, and to repeal Section 22707 of, the Education Code, relating to school employees.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1037**—An act to add Section 3105 to the Family Code, relating to family law.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1040**—An act to amend Sections 13143 and 17920.8 of the Health and Safety Code, relating to building standards.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1061**—An act to repeal and add Section 1599.61 of the Health and Safety Code, relating to long-term health care facilities.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1077**—An act to amend Section 18108 of, to add Sections 2159.5 and 18108.5 to, and to repeal and add Section 2159 of, the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1123**—An act to add Sections 7721, 7722, and 8390 to the Fish and Game Code, relating to fishing.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1125**—An act to amend Sections 127750 and 128760 of the Health and Safety Code, relating to health.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1129**—An act to amend Section 1363 of, and to add Section 1373.96 to, the Health and Safety Code, relating to health coverage.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1144**—An act to amend Section 19596 of the Business and Professions Code, relating to horseracing, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1174**—An act to add Section 14682 to the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1220**—An act to add Section 1367.51 to, and to repeal Section 1367.5 of, the Health and Safety Code, and to add Section 10176.61 to the Insurance Code, relating to health insurance.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1243**—An act to amend Sections 1636.5 and 1724 of the Business and Professions Code, and to amend Section 4 of Chapter 1299 of the Statutes of 1992, relating to dentistry, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1251**—An act to amend Sections 12965, 12970, and 12989.2 of the Government Code, relating to fair employment and housing.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1253**—An act to repeal, add, and repeal Article 13 (commencing with Section 18841) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1291**—An act to amend Sections 1799.90, 1799.91, 2985.7, 2986.3, 2986.4, 2986.13, and 2989.2 of, to add Section 2987 to, to repeal Section 2986.2 of, and to repeal and add Sections 2985.71 and 2985.8 of, the Civil Code, relating to motor vehicle leases.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1292**—An act to add Section 1373.31 to the Health and Safety Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1312**—An act to add Section 116751 to the Health and Safety Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1329**—An act to amend Section 51226.6 of the Education Code, and to amend Sections 12507.1, 12509, 12514, 12660, and 12814.6 of, and to repeal Sections 12507 and 12512 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1347**—An act to amend Sections 651, 2590, 2591, 2592, 3105.1, and 3135 of, and to add Section 17505.2 to, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 74**—An act to amend Sections 6252 and 6258 of, to amend and renumber Section 6253 of, to add Sections 6252.5 and 6253 to, to add a heading as Article 1 (commencing with Section 6250) to Chapter 3.5 of, to add Article 2 (commencing with Section 6275) to Chapter 3.5 of, Division 7 of Title 1 of, and to repeal Sections 6253.1, 6256, 6256.1, 6256.2, and 6257 of, the Government Code, relating to records.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 543**—An act to amend Sections 11454, 13459.5, 74224, and 78645 of, and to add Section 36560 to, the Water Code, to amend Section 4 of Chapter 1428 of the Statutes of 1985, and to add Section 32.5 to the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1231**—An act to add Section 1569.725 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1234**—An act to amend Sections 17009, 17039, 17941, 18633.5, 23036, and 23038 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 451**—An act to amend Sections 65302, 65351, and 65352 of the Government Code, relating to land use.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 990**—An act to amend Sections 19802, 19807.1, 19809, and 19809.5 of the Business and Professions Code, relating to gaming.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1350**—An act to add Chapter 6 (commencing with Section 101860) to Part 4 of Division 101 of the Health and Safety Code, relating to health care.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 65**—An act to amend Section 115915 of the Health and Safety Code, relating to public beaches.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 136**—An act to amend Section 5650 of the Fish and Game Code, relating to water pollution, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 275**—An act to amend Sections 33080.1, 33349, and 33437 of, and to add Sections 33437.5 and 33763.5 to, the Health and Safety Code, relating to redevelopment.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 329**—An act to amend Sections 4181, 4181.1, and 4651 of, and to add Section 4181.2 to, the Fish and Game Code, relating to game, and making an appropriation therefor.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 365**—An act to add Section 12804 to the Food and Agricultural Code, relating to pesticides.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 408**—An act to amend Section 84752 of the Education Code, to amend Sections 8545 and 14525.6 of, and to repeal Section 8544.1 of, the Government Code, to amend Section 14105.42 of, and to repeal and add Section 19640.5 of, the Welfare and Institutions Code, and to amend Section 13 of Chapter 1044 of the Statutes of 1990, relating to the State Auditor.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 417**—An act to amend Sections 1101, 1151, and 1182 of, and to add Section 1156.6 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

Bill read second time, and ordered to Consent Calendar.



**SENATE BILL NO. 472**—An act to amend Sections 6450, 6453, and 6455 of, to add Sections 6440, 6459, and 6460 to, and to repeal Section 6458 of, the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 480**—An act to amend Sections 6, 10, and 10.2 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 494**—An act to amend Sections 19621.1, 19622.1, 19622.3, and 19622.4 of, and to repeal and add Section 19622.5 of, the Business and Professions Code, relating to district agricultural associations.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 542**—An act to amend Sections 63.1, 255, 273, 273.5, 275, 275.5, 276, 401.13, 430.5, and 1603 of, and to add Section 5145.5 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 603**—An act to amend Sections 12824 and 12825 of the Food and Agricultural Code, relating to pesticides.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 633**—An act to repeal Part 4 (commencing with Section 330.24) of Division 1 of the Civil Code, to amend Sections 7312 and 25100 of, and to add Part 7 (commencing with Section 14300), Part 8 (commencing with Section 14350), Part 9 (commencing with Section 14400), Part 10 (commencing with Section 14450), Part 11 (commencing with Section 14500), and Part 12 (commencing with Section 14550) to Division 3 of Title 1 of, the Corporations Code, to amend Section 25988 of the Health and Safety Code, and to amend Sections 597d, 597z, 11105, 11165.16, 12031, and 12583 of the Penal Code, relating to corporations.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 695**—An act to amend Sections 1872.8 and 1875.12 of, to amend and renumber Section 1876.2 of, to amend the heading of Article 6 (commencing with Section 1876) of Chapter 12 of Part 2 of Division 1 of, to add Section 1875.18 to, and to repeal Sections 1876, 1876.1, and 1876.20 of, the Insurance Code, relating to insurance.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 703**—An act to amend Sections 6351, 6352, and 6353 of, and to add Section 6354.1 to, the Public Utilities Code, relating to energy transporters.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 776**—An act to add Sections 13332.19 and 14661 to the Government Code, relating to state property.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 894**—An act to amend Section 69535 of the Education Code, relating to postsecondary education.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 920**—An act to amend Section 112895 of the Health and Safety Code, relating to food labeling.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 946**—An act to amend Sections 82030 87103, 87303, 89506, 91005, and 91011 of, and to add Section 87209 to, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 987**—An act to amend Section 41712 of the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 989**—An act to amend Sections 11126, 24008, 25639, 51102, 51113, 51133, and 61601.25 of the Government Code, to amend Sections 13132.7 and 42311.2 of the Health and Safety Code, to amend Section 1547 of the Penal Code, to amend Sections 700, 712, 730, 731.1, 4002, 4129, 4521.3, 4604, 4662, 4789.2, 5093.52, 5093.68, 30404, and 30417 of, and to amend the heading of Article 2 (commencing with Section 730) of Chapter 2.5 of Division 1 of, the Public Resources Code, and to amend Sections 431 and 434 of the Revenue and Taxation Code, relating to forestry.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 999**—An act to amend Section 1430 of the Code of Civil Procedure, relating to escheat, and making an appropriation therefor.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1003**—An act to amend Sections 6433, 6434, and 6439 of the Fish and Game Code, relating to aquatic species, and making an appropriation therefor.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1015**—An act to amend Section 56728.9 of the Education Code, relating to special education.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1049**—An act to amend Sections 1746, 1747, 1748, and 1749 of the Health and Safety Code, relating to hospice.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1100**—An act to amend Section 18025 of the Education Code, relating to libraries, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1104**—An act to add and repeal Article 2.5 (commencing with Section 7076.1) of Chapter 8 of Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1105**—An act to amend Section 15031 of the Education Code, to amend Section 54902.5 of the Government Code, to amend Section 33674 of the Health and Safety Code, and to amend Sections 51, 69.5, 75.10, 408, 434.5, 670, 673, 1603, 1605, and 38904 of, and to amend, repeal and add Section 619 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1121**—An act to amend Sections 8502 and 8801.5 of the Family Code, relating to family law.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1175**—An act to amend Sections 48610.5, 48650, and 48650.5 of the Public Resources Code, relating to recycling.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1184**—An act to amend Sections 63000, 63010, 63021, 63025.1, 63026, 63055, and 63071 of, to amend and renumber Sections 63042 and 63048 of, to amend and renumber the headings of Article 4 (commencing with Section 63042) and Article 6 (commencing with Section 63048) of Chapter 2 of Division 1 of Title 6.7 of, to add Sections 63027, 63028, 63040, 63084, 63085, 63086, and 63087 to, to repeal Section 63001 of, to repeal Article 3 (commencing with Section 63040) of Chapter 2 of Division 1 of Title 6.7 of, to repeal the heading of Article 1 (commencing with Section 63050) of Chapter 3 of Division 1 of Title 6.7 of, to repeal Part 10.2 (commencing with Section 15710) of Division 3 of Title 2 of, and to repeal and add Article 5 (commencing with Section 63043) of Chapter 2 of Division 1 of Title 6.7 of, the Government Code, relating to state infrastructure.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1238**—An act to amend Section 368 of the Penal Code, relating to crime.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1240**—An act to add Section 51256 to, and to add and repeal Section 51257 of the Government Code, relating to the Williamson Act.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1245**—An act to add Section 10756 to the Water Code, relating to water.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1302**—An act to amend Section 11105.3 of the Penal Code, relating to employees.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1325**—An act to amend Section 2982 of the Civil Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1332**—An act to add Section 19507 to the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 525**—An act to amend Sections 1961 and 1967 of the Streets and Highways Code, and to amend Section 21716 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1102**—An act to amend Section 15619 of the Government Code, and to amend Sections 6203, 7102, 8255, 8651.7, 9255, 30179, 30366, 30455, 32405, 40116, 43455, 45655, 46506, 46751, 50142.1, 50161, 55225, 60120, 60121, 60361, 60524, 60608, and 60609 of, to add Sections 9255.1, 50162, and 60105 to, and to repeal Sections 60104 and 60709 of, the Revenue and Taxation Code, and to amend Sections 2104, 2105, and 2107 of the Streets and Highways Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1081**—An act to add Chapter 3 (commencing with Section 850) to Title 3 of Part 2 of Division 2 of the Civil Code, relating to hazardous materials.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT**

Assembly Member Murray was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1580, without reference to file.

**ASSEMBLY BILL NO. 1580 (Murray)**—An act relating to school facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

~~The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:~~

**AYES—2**

Murray

Villaraigosa

**NOES—61**

Aekerman  
Aguiar  
Alquist  
Ashburn  
Baca  
Baldwin  
Battin  
Baugh  
Bowen  
Bowler  
Brown  
Campbell  
Cardenas  
Cardoza  
Cunneen  
Davis

Figueroa  
Firestone  
Frusetta  
Gallegos  
Goldsmith  
Granlund  
Havice  
Hertzberg  
Honda  
House  
Kaloogian  
Keeley  
Kuehl  
Kuykendall  
Leach  
Lempert

Leonard  
Mazzoni  
McClintock  
Migden  
Miller  
Morrissey  
Morrow  
Olberg  
Oller  
Ortiz  
Pacheco  
Papan  
Perata  
Poochigian  
Pringle  
Runner

Scott  
Shelley  
Strom Martin  
Sweeney  
Takasugi  
Thompson  
Thomson  
Torlakson  
Vincent  
Wayne  
Wildman  
Wright  
Mr. Speaker

(NOTE: On July 6, 1998, the action was rescinded whereby the Assembly refused to concur in Senate amendments to Assembly Bill No. 1580. See page 7778.)

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 682, 305, and 248 were continued until the next legislative day.

**At 9:26 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**MOTION TO RECONSIDER SENATE BILL NO. 500**

In compliance with a motion given on a previous day, Assembly Member Oller moved that the vote be reconsidered whereby Senate Bill No. 500 was passed.

**Point of Order**

Assembly Member Morrissey arose to the following point of order:

Debate is not being limited to the merits of the motion to reconsider.

**Ruling by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore ruled the point of order not well-taken; when the question to be reconsidered is debatable, the entire question is opened to debate by the motion to reconsider.

**Demand for Previous Question**

Assembly Members Villaraigosa, Papan, Ortiz, Sweeney, and Honda demanded the previous question. Demand sustained.

The question being on the Oller motion to reconsider Senate Bill No. 500.

Reconsideration refused by the following vote:

**AYES—32**

Ackerman	Campbell	Leonard	Pacheco
Aguiar	Cardoza	Margett	Poochigian
Ashburn	Frusetta	McClintock	Pringle
Baca	Goldsmith	Miller	Richter
Baldwin	Granlund	Morrissey	Runner
Battin	House	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bowler	Leach	Oller	Wright

**NOES—36**

Alquist	Havice	Mazzoni	Strom-Martin
Aroner	Hertzberg	Migden	Sweeney
Bowen	Honda	Murray	Thomson
Brown	Keeley	Napolitano	Torlakson
Cardenas	Knox	Ortiz	Villaraigosa
Davis	Kuehl	Papan	Vincent
Escutia	Lempert	Perata	Wayne
Figueroa	Machado	Scott	Wildman
Gallegos	Martinez	Shelley	Mr. Speaker

Senate Bill No. 500 ordered transmitted to the Senate.

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 948 (Hayden)**—An act to amend Section 885.060 of the Civil Code, relating to real property.

Bill read third time, and presented by Assembly Member Kuehl.

Bill passed by the following vote:

**AYES—65**

Ackerman	Figueroa	Martinez	Scott
Aguiar	Firestone	Mazzoni	Shelley
Alquist	Goldsmith	Migden	Strom-Martin
Aroner	Granlund	Miller	Sweeney
Ashburn	Havice	Morrissey	Takasugi
Baca	Hertzberg	Morrow	Thompson
Baldwin	Honda	Murray	Thomson
Battin	House	Napolitano	Torlakson
Bowen	Keeley	Olberg	Villaraigosa
Bowler	Knox	Ortiz	Vincent
Brown	Kuehl	Pacheco	Wayne
Campbell	Kuykendall	Papan	Wildman
Cardoza	Leach	Perata	Wright
Cunneen	Lempert	Poochigian	Mr. Speaker
Davis	Leonard	Pringle	
Ducheny	Machado	Richter	
Escutia	Margett	Runner	

**NOES—3**

Kaloogian	McClintock	Oller
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Bill ordered transmitted to the Senate.

**SENATE BILL NO. 347 (Thompson)**—An act to amend Sections 651 and 668 of, and to add Section 655.7 to, the Harbors and Navigation Code, and to amend Section 11837.3 of the Health and Safety Code, relating to vessels.

Bill read third time, and presented by Assembly Member Goldsmith.

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Goldsmith moved a call of the Assembly.

Motion carried. Time, 10:02 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

#### **BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Senate Bill No. 1014**, on request of Assembly Member Perata;

**Senate Bill No. 1334**, on request of Assembly Member Cardoza.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1094 (Schiff)**—An act to amend Section 2401 of the Business and Professions Code, and to amend Section 1206 of the Health and Safety Code, relating to medicine.

Bill read third time.

#### **Motion to Amend**

Assembly Member Scott moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

#### **BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Senate Bill No. 628**, on request of Assembly Member Pacheco;

**Senate Bill No. 1050**, on request of Assembly Member Wayne;

**Senate Bill No. 121**, on request of Assembly Member Aroner.

**At 10:03 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

#### **BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Senate Bill No. 867**, on request of Assembly Member Aroner.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 94 (Ayala)**—An act to amend Sections 18895.2, 18897.63, and 18897.87 of, to add Sections 18897.1 and 18897.97 to, and to add Article 1.5 (commencing with Section 18896) to Chapter 2.5 of Division 8 of, the Business and Professions Code, relating to athlete agents.

Bill read third time, and presented by Assembly Member Granlund.

**At 10:12 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

Bill passed by the following vote:

**AYES—41**

Aguir	Frusetta	Mazzoni	Thomson
Alquist	Gallegos	Migden	Torlakson
Baca	Granlund	Morrissey	Villaraigosa
Battin	Havice	Murray	Vincent
Bowen	Hertzberg	Napolitano	Wayne
Brown	Honda	Ortiz	Wildman
Cardenas	Keeley	Pacheco	Wright
Davis	Knox	Papan	Mr. Speaker
Ducheny	Lempert	Perata	
Escutia	Machado	Scott	
Figueroa	Martinez	Sweeney	

**NOES—23**

Ackerman	Firestone	Leonard	Pringle
Ashburn	Goldsmith	Margett	Richter
Baldwin	House	McClintock	Runner
Bowler	Kaloogian	Miller	Takasugi
Campbell	Kuykendall	Oller	Thompson
Cunneen	Leach	Poochigian	

Bill ordered transmitted to the Senate.

**At 10:15 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 1351**, on request of Assembly Member Shelley.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 768 (Thompson)**—An act to amend Sections 25014.6 and 25017 of the Corporations Code, relating to securities.

Bill read third time.

**Motion to Amend**

Assembly Member Papan moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE CONCURRENT RESOLUTION NO. 17 (Watson)**—Relative to human services.

Resolution read, presented by Assembly Member Aroner, and adopted by the following vote:

**AYES—66**

Ackerman	Escutia	Leonard	Poochigian
Aguiar	Figueroa	Machado	Scott
Alquist	Firestone	Margett	Shelley
Aroner	Frusetta	Martinez	Strom-Martin
Ashburn	Gallegos	Mazzoni	Sweeney
Baca	Goldsmith	McClintock	Takasugi
Baldwin	Granlund	Migden	Thompson
Battin	Havice	Miller	Thomson
Bowen	Hertzberg	Morrissey	Torlakson
Bowler	Honda	Murray	Villaraigosa
Brown	Kaloogian	Napolitano	Vincent
Campbell	Keeley	Olberg	Wayne
Cardenas	Knox	Oller	Wildman
Cardoza	Kuehl	Ortiz	Wright
Cunneen	Kuykendall	Pacheco	Mr. Speaker
Davis	Leach	Papan	
Ducheny	Lempert	Perata	

**NOES—None**

Resolution ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**MOTION TO RECONSIDER SENATE BILL NO. 512 WAIVED**

Assembly Member Ducheny waived her motion to reconsider the vote whereby amendments to Senate Bill No. 512 were refused adoption.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

**Senate Bill No. 880**, on request of Assembly Member Sweeney;

**Senate Bill No. 190**, on request of Assembly Member Thomson;

**Senate Bill No. 392**, on request of Assembly Member Gallegos.



**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 190**, on request of Assembly Member Thomson.

**RECESS**

By unanimous consent, at 10:28 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit a special presentation.

Assembly Member Pringle presented Tony Gonzalez, who has served as Policy Director of the Assembly Republican Caucus from 1994-97, and presented a resolution expressing his gratitude and appreciation for exemplary dedication and service to the California State Assembly. Assembly Member Pringle was joined by the Members of the Assembly in conveying best wishes for success in future endeavors.

Tony Gonzalez then addressed the assemblage.

**REASSEMBLED**

At 10:33 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Hertzberg announced his intention to request that Senate Bill No. 1177 be removed from the inactive file.

**BILLS STRICKEN FROM FILE**

Assembly Member Migden was granted unanimous consent that Assembly Bill No. 967 be stricken from file.

**ADJOURN IN MEMORY**

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John L. Hollis, of Modesto.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Suspend Joint Rules**

By Assembly Member Bowen:

*Resolved*, That Joint Rule 61(a)(9) be suspended to permit the Committee on Natural Resources to meet, consider, and report Senate Bill No. 1066 for further action.

Resolution read, and adopted by the following vote:

**AYES—67**

Ackerman	Figueroa	Leonard	Richter
Aguiar	Firestone	Machado	Runner
Alquist	Floyd	Margett	Scott
Aroner	Frusetta	Martinez	Shelley
Ashburn	Gallegos	Mazzoni	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Bowen	Hertzberg	Murray	Thomson
Bowler	Honda	Napolitano	Torlakson
Brown	Kaloogian	Olberg	Villaraigosa
Campbell	Keeley	Oller	Vincent
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Davis	Kuykendall	Papan	Wright
Ducheny	Leach	Perata	Mr. Speaker
Escutia	Lempert	Poochigian	

**NOES—None**

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 347**

At 10:36 a.m., on motion of Assembly Member Goldsmith, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 347 passed by the following vote:

**AYES—42**

Aguiar	Ducheny	Leach	Shelley
Alquist	Escutia	Lempert	Strom-Martin
Aroner	Gallegos	Machado	Sweeney
Baca	Goldsmith	Mazzoni	Thomson
Battin	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Wayne
Campbell	Keeley	Ortiz	Wildman
Cardenas	Knox	Pacheco	Wright
Cardoza	Kuehl	Papan	
Davis	Kuykendall	Scott	

**NOES—21**

Ackerman	Granlund	Migden	Pringle
Baldwin	House	Miller	Thompson
Bowler	Kaloogian	Morrissey	Mr. Speaker
Cunneen	Leonard	Olberg	
Figueroa	Margett	Oller	
Firestone	McClintock	Perata	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 347: Assembly Members Baldwin and Cunneen, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that the Senate has requested that the Assembly designate floor authors for their measures on the third reading file in the Senate.

Speaker pro Tempore Kuehl also announced that the End of Session Seminar for Capitol staff would convene today in Room 4202, at 1:30 p.m.

**ACTION RESCINDED ON SENATE BILL NO. 1088**

Assembly Member Hertzberg was granted unanimous consent to rescind the action whereby the Assembly, on July 14, 1997 (Assembly Journal, page 3176), passed Senate Bill No. 1088, and whereby the bill was ordered transmitted to the Senate.

**Consideration of Senate Bill No. 1088 without Reference to File**

Assembly Member Hertzberg was granted unanimous consent to take up Senate Bill No. 1088, without reference to file, for purpose of consideration.

**SENATE BILL NO. 1088 (Lockyer)**—An act to add Section 68804 to the Government Code, relating to capital judgments.

Bill read third time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**UNANIMOUS CONSENT GRANTED TO PASS AND RETAIN**

Speaker pro Tempore Kuehl announced that leadership had agreed to pass and retain on all measures that were passed on file, or placed upon the inactive file pursuant to Assembly Rule 78, earlier this day.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577 were continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 1580, Concurrence:** Baugh, Bowen, Hertzberg, Pacheco, Scott, Takasugi, and Wright—No.

**Senate Bill No. 500, Oller Motion to Reconsider:** Takasugi and Wright—Aye; Bustamante—No.

**Senate Bill No. 948:** Miller, Olberg, Takasugi, and Wright—Aye.

**Senate Concurrent Resolution No. 17:** Battin—Aye.

**Resolutions to Suspend Rules:** Battin and Olberg—Aye.

**Senate Bill No. 347:** Wright—Aye; Kaloogian and Olberg—No.

**MOTION TO ADJOURN**

At 10:46 a.m., Assembly Member Kaloogian moved that the Assembly do now adjourn.

Assembly Member Machado seconded the motion.

**REMARKS ON CONDITION OF THE FILE**

Assembly Members Kuykendall and House arose to speak on the condition of the file.

**FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Kaloogian that the Assembly adjourn.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 10:50 a.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, August 29, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9)(10)(11) as it relates to Senate Bills Nos. 90, 1054, 1268, and 1305.

DIANE MARTINEZ

Assembly Chamber, August 29, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(11) to permit the Committee on Health to meet between September 1 and September 12, 1997.

MARTIN GALLEGOS

Above requests ordered transmitted to the Committee on Rules.

**AUTHOR'S AMENDMENTS**

**Committee on Consumer Protection, Governmental Efficiency, and Economic Development**

August 29, 1997

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency, and Economic Development reports:

Assembly Bill No. 1314

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DAVIS, Chairwoman

**ASSEMBLY BILL NO. 1314**—An act to amend Sections 6710, 6714, and 8710 of the Business and Professions Code, relating to professional engineers and land surveyors.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

August 29, 1997

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 638

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chairwoman

**SENATE BILL NO. 638**—An act to amend Section 41806 of the health and Safety Code, relating to air pollution.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Utilities and Commerce**

August 29, 1997

Mr. Speaker: The Chair of the Committee on Utilities and Commerce reports:

Senate Bill No. 90

Senate Bill No. 1305

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MARTINEZ, Chairwoman

**SENATE BILL NO. 90**—An act to amend Section 371 of the Public Utilities Code, and to add Section 383.5 to, and to add Article 5 (commencing with Section 445) to Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, relating to energy resources, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 1305**—An act to add Article 12.6 (commencing with Section 396.7 to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 29, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 31

Senate Bill No. 1189

Senate Bill No. 463

Senate Bill No. 1307

Senate Bill No. 1092

Senate Bill No. 521

Senate Bill No. 1176

Senate Bill No. 1135

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 31**—An act to add Sections 17053.50 and 23649.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 463**—An act to amend Sections 12002.6, 12002.8, 12006.6, and 12009 of, to amend and renumber Sections 8306.7, 8311, 8313, and 8314 of, to add Sections 5520, 5521, 5521.5, 5522, 7149.8, and 7149.9 to, to add Article 3 (commencing with Section 7360) to Chapter 2 of Part 2 of Division 6 of, and to repeal Sections 8300, 8300.1, 8300.2, 8301, 8302, 8303, 8304, 8305, 8305.5, 8305.8, 8305.9, 8305.10, 8305.11, 8306, 8306.1, 8306.2, 8306.3, 8306.3, 8306.6, 8306.9, and 8310 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 1092**—An act to add Section 13967.6 to the Government Code, to amend and renumber Sections 18966 and 18966.1 of, to amend, renumber, and add Section 18965 to, and to add Sections 18965.1, 18965.2, and 18965.3 to, the Welfare and Institutions Code, relating to victims of crime, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 1176**—An act to amend Section 11836 of the Health and Safety Code, and to amend Section 23103.5 of the Vehicle Code, relating to vehicles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 1189**—An act to add Section 51018.5 to the Government Code, to add Article 12 (commencing with Section 25299.97) and Article 13 (commencing with Section 25299.99) to Chapter 6.75 of Division 20 of, and to add Article 7.5 (commencing with Section 116610) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, and to add Section 13272.2 to the Water Code, relating to drinking water, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 1307**—An act to amend Sections 116275, 116285, 116290, 116325, 116390, 116425, 116540, 116565, 116580, 116585, 116650, and 116880 of, to amend and renumber Section 116300 of, to add Sections 116286 and 116287 to, to add Chapter 4.5 (commencing with Section 116760) to Part 12 of Division 104 of, and to repeal and add Section 116875 of, the Health and Safety Code, and to add Section 13169 to the Water Code, relating to drinking water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 521**—An act to add Sections 39667.5 and 116366 to the Health and Safety Code, and to add Section 13285 to the Water Code, relating to gasoline, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 1135**—An act to amend Section 25201.13 of the Health and Safety Code, relating to hazardous waste.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 29, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 66

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 66**—An act to add Section 7205.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 29, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 5

Senate Bill No. 853

Senate Bill No. 247

Senate Bill No. 936

Senate Bill No. 303

Senate Bill No. 1034

Senate Bill No. 499

Senate Bill No. 965

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 5**—An act to add Section 23800.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 247**—An act to amend Sections 19271 and 19272 of, and to amend and renumber Section 19532 of, the Revenue and Taxation Code, and to amend Section 11475.1 of, and to add Section 11475.7 to, the Welfare and Institutions Code, relating to support.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 303**—An act to amend Section 41204.1 of the Education Code, and to amend Sections 97.2 and 97.3 of the Revenue and Taxation Code, relating to local government finance.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 499**—An act to add Chapter 10 (commencing with Section 66406) to Division 1 of Title 7 of the Government Code, to add Sections 21083.10, 30012.5, and 30412.1 to the Public Resources Code, and to add Section 13167.1 to, and to add Chapter 5.4 (commencing with Section 13367) to Division 7 of, the Water Code, relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 853**—An act to add and repeal Section 628.3 of, and to add and repeal Title 5.5 (commencing with Section 13760) of Part 4 of, the Penal Code, relating to firearms, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 936**—An act to amend Sections 11475.8 and 15200.95 of, and to add Sections 15200.8, 15200.9, and 15200.92 to, the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 1034**—An act to amend Sections 117670, 117680, 117690, 117705, 117755, and 117760 of, to add Sections 117672, 117776, 117777, 117778, and 118005 to, and to add Chapter 9.5 (commencing with Section 118321) to Part 14 of Division 104 of, the Health and Safety Code, relating to trauma scene waste.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 965**—An act to add Section 7089 to the Government Code, and to amend Sections 17053.17, 17053.74, 17256, 17260, 23036, 23622.7, 23623.5, 24345, 24349.1, 24356.5, 24422, and 24916 of, to repeal Sections 17053.70, 17053.73, 17235, 17267, 23612.2, 23622, 23622.5, 24356.7, and 24384.5 of, and to repeal and amend Section 17053.75 of, the Revenue and Taxation Code, relating to economic development, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

## REPORTS OF STANDING COMMITTEES

### Committee on Appropriations

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 48	Senate Bill No. 566
Senate Bill No. 110	Senate Bill No. 657
Senate Bill No. 230	Senate Bill No. 807
Senate Bill No. 273	Senate Bill No. 826
Senate Bill No. 316	Senate Bill No. 827
Senate Bill No. 328	Senate Bill No. 842
Senate Bill No. 434	Senate Bill No. 857
Senate Bill No. 483	Senate Bill No. 873
Senate Bill No. 527	Senate Bill No. 945
Senate Bill No. 536	Senate Bill No. 1007

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1052	Senate Bill No. 1258
Senate Bill No. 1062	Senate Bill No. 1328
Senate Bill No. 1068	Senate Bill No. 1330
Senate Bill No. 1141	Senate Bill No. 1349
Senate Bill No. 1221	

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.



Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 320

Senate Bill No. 810

Senate Bill No. 381

Senate Bill No. 921

Senate Bill No. 383

Senate Bill No. 1107

Senate Bill No. 644

Senate Bill No. 1346

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 235

Senate Bill No. 795

Senate Bill No. 367

Senate Bill No. 1048

Senate Bill No. 413

Senate Bill No. 1067

Senate Bill No. 617

Senate Bill No. 1348

Senate Bill No. 675

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

#### **Committee on Rules**

Date of Hearing: August 29, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 26

With the recommendation: Be adopted, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

PERATA, Chairman

Above resolution re-referred to the Committee on Appropriations.

#### **Committee on Environmental Safety and Toxic Materials**

Date of Hearing: August 29, 1997

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 1161

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WAYNE, Chairman

Above bill re-referred to the Committee on Appropriations.

#### **Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 22

With amendments with the recommendation: Amend, be adopted, as amended, and be re-referred to the Committee on Appropriations.

VINCENT, Chairman

Above resolution ordered to second reading.

**Committee on Rules**

Date of Hearing: August 29, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 70

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered to Consent Calendar.

Date of Hearing: August 29, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 72

Assembly Concurrent Resolution No. 74

With the recommendation: Be adopted, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

PERATA, Chairman

Above resolutions ordered to second reading.

**Committee on Appropriations**

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 95

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

Senate Bill No. 376.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

August 27, 1997

*Hon. E. Dotson Wilson  
Chief Clerk of the Assembly  
Assembly Chamber*

Dear Dotson: The Senate this day by a two-thirds vote suspended Joint Rule 29.5(d) on Senate Bill 376.

Sincerely,

**GREGORY SCHMIDT**  
Secretary of the Senate

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Lee and Maddy as a Committee on Conference concerning:

Senate Bill No. 903.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 1124

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 105  
Senate Bill No. 132  
Senate Bill No. 189  
Senate Bill No. 243  
Senate Bill No. 252  
Senate Bill No. 259  
Senate Bill No. 294  
Senate Bill No. 306  
Senate Bill No. 359  
Senate Bill No. 454  
Senate Bill No. 464  
Senate Bill No. 467

Senate Bill No. 471  
Senate Bill No. 651  
Senate Bill No. 671  
Senate Bill No. 788  
Senate Bill No. 997  
Senate Bill No. 1020  
Senate Bill No. 1082  
Senate Bill No. 1192  
Senate Bill No. 1262  
Senate Bill No. 1277  
Senate Concurrent Resolution No. 27  
Senate Concurrent Resolution No. 42

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 52  
Senate Concurrent Resolution No. 53

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following resolutions were read:

**SENATE CONCURRENT RESOLUTION NO. 52**—Relative to National Lymphoma Awareness Week.

**SENATE CONCURRENT RESOLUTION NO. 53**—Relative to Dr. George Washington Carver Day.

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 29, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1124

And reports the same correctly enrolled, and presented to the Governor at 12 m., August 29, 1997.

E. DOTSON WILSON, Chief Clerk

### INTRODUCTION OF GUESTS

Assembly Member Kuykendall, of the 54th Assembly District, introduced former Member of the Assembly, Dave Elder.

### ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Kaloogian the Assembly adjourned until 11 a.m., Tuesday, September 2, 1997, out of respect to the memory of John L. Hollis, on motion of Assembly Member House; out of respect to the memory of Oliver Fix, on motion of Assembly Member Olberg; and out of respect to the memory of Fred Martinez, on motion of Assembly Member Villaraigosa.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 29, 1997**

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	<b>SB</b>	<b>RN</b>
66	9721591 (Set 1)	768	9721806
66	9721290 (Set 2)	781	9721551
185	9721548	853	9721837
1314	9721603	936	9721408
1614	9721582	965	9721354
		1034	9721560
<b>SB</b>	<b>RN</b>	1081	9721756
5	9721552	1088	9721716
31	9721787	1092	9721755
90	9721989	1094	9721782
247	9721077	1135	9721915
303	9721463	1176	9721777
463	9721813	1189	9721981
499	9721543	1305	9720350
521	9721906	1307	9721952
638	9721987		

<b>Daily Total:</b>	<b>28</b>
<b>Cumulative Total:</b>	<b>3165</b>

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, September 2, 1997**

**ONE HUNDRED THIRTIETH SESSION DAY**

**TWO HUNDRED SEVENTY-FIFTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, September 2, 1997

The Assembly met at 11 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Floyd moved a quorum call of the Assembly.

Motion carried. Time, 11:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 11:20 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—78:

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*Lord, To those who are experiencing storms in their lives, You are the serene harbor. Renew a right spirit within us. Let us not be deceived by the perishable pleasures of this world, but rather strengthen us to desire the delight of the eternal treasures. We also pray this morning, Lord, for the repose of the souls of Princess Diana and the others killed this past weekend in that tragic accident. Give rest to their souls in a place of peace where there is no pain, grief or suffering. For You are a good and merciful God, and to You we send up all glory.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member House then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Leonard, seconded by Assembly Member Shelley.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Alby.*

(NOTE: For letter explaining the absence of Assembly Member Alby on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Friday, August 29, 1997; for further explanation of absence by Assembly Member Alby, see Assembly Journal for September 13, 1997, page 4733.)

**COMMUNICATIONS**

The following communications were presented by the Chief Clerk, and ordered printed in the Journal:

September 2, 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: As a result of my appointment by President Clinton and confirmation by the U.S. Senate to the position of Managing Director and Chief Operating Officer of the Corporation for National and Community Service, I hereby respectfully submit my resignation as State Assembly Member for the 46th Assembly District, effective upon my acceptance of the federal appointment on September 2, 1997.

Sincerely,

LOUIS CALDERA

September 2, 1997

*The Honorable Pete Wilson  
Governor State of California  
State Capitol, First Floor  
Sacramento, California*

Dear Governor Wilson: Pursuant to the Government Code and on behalf of the Speaker of the Assembly, The Honorable Cruz Bustamante, I am forwarding a letter of resignation from Assembly Member Louis Caldera. It is effective upon his acceptance of the federal appointment on Tuesday, September 2, 1997.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 2, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 66

Assembly Bill No. 1314

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, September 2, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 185

Assembly Bill No. 1614

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

#### REFERENCE OF BILLS TO COMMITTEE

Pursuant to Assembly Rules, the following bills were referred to Committee:

<i>House</i>		<i>Committee</i>
<i>Resolution No.</i>		
44 -----	Rls.	
<i>Senate Concurrent</i>		
<i>Resolution No.</i>		<i>Committee</i>
52 -----	Rls.	
53 -----	Rls.	



**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Assembly Bill No. 1112:

Figueroa, Villaraigosa, and Aguiar.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

September 2, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(a)(9),(10),(11), as it relates to the following bills be granted:

Senate Bills Nos. 90, 1054, 1268, and 1305.

DON PERATA, Chairman

September 2, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a)(11) to allow the Committee on Health to meet between September 1 and September 12 be granted.

DON PERATA, Chairman

**MESSAGES FROM THE SENATE**

Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Greene, Alpert and McPherson as a Committee on Conference concerning:

**Senate Bill No. 376.**

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

**ADJOURN IN MEMORY**

Assembly Member Thompson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his mother Lucille Gertrude Thompson and that the following statement be printed in the Journal:

*Lucille Gertrude Thompson*

I would like to have my mother's name added to the record for this day. She passed away Friday evening. Myself and my dear wife, were able to be there just before she passed away. It was expected, but it never is easy. She was a school teacher here in California for 11 years, in Walnut. Married to my father for 59 years. Four children, 26 grandchildren. She was born in Alberta, Canada, but at three years old, came to the United States. I will miss her as my family will. She lived with us for a year, three years ago. My father who lives with us presently who is blind, Dad, if you're listening, I love you, and I appreciate your love to me and my family, I know this is going to be difficult, but we will be there to support you. Thank you Members.

**ADJOURN IN MEMORY**

Assembly Member Villaraigosa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Fred Martinez, of Los Angeles.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kay O'Callaghan, of San Francisco.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ella Weeks, of Healdsburg.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Duane Peterson, of West Sacramento.

Assembly Members Floyd and Mazzoni were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Abe F. Levy.

#### **BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Senate Bill No. 659**, on request of Assembly Member Sweeney;

**Senate Bill No. 687**, on request of Assembly Member Washington;

**Assembly Bill No. 1092**, on request of Assembly Member Goldsmith.

#### **RECESS**

By unanimous consent, at 11:33 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Leonard was joined by Speaker Bustamante in announcing that the Jesse Marvin Unruh Assembly Fellowship Program, is celebrating its Fortieth Anniversary of providing individuals with a unique opportunity to acquire a deeper understanding of the legislative process and public policy formation.

Assembly Member Leonard acknowledged the Assembly Fellows with a resolution and was joined by the Members of the Assembly in extending special commendation to the Assembly Fellowship Program with best wishes for continued success.

#### **REASSEMBLED**

At 11:35 a.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

#### **JOINT RULE 62(a) WAIVED**

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1218, Assembly Constitutional Amendment No. 9, and Senate Bill No. 1161 for hearing in the Committee on Appropriations, on Wednesday, September 3, 1997, upon adjournment of Floor session at 2 p.m.

#### **BILLS REMOVED FROM CONSENT CALENDAR AND PLACED UPON THE INACTIVE FILE**

The following bill was removed from the Consent Calendar, pursuant to Joint Rule 22.2 and placed upon the inactive file pursuant to Assembly Rule 78:

**Senate Bill No. 136**, on request of Assembly Member Escutia.

### NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Perata announced his intention to request that Senate Bill No. 1014 be removed from the inactive file.

### ADJOURN IN HONOR

Assembly Member Kaloogian was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of Ms. Manik Bokchalian, who became a U.S. citizen on August 29, 1997 at the age of 117.

### BILLS PLACED ON INACTIVE FILE

The following bills were placed upon the inactive file:

**Senate Bills Nos. 1191, 317, 330, 625, 393, 984, and 1292**, on request of Assembly Member Gallegos.

### MOTION TO SUSPEND JOINT RULE 29.5

Assembly Member Figueroa moved that Joint Rule 29.5 be suspended, to permit the Conference Committees on Assembly Bills Nos. 112 and 1126 to meet without publishing notice of the meeting one day prior to the meeting.

Motion carried by the following vote:

#### AYES—66

Ackerman	Ducheny	Lempert	Perata
Aguiar	Escutia	Leonard	Poochigian
Alquist	Figueroa	Machado	Prenter
Aroner	Firestone	Margett	Runner
Ashburn	Frusetta	Mazzoni	Scott
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	Kaloogian	Napolitano	Vincent
Campbell	Keeley	Olberg	Wayne
Cardenas	Knox	Oller	Wildman
Cardoza	Kuehl	Ortiz	Mr. Speaker
Cunneen	Kuykendall	Pacheco	
Davis	Leach	Papan	

#### NOES—None

### BILLS REMOVED FROM CONSENT CALENDAR

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 1184**, on request of Assembly Member Perata.

### ADJOURN IN MEMORY

Assembly Member Woods was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Diana, Princess of Wales.

### BILLS REMOVED FROM CONSENT CALENDAR

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 1100**, on request of Assembly Member Runner.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Wayne announced his intention to request that Senate Bill No. 453 be removed from the inactive file.

**At 11:44 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Martinez:

*Resolved*, That Joint Rule 61(a)(9)(10)(11) be suspended to permit the Committee on Utilities and Commerce to meet, consider, and report Senate Bills Nos. 90, 1054, 1268, and 1305 for further action.

By Assembly Member Gallegos:

*Resolved*, That Joint Rule 61(a)(11) be suspended to permit the Committee on Health to meet between September 1 and September 12, 1997.

Resolutions read.

**Request for Division of the Question**

Assembly Member Leonard requested that the question be divided to permit consideration of the Resolution to Suspend Rules as it relates to the Committee on Health, separately.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled that the question is divisible, as requested.

**Request Withdrawn**

Assembly Member Leonard withdrew his request for a division of the question.

The question being on the adoption of the Resolutions to Suspend Rules.

Resolutions adopted by the following vote:

**AYES—70**

Ackerman	Figueroa	Margett	Runner
Aguiar	Firestone	Martinez	Scott
Alquist	Fruetta	Mazzoni	Shelley
Aroner	Gallegos	McClintock	Strom-Martin
Ashburn	Goldsmith	Migden	Sweeney
Baca	Granlund	Miller	Takasugi
Baldwin	Havice	Morrissey	Thompson
Battin	Hertzberg	Morrow	Thomson
Baugh	Honda	Murray	Torlakson
Bordonaro	House	Napolitano	Villaraigosa
Bowen	Kaloogian	Olberg	Vincent
Bowler	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardoza	Kuehl	Pacheco	Woods
Cunneen	Leach	Papan	Wright
Davis	Lempert	Perata	Mr. Speaker
Ducheny	Leonard	Poochigian	
Escutia	Machado	Prenter	

**NOES—None**

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 1614 and 185**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 22**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article XIII A thereof, relating to taxation.

Resolution read second time; amendments proposed by the Committee on Elections, Reapportionment and Constitutional Amendments read and adopted, resolution ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY CONCURRENT RESOLUTION NO. 72**—Relative to parental notification of Megan's Law by school districts.

Resolution read; amendments proposed by the Committee on Rules read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY CONCURRENT RESOLUTION NO. 74**—Relative to Workplace Fitness Month.

Resolution read; amendments proposed by the Committee on Rules read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 1081**, ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 48**—An act to add Section 10214.8 to the Unemployment Insurance Code, relating to unemployment insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 110**—An act to amend Section 7056 of, to add Section 7206 to, to add a chapter heading to, and to add Chapter 2 (commencing with Section 7221) to, Part 1.5 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 230**—An act to amend Section 41712 of the Health and Safety Code, relating to air pollution.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 273**—An act to add and repeal Section 109281 of the Health and Safety Code, relating to prostate cancer.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 316**—An act to add and repeal Chapter 7 (commencing with Section 99300) of Part 65 of the Education Code, relating to postsecondary education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 328**—An act to amend Section 12657 of, and to add Sections 12670.10, 12670.12, 12670.14, and 12670.16 to, the Water Code, relating to water.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 434**—An act to add Sections 2602 and 2603 to the Penal Code, relating to prisoners.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 483**—An act to add Chapter 1.5 (commencing with Section 1950) to Division 2.5 of the Welfare and Institutions Code, relating to juvenile justice, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 527**—An act to add and repeal Sections 10232.2, 10232.93, and 10232.96 of the Insurance Code, relating to insurance.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 536**—An act to amend Sections 6601.3, 6601.5, 6602, 6609.1, 6609.2, and 6609.3 of, to amend, repeal, and add Section 6604 of, and to add Section 6602.5 to, the Welfare and Institutions Code, relating to sexually violent predators.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 566**—An act to add Chapter 8 (commencing with Section 51298) to Part 1 of Division 1 of Title 5 of the Government Code, relating to local government.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 657**—An act to amend Sections 25501, 25501.4, 25503.3, and 25505 of the Health and Safety Code, relating to hazardous materials.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 807**—An act to add Sections 44006 and 44026 to the Health and Safety Code, relating to air pollution.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 826**—An act to amend Sections 1601, 1616.5, and 1742 of, and to add Sections 160.5 and 1616.1 to, the Business and Professions Code, and to amend Section 830.3 of the Penal Code, relating to dentistry.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 827**—An act to amend Sections 101, 128.5, 130, 200.1, 205, 675, 800, 1242.6, 1680, 2071, 2221.1, 2660, 2701, 2708, 2761, 2841, 2842, 2847, 2873.6, 2873.7, 2881, 2890, 2893, 2894, 3527, 3750, 4001, 4003, 4008, 4501, 4503, 4546, 4547, 4800, 4804.5, 4848, 4905, 4955, 5510, 5517, 5526, 5536.27, 8520, and 8528 of, to amend and repeal Sections 5566, 5566.1, and 5566.2 of, to add Sections 473.15, 473.16, 473.6, and 4832 to, to amend, repeal, and add Sections 4833, 4834, 4835, and 4842.2 of, the Business and Professions Code, relating to licensed professionals, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 842**—An act to amend Section 23221 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 857**—An act to amend Section 7057 of, and to add Section 7019.1 to, the Business and Professions Code, relating to contractors.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 873**—An act to add Section 115930 to the Health and Safety Code, relating to pool safety.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 945**—An act to amend Sections 1337.7, 1337.9, 1338.5, 1728.1, 1736.3, 1736.5, and 1736.6 of the Health and Safety Code, and to amend Sections 15671, 15673, and 15675 of the Welfare and Institutions Code, relating to health.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1007**—An act to repeal and add Chapter 11 (commencing with Section 121150) of Part 4 of Division 105 of the Health and Safety Code, relating to HIV.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1052**—An act to amend Sections 10232.1, 10234.93, and 10237.1 of, to amend and renumber Section 10232.8 of, to add Sections 10232.2, 10232.92, 10232.93, 10232.95, 10232.96, 10234.86, 10234.87, 10235.9, 10235.30, 10235.40, 10235.50, 10235.51, 10235.52, 10235.90, 10237.4, 10237.5, and 10237.6 to, and to repeal and add Section 10234.95 of, the Insurance Code, relating to health insurance.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1062**—An act to add Section 1374.17 to the Health and Safety Code, relating to health care service plans.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1068**—An act to add Sections 8709.2, 8709.3, and 8709.4 to the Water Code, relating to water.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1141**—An act to add Section 138.7 to the Labor Code relating to workers' compensation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1221**—An act to add and repeal Article 5.4 (commencing with Section 1788) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1258**—An act to amend Sections 35560, 35565, 35575, 35710, 35710.5, and 35753 of, and to add Section 35710.7 to, the Education Code, relating to education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1328**—An act to amend Sections 1775, 1776, and 1813 of the Labor Code, relating to public works.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1330**—An act to amend Sections 42847, 42889, and 48653 of, and to add Chapter 2.5 (commencing with Section 48100) to Part 7 of Division 30 of, the Public Resources Code, relating to solid waste.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.



**SENATE BILL NO. 1349**—An act to amend Sections 4001, 4002, 4003, 4004, 4005, 4007, 4008, 4017, 4018, 4021, 4022, 4023, 4024, 4025, 4028, 4029, 4030, 4031, 4033, 4034, 4037, 4040, 4043, 4051, 4052, 4053, 4055, 4056, 4057, 4058, 4060, 4061, 4062, 4063, 4064, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4080, 4081, 4082, 4100, 4101, 4102, 4103, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4122, 4130, 4131, 4132, 4133, 4137, 4138, 4143, 4144, 4150, 4160, 4161, 4162, 4163, 4164, 4170, 4174, 4175, 4180, 4182, 4191, 4197, 4200, 4201, 4202, 4205, 4231, 4232, 4300, 4301, 4303, 4305, 4307, 4309, 4311, 4312, 4320, 4321, 4322, 4326, 4331, 4333, 4339, 4341, 4360, 4361, 4369, 4370, 4372, 4400, 4401, 4402, 19059.5, and 19170 of, to add Sections 4025.1, 4059.5, 4078, 4104, 4105, 4119.5, 4136.5, 4165, 4166, 4167, 4200.5, 4305.5, 4306.5, and 4313 to, to add and repeal Section 4200.1 of, to repeal Sections 4009, 4020, 4186, 4230, and 4233 of, and to repeal and add Sections 4016 and 4136 of, the Business and Professions Code, and to amend Sections 11122 and 11150 of the Health and Safety Code, relating to vocational licensing, and making an appropriations therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 320**—An act to amend Sections 8001, 53091, 65040.6, 65460.2, 65460.4, 65588, 66418.2, 66434, 66445, and 66452.5 of, and to amend and renumber Sections 66413.7 and 67575.9 of, the Government Code, to amend Sections 17921.7, 18901, 18922, 18923, 18944.31, 18959, 33331, 50517, and 51058 of, to amend and renumber Section 33320.5 of, to amend and renumber Article 7 (commencing with Section 33493.1 of Chapter 4.5 of Part 1 of Division 24 of, to repeal Sections 33334.18, 50054, 50150, 50154, 50663, 50667, 50837, 50900, 50900.1, 50901, 50902, 50908, and 51052 of, to repeal Chapter 5.5 (commencing with Section 51260) and Chapter 9 (commencing with Section 51450) of Part 3 of Division 31 of, and to repeal Part 6.1 (commencing with Section 52534) of Division 31 of, the Health and Safety Code, relating to the Housing and Land Use Omnibus Act of 1997.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 381**—An act to amend Sections 1562.3 and 1569.616 of the Health and Safety Code, relating to care facilities.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 383**—An act to amend Sections 77411, 77430, and 77434 of the Food and Agricultural Code, relating to agriculture.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 644**—An act to amend Sections 11165.12, 11166.9, 11167.5, 11169, 11170, and 11170.5 of the Penal Code, relating to children.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 810**—An act to amend Sections 654, 654.05, 654.06, 655.3, and 668 of the Harbors and Navigation Code, and to amend Section 256, of the Welfare and Institutions Code, relating to vessels.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 921**—An act to amend Sections 16809.4, 17603, and 17604 of, and to amend and repeal Sections 16809 and 16809.3 of, the Welfare and Institutions Code, relating to public social services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 1107**—An act to amend Section 53684 of the Government Code, to amend Sections 2191.4, 2195, 2503.2, 2605, 2606, 2607, 2611.6, 2910.1, 3691, 4836.5, 4837.5, and 20583 of the Revenue and Taxation Code, and to amend Section 9880 of the Vehicle Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 1346**—An act to amend Sections 101, 485, 486, 489, 810, 2499.5, 2530.2, 2530.5, 2530.6, 2531, 2531.05, 2531.1, 2531.2, 2531.3, 2531.4, 2531.6, 2531.7, 2531.8, 2531.9, 2531.95, 2532.1, 2532.2, 2532.4, 2533.4, 2534, 2534.1, 2534.2, 2535, 2535.2, 2535.4, 2536, 2539, 2760.1, 2902, 2928, 2929, 2933, 2940, 2941, 2948, 2971, 2980, 2984, 3325, 3328, 3362, 3401, 3753.1, 3753.5, 3761, 3775, 3776, 5029, 5107, 7330, 7335, 7337, 7340, 7404, 7414, 7415, 7417, 7423, and 7860 of, to add Sections 144, 2531.75, 3753.6, 3766, and 3769 to, to repeal Sections 6529, 6548, 6560, 6625, 6630, 6632, 6633, 6634, 6635, 6635.2, 6636, 7302, 7311, 7312, 7314, 7314.1, 7314.2, 7320, 7322, 7373, 7384, 7390, 7391, 7392, 7393, 7394, 7395, 7412, 7420, 7427, 7431, 7436, 7437, 7437.3, and 7444 of, and to repeal and add Section 2531.5 of, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professions and vocations, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 235**—An act to amend Section 12926 of the Government Code, relating to employment.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 367**—An act to amend Section 44241 of the Health and Safety Code, relating to air pollution.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 413**—An act to add and repeal Section 1260 of the Health and Safety Code, relating to health, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 617**—An act to amend Section 16946 of the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 675**—An act to amend, repeal, and add Section 41705 of the Health and Safety Code, and to amend and repeal Section 43209.1 of the Public Resources Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 795**—An act to amend Sections 10153.6 and 10232 of, and to add Sections 10234.5, 10236.4, 10236.5, 10236.7, 10236.8, 10236.9, 10236.10, and 10236.11 to, the Business and Professions Code, relating to real estate.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1048**—An act to amend Section 31006 of, and to add Chapter 4.5 (commencing with Section 31160) to Division 21, of the Public Resources Code, relating to coastal resources.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1067**—An act to add Section 330d to the Penal Code, relating to gaming.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1348**—An act to amend Sections 5053, 5055, 5056, 5060, 5070.6, 5071, 5072, 5073, 5081.1, 5084, 5153, 11302, 11315, 11360, 11410, 17550.43, 17550.44, 17550.47, and 17550.49 of, to add Sections 5058.1, 11316, 11317, 11318, and 11409 to, to repeal Sections 5059, 5074, 5075, and 5076 of, and to repeal and add Section 5082.3 of, the Business and Professions Code, and to amend Section 719 of the Harbors and Navigation Code, relating to professions.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 95**—An act to amend Sections 11124.1, 11125, 11125.1, 11125.5, 11125.7, 11126, 11126.3, 11129, 11130, 11130.7, and 11131 of, and to add Sections 11121.95, 11125.4, 11125.8, 11128.5, and 11131.5 to, the Government Code, relating to open meetings.

Bill read second time, and ordered to Consent Calendar.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 2, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 70

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

**JOINT RULE 62(a) WAIVED**

Assembly Member Gallegos was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of convening a joint hearing of the Committee on Health and the Senate Committee on Health and Human Services on Wednesday, September 3, 1997, at 1:30 p.m., in Room 112.

**ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that tomorrow, September 3, 1997 is the last day to remove bills from the inactive file for purpose of amendment.

**BILLS PASSED ON FILE**

Senate Bill No. 512—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 89 (Hayden)**—An act to add Sections 130051.20 and 130051.25 to the Public Utilities Code, relating to transportation.

Bill read third time, and presented by Assembly Member Murray.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Prenter
Aguiar	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Floyd	Mazzoni	Strom-Martin
Baca	Frusetta	McClintock	Sweeney
Baldwin	Gallegos	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Wright
Cunneen	Leach	Perata	Mr. Speaker
Davis	Lempert	Poochigian	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 466 (Rainey)**—An act to add Section 56111.13 to the Government Code, and to amend Section 99 of the Revenue and Taxation Code, relating to local agencies.

Bill read third time, and presented by Assembly Member Torlakson.

Bill passed by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bills Nos. 1196, 941, and 184—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 515 (Polanco)**—An act to amend Sections 7362.1, 7390, 7391, 7392, 7393, 7394, 7395, and 7423.5 of, and to add and repeal Sections 7362.2 and 7362.3 of, the Business and Professions Code, relating to barbering and cosmetology, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Davis.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—64**

Ackerman	Ducheny	Leach	Poochigian
Aguiar	Escutia	Lempert	Prenter
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Margett	Shelley
Ashburn	Floyd	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Battin	Gallegos	Migden	Takasugi
Bordonaro	Granlund	Miller	Thomson
Bowen	Havice	Morrissey	Torlakson
Brewer	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Campbell	House	Olberg	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Pacheco	Wildman
Cunneen	Kuehl	Papan	Wright
Davis	Kuykendall	Perata	Mr. Speaker

**NOES—13**

Baldwin	Kaloogian	Oller	Thompson
Baugh	Leonard	Pringle	
Bowler	McClintock	Richter	
Goldsmith	Morrow	Runner	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—64**

Ackerman	Ducheny	Leach	Poochigian
Aguiar	Escutia	Lempert	Prenter
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Margett	Shelley
Ashburn	Floyd	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Battin	Gallegos	Migden	Takasugi
Bordonaro	Granlund	Miller	Thomson
Bowen	Havice	Morrissey	Torlakson
Brewer	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Campbell	House	Olberg	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Pacheco	Wildman
Cunneen	Kuehl	Papan	Wright
Davis	Kuykendall	Perata	Mr. Speaker

**NOES—13**

Baldwin	Kaloogian	Oller	Thompson
Baugh	Leonard	Pringle	
Bowler	McClintock	Richter	
Goldsmith	Morrow	Runner	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 472 REMOVED FROM CONSENT  
CALENDAR AND TAKEN UP**

Assembly Member Baca was granted unanimous consent that Senate Bill No. 472 be removed from the Consent Calendar, and to take the bill up at this time, without reference to file, for purpose of amendment.

**SENATE BILL NO. 472 (Maddy)**—An act to amend Sections 6450, 6453, and 6455 of, to add Sections 6440, 6459, and 6460 to, and to repeal Section 6458 of, the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Baca moved the adoption of amendments.  
Amendments read.

**Roll Call Demanded**

Assembly Member Pringle, Brewer, and Granlund, demanded a roll call.

The roll was called, and the Baca amendments to Senate Bill No. 472 adopted by the following vote:

**AYES—53**

Aguiar	Figuerola	Margett	Sweeney
Alquist	Floyd	Mazzoni	Takasugi
Aroner	Frusetta	Migden	Thomson
Baca	Gallegos	Morrissey	Torlakson
Battin	Goldsmith	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Campbell	Honda	Pacheco	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Wright
Cunneen	Kuehl	Prenter	Mr. Speaker
Davis	Lempert	Scott	
Ducheny	Leonard	Shelley	
Escutia	Machado	Strom-Martin	

**NOES—11**

Ackerman	Bowler	Miller	Oller
Baldwin	Brewer	Morrow	Pringle
Baugh	Granlund	Olberg	

Bill ordered reprinted, and to be returned to the third reading file.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 601**, on request of Assembly Member Lempert.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Pacheco announced his intention to request that Senate Bill No. 628 be removed from the inactive file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Martinez was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 90, 1054, 1268, and 1305 for hearing in the Committee on Utilities and Commerce tomorrow, at 5 p.m.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 193 (Mountjoy)**—An act to amend Sections 2 and 3 of Chapter 352 of the Statutes of 1976, to amend Section 4 of Chapter 620 of the Statutes of 1989, to amend Section 2 of Chapter 625 of the Statutes of 1991, and to amend Section 1 of Chapter 317 of the Statutes of 1993, relating to state real property.

Bill read third time.

**Motion to Amend**

Assembly Member Campbell moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 461 (Karnette)**—An act to amend Sections 3059 and 3090 of, and to add Sections 3051, 3060, 3090.1, 3096.6, 3096.7, and 3107.1 to, the Business and Professions Code, relating to optometry, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Brown.

Bill passed by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 548 (Solis)**—An act to add Section 1941.3 to the Civil Code, relating to civil law.

Bill read third time, and presented by Assembly Member Ortiz.

**Demand for Previous Question**

Assembly Members Villaraigosa, Escutia, Shelley, Baca, and Sweeney demanded the previous question.



The roll was opened and the demand for the previous question was sustained by the following vote:

**AYES—37**

Alquist	Gallegos	Migden	Torlakson
Aroner	Havice	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—35**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cunneen	McClintock	Prenter
Ashburn	Firestone	Miller	Pringle
Baldwin	Frusetta	Morrissey	Runner
Battin	Goldsmith	Morrow	Takasugi
Baugh	Granlund	Olberg	Thompson
Bordonaro	House	Oller	Wayne
Bowler	Kaloogian	Pacheco	Woods
Brewer	Kuykendall	Papan	

**At 12:18 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

The question being on passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Ortiz moved a call of the Assembly.

Motion carried. Time, 12:19 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 969** (Burton)—An act relating to judges.

Bill read third time.

**Motion to Amend**

Assembly Member Perata moved the adoption of amendments.

Amendments read.

**Demand for Previous Question**

Assembly Members Villaraigosa, Escutia, Washington, Sweeney, and Scott demanded the previous question. Demand sustained.

The question being on the adoption of Perata amendments to Senate Bill No. 969.

Perata amendments adopted by the following vote:

**AYES—40**

Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Baca	Havice	Miller	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cardoza	Keeley	Ortiz	Vincent
Davis	Knox	Papan	Washington
Ducheny	Kuehl	Perata	Wayne
Escutia	Lempert	Richter	Wright
Figueroa	Martinez	Shelley	Mr. Speaker

**NOES—33**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Ashburn	Firestone	McClintock	Runner
Baldwin	Frusetta	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

Bill ordered reprinted, and to be returned to the third reading file.

**Motion to Re-refer Senate Bill No. 969 to Committee**

Assembly Member Runner moved that Senate Bill No. 969 be re-referred to the Committee on Public Employees, Retirement and Social Security.

**Motion Ruled Out of Order**

Assistant Speaker pro Tempore Baca ruled the motion out of order as a motion to re-refer is not in order after the demand for the previous question is sustained and, further, the bill as amended has been ordered reprinted and to be returned to the third reading file.

**BILLS PASSED ON FILE**

Senate Bills Nos. 1323, 980, 1217, and 1078—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 340 (Sher)**—An act to add Section 1714.455 to the Civil Code, relating to product liability.

Bill read third time, and presented by Assembly Member Kuehl.

**Demand for Previous Question**

Assembly Members Villaraigosa, Escutia, Shelley, Ortiz, and Alquist demanded the previous question.

The roll was opened and the demand for the previous question was sustained by the following vote:

**AYES—41**

Alquist	Floyd	Mazzoni	Torlakson
Aroner	Gallegos	Migden	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	
Figueroa	Martinez	Thomson	

**NOES—35**

Ackerman	Campbell	Leach	Pacheco
Aguiar	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Margett	Prenter
Baldwin	Frusetta	McClintock	Pringle
Battin	Goldsmith	Miller	Runner
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Olberg	Woods
Brewer	Kuykendall	Oller	

The question being on passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Pringle moved a call of the Assembly.

Motion carried. Time, 12:50 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 219 (Rosenthal)**—An act to amend Sections 3695.5, 3772.5, and 3791.4 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and presented by Assembly Member Torlakson.

Bill passed by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bill No. 731—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1145 (Burton)**—An act to amend Sections 6086.65, 6140, 6140.3, and 6140.4 of, and to add and repeal Section 6140.17 of, the Business and Professions Code, relating to the State Bar of California.

Bill read third time.

**Motion to Amend by Assembly Member Morrow**

Assembly Member Morrow moved the adoption of amendments.  
Amendments read.

**Motion to Table Morrow Amendments  
to Senate Bill No. 1145**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Morrow to Senate Bill No. 1145 be laid upon the table.

Assembly Member Sweeney seconded the motion.

Motion carried by the following vote:

**AYES—40**

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Gallegos	Mazzoni	Sweeney
Baca	Havice	Migden	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cardenas	Keeley	Ortiz	Vincent
Cardoza	Knox	Papan	Washington
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker

**NOES—36**

Ackerman	Campbell	Leach	Pacheco
Aguiar	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Margett	Prenter
Baldwin	Frusetta	McClintock	Pringle
Battin	Goldsmith	Miller	Richter
Baugh	Granlund	Morrissey	Runner
Bordonaro	House	Morrow	Takasugi
Bowler	Kaloogian	Olberg	Thompson
Brewer	Kuykendall	Oller	Woods

Bill presented by Assembly Member Escutia.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—43**

Alquist	Floyd	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	

**NOES—34**

Ackerman	Campbell	Leach	Prenter
Aguiar	Cunneen	Leonard	Pringle
Ashburn	Firestone	Margett	Richter
Baldwin	Frusetta	McClintock	Runner
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Poochigian	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1145: Assembly Member Pacheco, from "No" to "Not Voting".

Bill ordered transmitted to the Senate.

**POINT OF ORDER**

Assembly Member Morrow arose to the following point of order:

He had moved a Call of the Assembly on Senate Bill No. 1145 and was not recognized by the Chair.

**Ruling by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore ruled that the vote was announced on Senate Bill No. 1145 and that the Chair had not heard a Call of the Assembly moved by Assembly Member Morrow.

**BILLS PASSED ON FILE**

**Senate Bill No. 712**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 406 (Rosenthal)**—An act relating to health care service plans.

Bill read third time, and presented by Assembly Member Gallegos.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Gallegos moved a call of the Assembly.

Motion carried. Time, 1:12 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**At 1:14 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**SENATE BILL NO. 443 (Johnson)**—An act to add Section 637.7 to the Penal Code, relating to criminal procedure.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—66**

Aguiar	Davis	Kuykendall	Perata
Alquist	Ducheny	Leonard	Poochigian
Aroner	Escutia	Machado	Pringle
Ashburn	Figueroa	Margett	Richter
Baca	Firestone	Martinez	Runner
Baldwin	Floyd	Mazzoni	Shelley
Battin	Frusetta	McClintock	Strom-Martin
Baugh	Gallegos	Migden	Takasugi
Bordonaro	Goldsmith	Miller	Thomson
Bowen	Granlund	Morrissey	Torlakson
Bowler	Hertzberg	Morrow	Villaraigosa
Brewer	Honda	Murray	Vincent
Brown	House	Napolitano	Washington
Campbell	Kaloogian	Olberg	Wildman
Cardenas	Keeley	Oller	Wright
Cardoza	Knox	Ortiz	
Cunneen	Kuehl	Papan	

**NOES—7**

Ackerman	Leach	Sweeney	Wayne
Havice	Pacheco	Thompson	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 443: Assembly Members Brewer, Kaloogian, and Oller, from "No" to "Aye"; Assembly Member Prenter, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 431 (Lee)**—An act to amend Section 97.37 of the Revenue and Taxation Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Torlakson.

**Urgency Clause**

Urgency clause read.

**Senate Bill No. 431 Passed Temporarily**

By unanimous consent Senate Bill No. 431 was passed temporarily on file.

**BILLS PASSED ON FILE**

**Senate Bill No. 36**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 57 (Ayala)**—An act to amend Section 148 of the Penal Code, relating to arrest.

Bill read third time, and presented by Assembly Member Goldsmith.

Bill passed by the following vote:

**AYES—70**

Ackerman	Ducheny	Lempert	Poochigian
Aguiar	Escutia	Leonard	Prenter
Alquist	Figueroa	Machado	Richter
Ashburn	Firestone	Margett	Runner
Baca	Floyd	Martinez	Scott
Baldwin	Frusetta	Mazzoni	Shelley
Battin	Gallegos	McClintock	Sweeney
Baugh	Goldsmith	Miller	Takasugi
Bordonaro	Granlund	Morrissey	Thompson
Bowen	Havice	Morrow	Thomson
Bowler	Hertzberg	Murray	Vincent
Brewer	Honda	Napolitano	Washington
Brown	House	Olberg	Wayne
Campbell	Kaloogian	Oller	Wildman
Cardenas	Keeley	Ortiz	Woods
Cardoza	Knox	Pacheco	Mr. Speaker
Cunneen	Kuykendall	Papan	
Davis	Leach	Perata	

**NOES—4**

Aroner	Kuehl	Migden	Wright
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Bill ordered transmitted to the Senate.

**SENATE BILL NO. 62 (McPherson)**—An act to add Section 13177 to the Water Code, relating to the California Mussel Watch Program, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Keeley.

Bill passed by the following vote:

**AYES—76**

Ackerman	Ducheny	Lempert	Prenter
Aguiar	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Runner
Aroner	Firestone	Margett	Scott
Ashburn	Floyd	Martinez	Shelley
Baca	Frusetta	Mazzoni	Strom-Martin
Baldwin	Gallegos	McClintock	Sweeney
Battin	Goldsmith	Migden	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	Havice	Morrissey	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Bowler	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Olberg	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 70 (Hayden)**—An act to amend Section 1367.6 of, and to add Section 1367.63 to, the Health and Safety Code, and to amend Section 10123.8 of, and to add Section 10123.86 to, the Insurance Code, relating to health coverage.

Bill read third time, and presented by Assembly Member Figueroa.

Bill passed by the following vote:

**AYES—56**

Aguiar	Escutia	Leach	Richter
Alquist	Figueroa	Lempert	Scott
Aroner	Firestone	Machado	Shelley
Baca	Floyd	Martinez	Strom-Martin
Battin	Frusetta	Mazzoni	Sweeney
Bordonaro	Gallegos	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Brewer	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	Keeley	Pacheco	Wayne
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Wright
Ducheny	Kuykendall	Prenter	Mr. Speaker

**NOES—19**

Ackerman	Goldsmith	Miller	Runner
Baldwin	House	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bowler	Leonard	Oller	Woods
Campbell	McClintock	Pringle	

Bill ordered transmitted to the Senate.



**BILLS PASSED ON FILE**

Senate Bill No. 119—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 150 (Kopp)**—An act to amend Section 10471 of the Business and Professions Code, to amend Section 86 of the Code of Civil Procedure, to add Section 3553 to the Labor Code, and to amend Section 1202.4 of the Penal Code, relating to restitution, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Escutia.

Bill passed by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Fruetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 214 (Hughes)**—An act to amend Section 1804.1 of, and to add Article 1.7 (commencing with Section 2946.1) to Chapter 2 of Title 14 of Part 4 of Division 3 of, the Civil Code, relating to contracts.

Bill read third time, and presented by Assembly Member Washington.

Bill passed by the following vote:

**AYES—66**

Aguiar	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Margett	Shelley
Ashburn	Floyd	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Battin	Callegos	Migden	Takasugi
Bordonaro	Goldsmith	Miller	Thompson
Bowen	Granlund	Morrissey	Thomson
Bowler	Havice	Morrow	Torlakson
Brewer	Honda	Murray	Villaraigosa
Brown	House	Napolitano	Vincent
Campbell	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker
Davis	Leach	Poochigian	
Ducheny	Lempert	Prenter	

**NOES—9**

Ackerman	Kaloogian	Oller
Baldwin	McClintock	Pringle
Bough	Olberg	Runner

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 214: Assembly Member Poochigian, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 233**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 236 (Solis)**—An act to amend Section 21655.5 of the Vehicle Code, relating to vehicles.

Bill read third time, and presented by Assembly Member Murray.

Bill passed by the following vote:

**AYES—48**

Alquist	Firestone	Lempert	Shelley
Aroner	Floyd	Machado	Strom-Martin
Baca	Frusetta	Martinez	Sweeney
Bowen	Gallegos	Mazzoni	Thomson
Brown	Goldsmith	McClintock	Torlakson
Campbell	Havice	Migden	Villaraigosa
Cardenas	Hertzberg	Murray	Vincent
Cardoza	Honda	Napolitano	Washington
Cunneen	Keeley	Ortiz	Wayne
Davis	Knox	Papan	Wildman
Ducheny	Kuehl	Perata	Wright
Escutia	Kuykendall	Scott	Mr. Speaker

**NOES—25**

Ackerman	Brewer	Morrow	Runner
Aguiar	Granlund	Olberg	Takasugi
Ashburn	House	Oller	Thompson
Baldwin	Kaloogian	Pacheco	Woods
Battin	Leach	Poochigian	
Baugh	Miller	Prenter	
Bordonaro	Morrissey	Pringle	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 253 and 280**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 296 (Karnette)**—An act to add Section 1367.64 to the Health and Safety Code, and to add Section 10123.83 to the Insurance Code, relating to health care coverage.

Bill read third time, and presented by Assembly Member Granlund.

Bill passed by the following vote:

**AYES—54**

Aguiar	Escutia	Lempert	Strom-Martin
Alquist	Figueroa	Machado	Sweeney
Aroner	Firestone	Martinez	Takasugi
Baca	Floyd	Mazzoni	Thomson
Battin	Frusetta	Migden	Torlakson
Bordonaro	Callegos	Morrissey	Villaraigosa
Bowen	Granlund	Murray	Vincent
Bowler	Havice	Napolitano	Washington
Brown	Hertzberg	Ortiz	Wayne
Cardenas	Honda	Papan	Wildman
Cardoza	Keeley	Perata	Wright
Cunneen	Knox	Prenter	Mr. Speaker
Davis	Kuehl	Scott	
Ducheny	Kuykendall	Shelley	

**NOES—17**

Ackerman	Goldsmith	Miller	Thompson
Baldwin	House	Morrow	Woods
Baugh	Kaloogian	Olberg	
Brewer	Leonard	Oller	
Campbell	McClintock	Pacheco	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 348, 364, and 394**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 492 (Rosenthal)**—An act to add Section 27 to the Business and Professions Code, and to add Section 11018.5 to the Government Code, relating to state government.

Bill read third time, and presented by Assembly Member Davis.

Bill passed by the following vote:

**AYES—62**

Aguiar	Escutia	Lempert	Richter
Alquist	Figueroa	Leonard	Scott
Aroner	Firestone	Machado	Shelley
Baca	Floyd	Margett	Strom-Martin
Baldwin	Frusetta	Martinez	Sweeney
Battin	Gallegos	Mazzoni	Takasugi
Bordonaro	Goldsmith	McClintock	Thomson
Bowen	Granlund	Migden	Torlakson
Bowler	Havice	Miller	Villaraigosa
Brown	Hertzberg	Murray	Vincent
Campbell	Honda	Napolitano	Washington
Cardenas	House	Ortiz	Wayne
Cardoza	Keeley	Pacheco	Wildman
Cunneen	Knox	Papan	Mr. Speaker
Davis	Kuehl	Perata	
Ducheny	Kuykendall	Prenter	

**NOES—10**

Ackerman	Kaloogian	Morrow	Thompson
Baugh	Leach	Olberg	
Brewer	Morrissey	Oller	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 492: Assembly Member Baldwin, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 507, 513, and 532—Passed on file.**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 547 (Watson)**—An act to add Chapter 3.8 (commencing with Section 13829) to Title 6 of Part 4 of the Penal Code, relating to gangs.

Bill read third time, and presented by Assembly Member Washington.

Bill passed by the following vote:

**AYES—52**

Aguir	Escutia	Lempert	Scott
Alquist	Figuerroa	Machado	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Baca	Floyd	Mazzoni	Sweeney
Baldwin	Frusetta	Migden	Thomson
Battin	Gallegos	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	Keeley	Pacheco	Wayne
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Wright
Ducheny	Kuykendall	Prenter	Mr. Speaker

**NOES—22**

Ackerman	Campbell	Leonard	Poochigian
Ashburn	Goldsmith	Margett	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	House	Morrow	Woods
Bowler	Kaloogian	Olberg	
Brewer	Leach	Oller	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 558 (Leslie)**—An act to amend Section 16367.5 of the Government Code, relating to energy assistance.

Bill read third time, and presented by Assembly Member Martinez.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Lempert	Prenter
Aguir	Escutia	Leonard	Pringle
Alquist	Figuerroa	Machado	Scott
Aroner	Firestone	Margett	Shelley
Ashburn	Floyd	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Baldwin	Gallegos	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	House	Olberg	Washington
Brown	Kaloogian	Oller	Wayne
Campbell	Keeley	Ortiz	Wildman
Cardenas	Knox	Pacheco	Woods
Cardoza	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker
Davis	Leach	Poochigian	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 560**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 576 (Lee)**—An act to amend Section 12463.3 of, and to add Section 53895.5 to, the Government Code, to amend Section 33080.6 of, to add Section 33672.7 to, and to add and repeal Section 33080.8 of, the Health and Safety Code, relating to redevelopment.

Bill read third time, and presented by Assembly Member Torlakson.

Bill passed by the following vote:

**AYES—69**

Aguiar	Firestone	Martinez	Scott
Alquist	Frusetta	Mazzoni	Shelley
Aroner	Gallegos	McClintock	Strom-Martin
Ashburn	Goldsmith	Migden	Sweeney
Baca	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brown	Kaloogian	Olberg	Washington
Campbell	Keeley	Oller	Wayne
Cardenas	Knox	Ortiz	Wildman
Cardoza	Kuehl	Pacheco	Woods
Cunneen	Kuykendall	Papan	Wright
Davis	Leach	Perata	Mr. Speaker
Ducheny	Lempert	Poochigian	
Escutia	Leonard	Prenter	
Figueroa	Machado	Richter	

**NOES—5**

Ackerman	Baugh	Thompson
Baldwin	Brewer	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 589 (Hughes)**—An act to add Article 4.1 (commencing with Section 1804.10) to Chapter 1 of Title 2 of Part 4 of Division 3 of the Civil Code, relating to retail installment contracts.

Bill read third time, and presented by Assembly Member Washington.

Bill passed by the following vote:

**AYES—46**

Alquist	Frusetta	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brown	House	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cunneen	Knox	Perata	Wildman
Davis	Kuehl	Richter	Wright
Ducheny	Lempert	Scott	Mr. Speaker
Escutia	Machado	Shelley	
Figueroa	Martinez	Strom-Martin	

**NOES—28**

Ackerman	Brewer	Leonard	Pacheco
Aguiar	Campbell	Margett	Poochigian
Ashburn	Cardoza	McClintock	Prenter
Baldwin	Goldsmith	Miller	Pringle
Battin	Granlund	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	Woods

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bills Nos. 596, 609, 641, 653, 654, and 710—Passed on file.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 716 (Alpert)**—An act to amend Section 14571.4 of the Public Resources Code, relating to beverage containers.

Bill read third time, and presented by Assembly Member Wayne.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 717 (Karnette)**—An act to add and repeal Article 1 (commencing with Section 18701) of Chapter 3 of Part 10.2 of the Revenue and Taxation Code, relating to taxpayer contributions, and making an appropriation therefor.

Bill read third time, and presented by assembly Member Knox.

Bill passed by the following vote:

**AYES—41**

Alquist	Gallegos	Mazzoni	Sweeney
Aroner	Havice	Migden	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cardenas	Keeley	Ortiz	Vincent
Cardoza	Knox	Papan	Washington
Davis	Kuehl	Perata	Wayne
Ducheny	Lempert	Scott	Wildman
Escutia	Machado	Shelley	Wright
Figueroa	Martinez	Strom-Martin	Mr. Speaker
Floyd			

**NOES—36**

Ackerman	Campbell	Leach	Pacheco
Aguiar	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Margett	Prenter
Baldwin	Frusetta	McClintock	Pringle
Battin	Goldsmith	Miller	Richter
Baugh	Granlund	Morrissey	Runner
Bordonaro	House	Morrow	Takasugi
Bowler	Kaloogian	Olberg	Thompson
Brewer	Kuykendall	Oller	Woods

Bill ordered transmitted to the Senate.

At 1:46 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding

**BILLS PASSED ON FILE**

Senate Bills Nos. 719, 772, and 825—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 912 (Calderon)**—An act to amend Section 116 of the Insurance Code, relating to insurance.

Bill read third time, and presented by Assembly Member Papan.

Bill passed by the following vote:

**AYES—49**

Ackerman	Floyd	Mazzoni	Runner
Alquist	Frusetta	McClintock	Scott
Ashburn	Gallegos	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Hertzberg	Morrow	Torlakson
Baugh	House	Olberg	Vincent
Bordonaro	Kaloogian	Oller	Washington
Bowler	Keeley	Ortiz	Wildman
Brewer	Kuykendall	Pacheco	Woods
Campbell	Leach	Papan	Wright
Cardenas	Leonard	Poochigian	
Cunneen	Machado	Pringle	
Firestone	Margett	Richter	

**NOES—22**

Aguiar	Escutia	Kuehl	Strom-Martin
Aroner	Figueroa	Martinez	Sweeney
Bowen	Goldsmith	Migden	Thomson
Brown	Havice	Perata	Villaraigosa
Cardoza	Honda	Prenter	
Davis	Knox	Shelley	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 912: Assembly Member Migden, from "Aye" to "No"

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bills Nos. 916 and 931—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 970** (Committee on Health and Human Services)—An act to amend Sections 129805 and 129825 of the Health and Safety Code, relating to hospitals.

Bill read third time, and presented by Assembly Member Granlund.

Bill passed by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1006** (Hayden)—An act to add and repeal Sections 10915, 10916, 10917, and 10918 of the Fish and Game Code, relating to marine life refuges, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Kuehl.

Bill passed by the following vote:

**AYES—50**

Aguiar	Figueroa	Machado	Strom-Martin
Alquist	Firestone	Margett	Sweeney
Aroner	Floyd	Martinez	Thomson
Baca	Gallegos	Mazzoni	Torlakson
Bordonaro	Goldsmith	Migden	Villaraigosa
Bowen	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Pacheco	Wildman
Cunneen	Knox	Papan	Wright
Davis	Kuehl	Perata	Mr. Speaker
Ducheny	Kuykendall	Prenter	
Escutia	Lempert	Shelley	

**NOES—25**

Ackerman	Campbell	Miller	Runner
Ashburn	Granlund	Morrissey	Takasugi
Baldwin	House	Morrow	Thompson
Battin	Kaloogian	Olberg	Woods
Baugh	Leach	Oller	
Bowler	Leonard	Poochigian	
Brewer	McClintock	Pringle	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bill No. 1009—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1023** (Schiff)—An act to amend Section 21580 of the Government Code, relating to public employees.

Bill read third time, and presented by Assembly Member Knox.

Bill passed by the following vote:

**AYES—51**

Aguiar	Escutia	Kuehl	Shelley
Alquist	Figueroa	Kuykendall	Strom-Martin
Aroner	Floyd	Lempert	Sweeney
Baca	Frusetta	Martinez	Thomson
Battin	Gallegos	Mazzoni	Torlakson
Bowen	Goldsmith	Migden	Villaraigosa
Bowler	Granlund	Morrissey	Vincent
Brown	Havice	Murray	Washington
Cardenas	Hertzberg	Napolitano	Wayne
Cardoza	Honda	Ortiz	Wildman
Cunneen	House	Papan	Wright
Davis	Keeley	Perata	Mr. Speaker
Ducheny	Knox	Scott	

**NOES—19**

Ackerman	Campbell	Margett	Oller
Baldwin	Firestone	McClintock	Poochigian
Baugh	Kaloogian	Miller	Pringle
Bordonaro	Leach	Morrow	Thompson
Brewer	Leonard	Olberg	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1027 (Schiff)**—An act to amend Sections 23200 and 23202 of, to add Chapter 14.2 (commencing with Section 22820) to Part 13 of, and to repeal Section 22707 of, the Education Code, relating to school employees.

Bill read third time, and presented by Assembly Member Knox.

Bill passed by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Scott
Aguiar	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Runner	

**NOES—2**

Kaloogian                      McClintock

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bills Nos. 1037 and 1040—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1077 (Schiff)**—An act to amend Section 18108 of, to add Sections 2159.5 and 18108.5 to, and to repeal and add Section 2159 of, the Elections Code, relating to elections.

Bill read third time, and presented by Assembly Member Murray.

Bill passed by the following vote:

**AYES—76**

Ackerman	Ducheny	Lempert	Poochigian
Aguiar	Escutia	Leonard	Prenter
Alquist	Figueroa	Machado	Pringle
Aroner	Firestone	Margett	Runner
Ashburn	Floyd	Martinez	Scott
Baca	Frusetta	Mazzoni	Shelley
Baldwin	Gallegos	McClintock	Strom-Martin
Battin	Goldsmith	Migden	Sweeney
Baugh	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Leach	Perata	Mr. Speaker

**NOES—1**

Wright

Bill ordered transmitted to the Senate.

**At 2:20 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**BILLS PASSED ON FILE**

Senate Bills Nos. 1125 and 1129—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1144 (Rosenthal)**—An act to amend Section 19596 of the Business and Professions Code, relating to horseracing, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Brown moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1174 (Vasconcellos)**—An act to add Section 14682 to the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Alquist.

**Urgency Clause**

Urgency clause read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Alquist moved a call of the Assembly.

Motion carried. Time, 2:17 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS PASSED ON FILE**

Senate Bills Nos. 1220 and 1251—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1253 (Mountjoy)**—An act to repeal, add, and repeal Article 13 (commencing with Section 18841) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and presented by Assembly Member Baca.

Bill passed by the following vote:

**AYES—70**

Ackerman	Ducheny	Machado	Scott
Aguiar	Figueroa	Margett	Shelley
Alquist	Floyd	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Runner	

**NOES—5**

Baugh	Leonard	Pacheco
Escutia	McClintock	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bill No. 1291—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1312 (Leslie)**—An act to add Section 116751 to the Health and Safety Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Richter.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Floyd	Mazzoni	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Floyd	Mazzoni	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.



**SENATE BILL NO. 1329 (Leslie)**—An act to amend Section 51226.6 of the Education Code, and to amend Sections 12507.1, 12509, 12514, 12660, and 12814.6 of, and to repeal Sections 12507 and 12512 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Murray.

#### Urgency Clause

Urgency clause read.

#### Demand for Previous Question

Assembly Members Villaraigosa, Thomson, Napolitano, Escutia, and Sweeney demanded the previous question. Demand sustained.

The question being on the passage of the bill.

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Murray moved a call of the Assembly.

Motion carried. Time, 2:46 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

#### CONSIDERATION OF SENATE BILL NO. 707 BY UNANIMOUS CONSENT

Assembly Member Brewer was granted unanimous consent to take up Senate Bill No. 707, out of order.

**SENATE BILL NO. 707 (Calderon)**—An act to amend Sections 49460, 49461, 49462, 49463, and 49465 of the Education Code, relating to pupils.

Bill read third time, and presented by Assembly Member Brewer.

Bill passed by the following vote:

#### AYES—54

Aguiar	Escutia	Leach	Strom-Martin
Alquist	Figueroa	Lempert	Sweeney
Aroner	Floyd	Machado	Takasugi
Baca	Frusetta	Martinez	Thompson
Battin	Gallegos	Mazzoni	Thomson
Bowen	Goldsmith	Migden	Torlakson
Brewer	Granlund	Morrissey	Villaraigosa
Brown	Havice	Murray	Vincent
Campbell	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	House	Papan	Wright
Cunneen	Knox	Perata	Mr. Speaker
Davis	Kuehl	Scott	
Ducheny	Kuykendall	Shelley	

#### NOES—20

Ackerman	Bowler	Miller	Poochigian
Ashburn	Kaloogian	Morrow	Prenter
Baldwin	Leonard	Olberg	Runner
Baugh	Margett	Oller	Wildman
Bordonaro	McClintock	Pacheco	Woods

Bill ordered transmitted to the Senate.

#### BILLS PASSED ON FILE

Senate Bills Nos. 1347, 74, and 543—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1231 (Watson)**—An act to add Section 1569.725 to the Health and Safety Code , relating to residential care facilities for the elderly.

Bill read third time, and presented by Assembly Member Aroner.

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Oller	Vincent
Bowler	House	Ortiz	Washington
Brewer	Kaloogian	Pacheco	Wayne
Brown	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 1234**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 451 (Watson)**—An act to amend Sections 65302, 65351, and 65352 of the Government Code, relating to land use.

Bill read third time, and presented by Assembly Member Murray.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Murray moved a call of the Assembly.

Motion carried. Time, 2:53 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS PASSED ON FILE**

**Senate Bill No. 990**—Passed on file.

**CONSIDERATION OF SENATE BILL NO. 1123 BY UNANIMOUS CONSENT**

Assembly Member Bowen was granted unanimous consent to take up Senate Bill No. 1123, out of order.

**SENATE BILL NO. 1123 (Hayden)**—An act to add Sections 7721, 7722, and 8390 to the Fish and Game Code, relating to fishing.

Bill read third time, and presented by Assembly Member Bowen.

Bill passed by the following vote:

**AYES—45**

Alquist	Frusetta	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Kuykendall	Shelley	Mr. Speaker
Escutia	Lempert	Strom-Martin	
Figueroa	Machado	Sweeney	
Floyd	Martinez	Takasugi	

**NOES—32**

Ackerman	Brewer	Leonard	Pacheco
Aguiar	Campbell	Margett	Poochigian
Ashburn	Cunneen	McClintock	Prenter
Baldwin	Goldsmith	Miller	Pringle
Battin	Granlund	Morrissey	Richter
Baugh	House	Morrow	Runner
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Leach	Oller	Woods

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bills Nos. 1350 and 880—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 392 (Rosenthal)**—An act to amend Sections 1357 and 1357.50 of the Health and Safety Code, and to amend Sections 10198.6 and 10700 of the Insurance Code, relating to health care coverage.

Bill read third time.

**Motion to Amend**

Assembly Member Gallegos moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS PASSED ON FILE**

Senate Bill No. 720—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 402 (Greene)**—An act to add Part 4.5 (commencing with Section 124960) to Division 106 of the Health and Safety Code, relating to health.

Bill read third time, and presented by Assembly Member Bordonaro.

Bill passed by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Napolitano	Torlakson
Bordonaro	Hertzberg	Olberg	Villaraigosa
Bowen	House	Oller	Vincent
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE CONCURRENT RESOLUTION NO. 54 (Lockyer)**—Relative to employment compensation.

Resolution read, presented by Assembly Member Bustamante, and adopted by the following vote:

**AYES—42**

Alquist	Floyd	Martinez	Thomson
Aroner	Frusetta	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Cardenas	Honda	Papan	Wayne
Cardoza	Keeley	Perata	Wildman
Davis	Knox	Scott	Wright
Ducheny	Kuehl	Shelley	Mr. Speaker
Escutia	Lempert	Strom-Martin	
Figueroa	Machado	Sweeney	

**NOES—30**

Ackerman	Cunneen	Margett	Pringle
Ashburn	Goldsmith	McClintock	Richter
Baldwin	Granlund	Miller	Runner
Battin	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Kuykendall	Oller	Woods
Brewer	Leach	Pacheco	
Campbell	Leonard	Poochigian	

Resolution ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 1344 BY UNANIMOUS CONSENT**

Assembly Member Battin was granted unanimous consent to take up Senate Bill No. 1344, out of order.

**SENATE BILL NO. 1344 (Johnston)**—An act to add and repeal Sections 2260.5, 16004, and 16105 to the Business and Professions Code, and to add and repeal Chapter 1.4 (commencing with Section 24185) to Division 20 of the Health and Safety Code, relating to human cloning.

Bill read third time, and presented by Assembly Member Battin.

Bill passed by the following vote:

**AYES—69**

Ackerman	Davis	Lempert	Runner
Aguiar	Ducheny	Machado	Scott
Alquist	Escutia	Mazzoni	Shelley
Aroner	Figueroa	Migden	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Murray	Thomson
Baugh	Havice	Napolitano	Torlakson
Bordonaro	Hertzberg	Olberg	Villaraigosa
Bowen	Honda	Oller	Vincent
Bowler	House	Ortiz	Washington
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Mr. Speaker
Cardenas	Kuehl	Poochigian	
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 951 BY UNANIMOUS CONSENT**

Assembly Member Battin was granted unanimous consent to take up Senate Bill No. 951, out of order.

**SENATE BILL NO. 951 (Johnson)**—An act to add Section 20417 to the Government Code, and to amend Section 830.3 of the Penal Code, relating to peace officers, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Battin moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**Further Consideration of Senate Bill No. 431**

**SENATE BILL NO. 431 (Lee)**—An act to amend Section 97.37 of the Revenue and Taxation Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Torlakson.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Callegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—1**

McClintock

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Callegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 1243**—Passed on file.

**OBJECTION TO VOTE ADDS**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Concurrent Resolution No. 54.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1061 (Vasconcellos)**—An act to repeal and add Section 1599.61 of the Health and Safety Code, relating to long-term health care facilities.

Bill read third time, and presented by Assembly Member Ortiz.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 418**, on request of Assembly Member Olberg.

**CALL OF THE ASSEMBLY DISPENSED WITH ON**  
**SENATE BILL NO. 548**

At 3:39 p.m., on motion of Assembly Member Ortiz, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Ortiz moved to continue the call of the Assembly.

Motion carried. Time, 3:39 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 340**

At 3:40 p.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 340 passed by the following vote:

**AYES—42**

Alquist	Floyd	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Pacheco	Washington
Cunneen	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Kuykendall	Scott	Mr. Speaker
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	

**NOES—28**

Ackerman	Campbell	Leonard	Oller
Ashburn	Firestone	Margett	Poochigian
Baldwin	Goldsmith	McClintock	Pringle
Baugh	Granlund	Miller	Richter
Bordonaro	House	Morrissey	Runner
Bowler	Kaloogian	Morrow	Takasugi
Brewer	Leach	Olberg	Woods

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 406**

At 3:40 p.m., on motion of Assembly Member Gallegos, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 406 passed by the following vote:

**AYES—42**

Alquist	Frusetta	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Ducheny	Kuehl	Scott	Wright
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Machado	Strom-Martin	
Floyd	Martinez	Sweeney	

**NOES—32**

Ackerman	Campbell	Leach	Oller
Aguiar	Cunneen	Leonard	Pacheco
Ashburn	Firestone	Margett	Poochigian
Baldwin	Goldsmith	McClintock	Pringle
Battin	Granlund	Miller	Richter
Baugh	House	Morrissey	Takasugi
Bordonaro	Kaloogian	Morrow	Thompson
Brewer	Kuykendall	Olberg	Woods

Bill ordered transmitted to the Senate.



**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE OF SENATE BILL NO. 1174**

At 3:41 p.m., on motion of Assembly Member Alquist, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 1174 refused adoption by the following vote:

**AYES—45**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Frusetta	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Cardenas	Honda	Papan	Wayne
Cardoza	Keeley	Perata	Wildman
Cunneen	Knox	Pringle	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—31**

Ackerman	Campbell	Leonard	Pacheco
Aguiar	Firestone	Margett	Poochigian
Ashburn	Goldsmith	McClintock	Prenter
Battin	Granlund	Miller	Runner
Baugh	House	Morrissey	Takasugi
Bordonaro	Kaloogian	Morrow	Thompson
Bowler	Kuykendall	Olberg	Woods
Brewer	Leach	Oller	

**Motion to Reconsider Urgency Clause to Senate Bill No. 1174  
on Next Legislative Day**

Assembly Member Alquist moved to reconsider on the next legislative day the vote whereby the urgency clause to Senate Bill No. 1174 was this day refused adoption.

Senate Bill No. 1174 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 1329**

At 3:41 p.m., on motion of Assembly Member Murray, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 1329 refused adoption by the following vote:

**AYES—45**

Ackerman	Figueroa	Machado	Takasugi
Aguiar	Frusetta	Margett	Thomson
Alquist	Gallegos	Martinez	Torlakson
Baca	Goldsmith	Mazzoni	Villaraigosa
Bordonaro	Havice	Morrissey	Vincent
Bowler	Hertzberg	Murray	Wayne
Brewer	Honda	Pacheco	Wildman
Brown	House	Richter	Woods
Cardenas	Kaloogian	Runner	Mr. Speaker
Cardoza	Keeley	Scott	
Davis	Knox	Shelley	
Escutia	Kuykendall	Sweeney	

**NOES—19**

Aroner	Campbell	Kuehl	Migden
Ashburn	Cunneen	Leach	Morrow
Baldwin	Ducheny	Lempert	Pringle
Battin	Floyd	Leonard	Thompson
Baugh	Granlund	McClintock	

**Motion to Reconsider Urgency Clause to Senate Bill No. 1329  
on Next Legislative Day**

Assembly Member Murray moved to reconsider on the next legislative day the vote whereby the urgency clause to Senate Bill No. 1329 was this day refused adoption.

Senate Bill No. 1329 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 451**

At 3:41 p.m., on motion of Assembly Member Murray, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 451 passed by the following vote:

**AYES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—35**

Ackerman	Campbell	Leonard	Poochigian
Aguiar	Cunneen	Margett	Prenter
Ashburn	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Richter
Battin	Granlund	Morrissey	Runner
Baugh	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Kuykendall	Oller	Woods
Brewer	Leach	Pacheco	

Bill ordered transmitted to the Senate.

**JOINT RULE 62(a) WAIVED**

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 66 and Assembly Constitutional Amendment No. 22 for hearing in the Committee on Appropriations, on Wednesday, September 3, 1997.

Assembly Member Bowen was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1066 for hearing in the Committee on Natural Resources on Thursday, September 9, 1997, 30 minutes prior to Floor session.

**MOTION TO SUSPEND JOINT RULE 29.5**

Assembly Member Figueroa moved that Joint Rule 29.5 be suspended, to permit the Conference Committee on Senate Bill No. 903 to meet without publishing notice of the meeting one day prior to the meeting.

Motion carried by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—None****BILLS REMOVED FROM CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 542**, on request of Assembly Member Takasugi.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 915**, on request of Assembly Member Margett.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Cardoza announced his intention to request that Senate Bill No. 1334 be removed from the inactive file.

**NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 638  
FROM COMMITTEE**

Pursuant to the provisions of Assembly Rule 96, Assembly Member Olberg gave notice that he would move to withdraw Senate Bill No. 638 from the Committee on Natural Resources.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 882**, on request of Assembly Member Wildman.

**CAUCUS ANNOUNCEMENTS**

Assembly Member Torlakson announced that the Local Government Caucus would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Wildman announced his intention to request that Senate Bill No. 882 be removed from the inactive file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 207 (Frusetta)**—An act to amend Section 1054.2 of the Penal Code, relating to criminal procedure.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

**NOES—1**

Migden

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 207: Assembly Member Migden, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 650** (Cardenas)—An act to amend Sections 1268 and 1326 of the Unemployment Insurance Code, relating to unemployment compensation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—41**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—30**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cunneen	Leonard	Prenter
Ashburn	Frusetta	McClintock	Pringle
Battin	Goldsmith	Miller	Runner
Baugh	Granlund	Morrow	Thompson
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Pacheco	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1221** (Aroner)—An act to amend Section 12316 of the Penal Code, relating to firearms.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Demand for Previous Question**

Assembly Members Villaraigosa, Washington, Mazzoni, Sweeney, and Scott demanded the previous question. Demand sustained.

The question being on concurrence in Senate amendments.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Aroner moved a call of the Assembly.

Motion carried. Time, 3:58 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 758 (Morrow)**—An act to amend Sections 22351, 22355, 22356.5, and 22360 of, to add Section 22351.5 to, and to repeal and add Sections 22350 and 22352 of, the Business and Professions Code, to amend Sections 1985.3, 1985.6, and 1987.1 of the Code of Civil Procedure, to amend Section 4406 of the Commercial Code, and to amend Sections 1158, 1560, and 1563 of the Evidence Code, relating to civil procedure.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—71

Ackerman	Escutia	Leonard	Runner
Aguiar	Figueroa	Machado	Scott
Alquist	Floyd	Margett	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	Miller	Sweeney
Baca	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowler	Honda	Olberg	Villaraigosa
Brewer	House	Oller	Vincent
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Poochigian	Woods
Cunneen	Kuykendall	Prenter	Wright
Davis	Leach	Pringle	Mr. Speaker
Ducheny	Lempert	Richter	

#### NOES—4

Bowen	Martinez	McClintock	Migden
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Above bill ordered enrolled.

#### BILL RETURNED TO SENATE

Without objection, Assembly Member Bowler returned Assembly Bill No. 219 to the Senate for further action.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### UNFINISHED BUSINESS (RESUMED)

#### CONSIDERATION OF SENATE AMENDMENTS

**ASSEMBLY BILL NO. 44 (Murray)**—An act relating to elections.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

#### Motion to Re-refer Assembly Bill No. 44 to Committee

Assembly Member Kaloogian moved that Assembly Bill No. 44 be re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

Assembly Member Ackerman seconded the motion.

Motion lost by the following vote:

**AYES—30**

Ackerman	Brewer	Leach	Papan
Aguiar	Campbell	Leonard	Poochigian
Ashburn	Cunneen	McClintock	Prenter
Baldwin	Frusetta	Morrissey	Pringle
Battin	Goldsmith	Morrow	Takasugi
Baugh	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	

**NOES—44**

Alquist	Floyd	Martinez	Strom-Martin
Aroner	Gallegos	Mazzoni	Sweeney
Baca	Havice	Migden	Thomson
Bowen	Hertzberg	Miller	Torlakson
Brown	Honda	Murray	Villaraigosa
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Perata	Wayne
Davis	Kuehl	Richter	Wildman
Ducheny	Lempert	Runner	Woods
Escutia	Machado	Scott	Wright
Figueroa	Margett	Shelley	Mr. Speaker

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

**AYES—48**

Aguiar	Escutia	Lempert	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Gallegos	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Brown	Havice	Murray	Villaraigosa
Campbell	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	Keeley	Papan	Wayne
Cunneen	Knox	Perata	Wildman
Davis	Kuehl	Richter	Wright
Ducheny	Kuykendall	Scott	Mr. Speaker

**NOES—24**

Ackerman	Bowler	McClintock	Poochigian
Ashburn	Brewer	Miller	Pringle
Baldwin	House	Morrow	Runner
Battin	Kaloogian	Olberg	Takasugi
Baugh	Leach	Oller	Thompson
Bordonaro	Leonard	Pacheco	Woods

Above bill ordered enrolled.

**BILL ORDERED TRANSMITTED TO THE SENATE IMMEDIATELY**

Speaker pro Tempore Kuehl was granted unanimous consent that Senate Bill No. 340 be ordered transmitted to the Senate immediately.



**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 175 (Torlakson)**—An act to amend Sections 21080.4, 21080.14, and 21153 of the Public Resources Code, relating to environmental quality.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—70**

Ackerman	Escutia	Leonard	Pringle
Aguilar	Figueroa	Machado	Richter
Alquist	Floyd	Margett	Scott
Aroner	Frusetta	Martinez	Shelley
Baca	Gallegos	Mazzoni	Strom-Martin
Baldwin	Goldsmith	McClintock	Sweeney
Battin	Granlund	Migden	Takasugi
Baugh	Havice	Miller	Thomson
Bordonaro	Hertzberg	Morrissey	Torlakson
Bowen	Honda	Morrow	Villaraigosa
Bowler	House	Murray	Vincent
Brewer	Kaloogian	Napolitano	Washington
Campbell	Keeley	Olberg	Wayne
Cardenas	Knox	Oller	Wildman
Cardoza	Kuehl	Ortiz	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker
Davis	Leach	Poochigian	
Ducheny	Lempert	Prenter	

**NOES—6**

Ashburn	Pacheco	Thompson
Brown	Runner	Woods

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 259 (Scott)**—An act to amend Sections 46601 and 48919 of, and to add Section 48919.5 to, the Education Code, relating to pupils.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 323 (Baca)**—An act to add and repeal Sections 1524.6, 1538.6, and 1538.7 of the Health and Safety Code, relating to community care facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—64**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Floyd	Machado	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Ortiz	Vincent
Brewer	Kaloogian	Pacheco	Washington
Campbell	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuykendall	Poochigian	Woods
Cunneen	Leach	Prenter	Wright
Davis	Lempert	Pringle	Mr. Speaker

**NOES—5**

Brown	Mazzoni	Strom-Martin
Kuehl	Migden	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 534 (Thomson)**—An act to add Chapter 16 (commencing with Section 15800) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to human services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:

#### AYES—4

Bowen	Martinez	Thomson	Villaraigosa
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#### NOES—69

Ackerman	Escutia	Leonard	Runner
Aguiar	Figueroa	Mazzoni	Scott
Aroner	Floyd	McClintock	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cunneen	Kuykendall	Poochigian	
Davis	Leach	Prenter	
Ducheny	Lempert	Pringle	

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 534: Assembly Member Villaraigosa, from "No" to "Aye".

**ASSEMBLY BILL NO. 719 (Torlakson)**—An act to amend Section 95.31 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—56

Ackerman	Ducheny	Leach	Runner
Aguiar	Escutia	Lempert	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Floyd	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Thomson
Battin	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Wright
Davis	Kuykendall	Prenter	Mr. Speaker

#### NOES—18

Baldwin	Goldsmith	Miller	Takasugi
Baugh	House	Olberg	Thompson
Bowler	Kaloogian	Oller	Woods
Brewer	Leonard	Pacheco	
Campbell	McClintock	Pringle	

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—56

Ackerman	Ducheny	Leach	Runner
Aguiar	Escutia	Lempert	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Floyd	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Thomson
Battin	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Wright
Davis	Kuykendall	Prenter	Mr. Speaker

#### NOES—18

Baldwin	Goldsmith	Miller	Takasugi
Baugh	House	Olberg	Thompson
Bowler	Kaloogian	Oller	Woods
Brewer	Leonard	Pacheco	
Campbell	McClintock	Pringle	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1200 (Martinez)**—An act to add Section 35183.5 to the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—45**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	McClintock	Torlakson
Baca	Havice	Migden	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Scott	Mr. Speaker
Davis	Lempert	Shelley	
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—28**

Ackerman	Bowler	Leonard	Poochigian
Aguiar	Brewer	Miller	Prenter
Ashburn	Frusetta	Morrissey	Pringle
Baldwin	Granlund	Morrow	Runner
Battin	House	Olberg	Takasugi
Baugh	Kaloogian	Oller	Thompson
Bordonaro	Leach	Pacheco	Woods

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1226 (Granlund)**—An act to amend Section 11005.3 of the Revenue and Taxation Code and to amend Section 2107 of the Streets and Highways Code, relating to taxation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—61**

Aguiar	Figueroa	Margett	Runner
Alquist	Floyd	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Takasugi
Ashburn	Gallegos	Miller	Thompson
Baca	Goldsmith	Morrissey	Thomson
Baldwin	Granlund	Morrow	Torlakson
Battin	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Oller	Vincent
Bowler	House	Ortiz	Washington
Brewer	Kaloogian	Pacheco	Wayne
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Leonard	Pringle	
Escutia	Machado	Richter	

**NOES—12**

Ackerman	Havice	Migden	Strom-Martin
Baugh	Kuykendall	Napolitano	Sweeney
Bowen	McClintock	Scott	Wildman

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1226: Assembly Member Strom-Martin, from "Aye" to "No".

Above bill ordered enrolled.

**SENATE BILL NO. 314 PASSED AND RETAINED**

Assembly Member Leach was granted unanimous consent that Senate Bill No. 314 be passed and retained.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 548**

At 4:29 p.m., on motion of Assembly Member Ortiz, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 548 passed by the following vote:

**AYES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Morrissey	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—33**

Ackerman	Campbell	Leonard	Pringle
Aguiar	Cunneen	Margett	Richter
Ashburn	Firestone	McClintock	Runner
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1221**

At 4:29 p.m., on motion of Assembly member Aroner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Aroner moved to continue the call of the Assembly.

Motion carried. Time, 4:29 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1221**

At 4:29 p.m., on motion of Assembly Member Aroner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1221 by the following vote:

**AYES—41**

Alquist	Havice	Migden	Torlakson
Aroner	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Brown	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cunneen	Kuehl	Perata	Wildman
Davis	Kuykendall	Scott	Wright
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Machado	Strom-Martin	
Floyd	Martinez	Sweeney	
Gallegos	Mazzoni	Thomson	

**NOES—28**

Ackerman	Campbell	Margett	Papan
Ashburn	Goldsmith	McClintock	Poochigian
Baldwin	Granlund	Miller	Pringle
Battin	House	Morrissey	Richter
Bordonaro	Kaloogian	Morrow	Runner
Bowler	Leach	Olberg	Thompson
Brewer	Leonard	Oller	Woods

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577 and Senate Bills Nos. 682, 305, and 248 were continued until the next legislative day.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Brown announced that the Committee on Governmental Organization would meet at 5 p.m. today.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

Senate Bill No. 1177, on request of Assembly Member Hertzberg.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Resolution**

**ASSEMBLY CONCURRENT RESOLUTION NO. 66 (Olberg)**—Relative to the John Wilkie Safety Roadside Rest Area.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*



**Consent Calendar—Senate Resolutions**

**SENATE CONCURRENT RESOLUTION NO. 3 (Kopp)**—Relative to the California Law Revision Commission.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 39 (Johnston)**—Relative to cloning of human beings.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 43 (Leslie)**—Relative to highways.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 48 (McPherson)**—Relative to the Thomas M. Sanders Memorial Bridge.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above resolutions on the Consent Calendar adopted, by the following vote:

**AYES—77**

Ackerman	Escutia	Margett	Runner
Aguiar	Figueroa	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	
Ducheny	Machado	Richter	

**NOES—None**

**CONSIDERATION OF SPECIAL CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Special Consent Calendar.

**Consideration of Senate Amendments to Assembly Bills**

**ASSEMBLY BILL NO. 460 (House)**—An act to add and repeal Section 4848.5 of the Business and Professions Code, relating to veterinary medicine, and making an appropriation therefor.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 662 (Hertzberg)**—An act to add Section 14602.7 to the Vehicle Code, relating to vehicles.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1543 (Committee on Human Services)**—An act to amend Sections 4669.2, 4669.75, and 4669.8 of the Welfare and Institutions Code, relating to human services.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**Special Consent Calendar Roll Call**

The roll was called, and the above bills on the Special Consent Calendar passed, by the following vote:

**AYES—77**

Ackerman	Escutia	Margett	Runner
Aguiar	Figueroa	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	
Ducheny	Machado	Richter	

**NOES—None****BILLS PASSED ON FILE**

Senate Bills Nos. 514, 227, and Senate Concurrent Resolution No. 23—Passed on file.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Motion to Suspend Joint Rule 29.5:** Baldwin, Bordonaro, Bowen, Cunneen, Granlund, McClintock, Migden, Olberg, and Prenter—Aye.

**Resolution to Suspend Rules:** Baldwin, Bordonaro, Cunneen, Olberg, and Prenter—Aye.

**Senate Bill No. 89:** Baldwin, Battin, Bordonaro, McClintock, and Prenter—Aye.

**Senate Bill No. 466:** Baldwin, Bordonaro, and McClintock—Aye.

**Senate Bill No. 515 and Urgency:** Bordonaro—Aye.

**Senate Bill No. 472, Baca Amendments:** Bowen and Goldsmith—Aye; Baugh and Olberg—No.

**Senate Bill No. 461:** Baugh and Bordonaro—Aye.

**Senate Bill No. 548, Demand for Previous Question:** Baugh and Bordonaro—No.

**Senate Bill No. 969, Perata Amendments:** Miller—Aye; Baugh, Bordonaro, Granlund, and Prenter—No.

**Senate Bill No. 340, Demand for Previous Question:** Aguiar, Baugh, and Bordonaro—No.

**Senate Bill No. 219:** Aguiar, Bordonaro, Mazzoni, Morrissey—Aye.

**Senate Bill No. 1145, Motion to Table Morrow Amendments:** Mazzoni—Aye; Aguiar, Baugh, Bordonaro, Miller, and Morrissey—No.

**Senate Bill No. 1145:** Morrissey—Aye; Aguiar, Bordonaro, Goldsmith, Granlund, and Olberg—No.

**Senate Bill No. 443:** Bordonaro, Cunneen, Martinez, Mazzoni, Morrow, Murray, Olberg, and Poochigian—Aye.

**Senate Bill No. 57:** Ackerman, Baldwin, Baugh, Bordonaro, Campbell, Morrow, Olberg, Ortiz, and Prenter—Aye.

**Senate Bill No. 62:** Baugh, Bordonaro, Campbell, Cunneen, Goldsmith, Mazzoni, and Olberg—Aye.

**Senate Bill No. 70:** Bordonaro, Cunneen, Machado, and Prenter—Aye; Baugh, Goldsmith, Miller, and Olberg—No.

**Senate Bill No. 150:** Baugh, Bordonaro, Cunneen, Mazzoni, and Olberg—Aye.

**Senate Bill No. 214:** Bordonaro, Bowen, Goldsmith, and Machado—Aye; Baugh and Olberg—No.

**Senate Bill No. 236:** Bowen and Goldsmith—Aye; Aguiar, Baugh, Bordonaro, and Olberg—No.

**Senate Bill No. 296:** Bordonaro and Bowen—Aye; Baugh, Goldsmith, Morrow, and Olberg—No.

**Senate Bill No. 492:** Bordonaro, Granlund, and Takasugi—Aye; Baugh and Olberg—No.

**Senate Bill No. 547:** Aguiar and Cunneen—Aye; Baugh, Bordonaro, Goldsmith, Granlund, and Olberg—No.

**Senate Bill No. 558:** Bordonaro and Olberg—Aye.

**Senate Bill No. 576:** Bordonaro, Morrow, and Olberg—Aye; Baugh—No.

**Senate Bill No. 589:** Baugh, Bordonaro, Campbell, Goldsmith, Granlund, Morrow, Olberg, Prenter, and Takasugi—No.

**Senate Bill No. 716:** Baugh, Bordonaro, Bowen, Martinez, Morrow, and Olberg—Aye.

**Senate Bill No. 717:** Baugh, Bordonaro, and Olberg—No.

**Senate Bill No. 912:** Baugh, Bordonaro, Campbell, Olberg, and Pacheco—Aye; Aroner, Goldsmith, Knox, Shelley, and Thomson—No.

**Senate Bill No. 970:** Aroner, Baugh, Bordonaro, Olberg, Pacheco, and Strom-Martin—Aye.

**Senate Bill No. 1006:** Aguiar, Bordonaro, and Pacheco—Aye; Baugh and Olberg—No.

**Senate Bill No. 1023:** Aguiar, Goldsmith, Granlund, Havice, and Ortiz—Aye; Baugh, Bordonaro, and Olberg—No.

**Senate Bill No. 1027:** Aguiar, Alquist, Baugh, Bordonaro, Morrow, and Olberg—Aye.

**Senate Bill No. 1077:** Aguiar, Baugh, Ducheny, Lempert, Martinez, and Olberg—Aye.

**Senate Bill No. 1253:** Aguiar, Bowen, Cunneen, Ducheny, Martinez, and Olberg—Aye; Baugh and Pacheco—No.

**Senate Bill No. 1312 and Urgency:** Aguiar, Baugh, Bowen, Ducheny, and Olberg—Aye.

**Senate Bill No. 707:** Aroner and Cardoza—Aye; Baugh and Bordonaro—No.

**Senate Bill No. 1231:** Baugh and Cardoza—Aye.

**Senate Bill No. 1123:** Baugh—No.

**Senate Bill No. 402:** Baldwin and Baugh—Aye.

**Senate Bill No. 1344:** Baugh, Ducheny, and Havice—Aye.

**Senate Bill No. 1061:** Baugh—Aye.

**Senate Bill No. 340:** Baugh—No.

**Senate Bill No. 1174 and Urgency:** Ducheny, Knox, and Martinez—Aye; Baugh—No.

**Senate Bill No. 1329 and Urgency:** Martinez—Aye; Baugh and Lempert—No.

**Senate Bill No. 451:** Martinez—Aye; Baugh—No.

**Assembly Bill No. 207, Concurrence:** Martinez—Aye.

**Assembly Bill No. 650, Concurrence:** Baugh and Miller—No.

**Assembly Bill No. 758, Concurrence:** Baugh—Aye; McClintock—No.

**Assembly Bill No. 44, Motion to Re-refer to Committee:** Baugh and McClintock—Aye; Migden—No.

**Assembly Bill No. 44, Concurrence:** Baugh—No.

**Assembly Bill No. 175, Concurrence:** Baugh and Davis—Aye.

**Assembly Bill No. 259, Concurrence:** Baugh and Poochigian—Aye.

**Assembly Bill No. 323, Concurrence:** Baugh and Knox—Aye; Strom-Martin—No.

**Assembly Bill No. 534, Concurrence:** Baugh—No.

**Assembly Bill No. 719, Urgency and Concurrence:** Baugh—No.

**Assembly Bill No. 1200, Concurrence:** Knox—Aye; Baugh and Olberg—No.

**Assembly Bill No. 1226, Concurrence:** Knox and Poochigian—Aye; Baugh—No.

**Senate Concurrent Resolution No. 54:** Richter—No.

#### **MOTIONS TO ADJOURN**

At 4:35 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Wayne seconded the motion.

#### **REMARKS ON CONDITION OF THE FILE**

Assembly Members House and Kuykendall arose to speak on the condition of the file.

**At 4:37 p.m., Hon. Michael Sweeney, 18th District, presiding**

Assembly Member Kuehl arose to speak on condition of the file, at Assembly Member Villaraigosa's desk, without objection.

#### **FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Washington that the Assembly adjourn.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 4:38 p.m., Acting Speaker Sweeney declared the quorum call of the Assembly dispensed with.

#### **REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, September 2, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9)(10)(11) as it relates to Senate Bills Nos. 231, 614, and 879.

**MIKE MACHADO**

Above request ordered transmitted to the Committee on Rules.

#### **RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 76—Wayne.** Relative to breast cancer.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 2, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 4

And reports the same correctly enrolled, and presented to the Secretary of State on the 2nd day of September, 1997, at 2:45 p.m.

**E. DOTSON WILSON, Chief Clerk**

Assembly Chamber, September 2, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 200  
Assembly Bill No. 206  
Assembly Bill No. 235  
Assembly Bill No. 407  
Assembly Bill No. 452  
Assembly Bill No. 625  
Assembly Bill No. 760  
Assembly Bill No. 761  
Assembly Bill No. 829

Assembly Bill No. 849  
Assembly Bill No. 1116  
Assembly Bill No. 1157  
Assembly Bill No. 1308  
Assembly Bill No. 1317  
Assembly Bill No. 1390  
Assembly Bill No. 1526  
Assembly Bill No. 1547  
Assembly Bill No. 1609

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 2, 1997.

E. DOTSON WILSON, Chief Clerk

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Revenue and Taxation**

September 2, 1997

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Senate Bill No. 1233

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Acting Chair

**SENATE BILL NO. 1233**—An act to amend Section 19141.6 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Water, Parks and Wildlife**

September 2, 1997

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 879

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chairman

**SENATE BILL NO. 879**—An act to add section 2081.4 to the Fish and Game Code, relating to endangered species.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Natural Resources**

September 2, 1997

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 1066

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chairwoman

**SENATE BILL NO. 1066**—An act to, amend Sections 40001, 41782, 41820, 41821, 41850, 42000, 42005, and 42010 of, to amend and repeal Sections 41785 and 41820 of, to add Sections 40900.1, 41821.6, 42024, and 42241.5 to, and to repeal Section 42242 of, the Public Resources Code, relating to solid waste.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

September 2, 1997

Mr. Speaker: The Chair of your Committee on Human Services reports:

Senate Bill No. 361

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**SENATE BILL NO. 361**—An act to amend Section 1524.5 of the Health and Safety Code, relating to community care facilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 187

Senate Bill No. 818

Senate Bill No. 438

Senate Bill No. 1257

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 713

Senate Bill No. 1271

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 506

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Banking and Finance**

Date of Hearing: August 28, 1997

Mr. Speaker: Your Committee on Banking and Finance reports:

House Resolution No. 43

With amendments with the recommendation: Amend, and be adopted, as amended.

PAPAN, Chairman

Above resolution ordered to second reading.

**Committee on Consumer Protection, Governmental Efficiency and  
Economic Development**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Senate Bill No. 1086

With amendments with the recommendation: Amend, and do pass, as amended.

DAVIS, Chairwoman

Above bill ordered to second reading.

**Committee on Insurance**

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Insurance reports:

Senate Bill No. 319

With amendments with the recommendation: Amend, and do pass, as amended.

FIGUEROA, Chairwoman

Above bill ordered to second reading.

**MESSAGES FROM THE GOVERNOR**

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

**Veto Message—Assembly Bill No. 1602**

Governor's Office, Sacramento

September 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1602 without my signature.

This bill would provide that when the assets of a medical center owned by the state are transferred or leased to a private corporation, those assets shall be subject to continued oversight by the Legislative Analyst, the Budget Committees of the Senate and Assembly, and the Joint Legislative Audit Committee.

This bill arises from the proposed merger of the University of California San Francisco Medical Center and Stanford Health Services to form a new private non-profit corporation: University of California, San Francisco Stanford Health Care ("USHC"). The intent of the bill is to ensure public accountability of state owned assets that are transferred or leased to a private entity such as USHC. This bill, however, goes beyond what is prudent in protecting the public interest.

The existing health care environment is extremely competitive. Legislative oversight of a private corporation will harm the corporation's ability to compete because sensitive management, financial and contract information will be made public during the legislative process. Other options must be considered that balance the need for public accountability and the requirement that any new entity formed with public assets be able to compete in the healthcare marketplace.

Cordially,

PETE WILSON



RECEIPT

I acknowledge receipt this 2nd day of September 1997, at 4:40 p.m., of Assembly Bill No. 1602, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN  
Assistant Chief Clerk

MESSAGES FROM THE SENATE

September 2, 1997

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: The Senate this day by a two-thirds vote suspended Joint Rule 29.5(a) on Senate Bill 903.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

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Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 94  
Senate Bill No. 263  
Senate Bill No. 347

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

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September 2, 1997

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: The Senate this day suspended Joint Rule 29.5(d) and (e) on all the "Health Access Bills"

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

(NOTE: Assembly Bills Nos. 112, 534, 600, 1112, 1126, and 1430; and Senate Bills Nos. 860, 903, 954, and 1036.)

September 2, 1997

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: The Senate this day suspended Joint Rule 29.5(a) on Assembly Bills Nos. 112 and 1126.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

**Senate Bill No. 860**

**Senate Bill No. 954**

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1430

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Lee and Maddy as a Committee on Conference concerning:

**Assembly Bill No. 1112.**

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Alpert, Hayden and McPherson as a Committee on Conference concerning:

**Assembly Bill No. 1581.**

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

#### **APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Assembly Bill No. 1581:

Keeley, Bowen, and Bordonaro.

#### **INTRODUCTION OF GUESTS**

Assembly Member Napolitano, of the 58th Assembly District, introduced Ambassador Francisco Madeira, of Mozambique, Africa.

**ADJOURNMENT**

At 4:45 p.m., pursuant to the motion by Assembly Member Washington the Assembly adjourned until 9 a.m., Wednesday, September 3, 1997, out of respect to the memory of Lucille Gertrude Thompson, on motion of Assembly Member Thompson; out of respect to the memory of Fred Martinez, on motion of Assembly Member Villaraigosa; out of respect to the memory of Abe F. Levy, on motion of Assembly Members Floyd and Mazzoni; out of respect to the memory of Kay O'Callaghan, on motion of Assembly Member Shelley; out of respect to the memory of Ella Weeks, on motion of Assembly Member Thomson; out of respect to the memory of Diana, Princess of Wales, on motion of Assembly Member Woods; out of respect to the memory of Duane Peterson, on motion of Assembly Member Shelley; and in honor of Ms. Manik Bokchalian, on motion of Assembly Member Kaloogian.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON SEPTEMBER 2, 1997

The following measures were amended in the Assembly on this day:

ACA	RN	SB	RN
22	9721557	675	9721818
		795	9721936
		807	9721473
ACR	RN	810	9721234
72	9721441	826	9721348
74	9721561	827	9721372
		842	9721785
		857	9721481
SB	RN	873	9721341
48	9721184	879	9722082
110	9721258	921	9721807
193	9721331	945	*
230	9721457	951	9722196
235	9721781	969	9720276
273	9721790	1007	9721319
316	9721829	1048	9721864
320	9721466	1052	9721460
328	9721468	1062	9721199
361	9721265	1066	9722106
367	9721817	1067	9721824
381	9721076	1068	9721569
383	9721237	1107	9721529
392	9721389	1141	9721344
413	9721795	1144	9721707
434	9721773	1221	9721364
472	9721891	1233	9721887
483	9721798	1258	9721767
527	9721208	1328	9721357
536	9721483	1330	9721221
566	9721783	1346	9721377
617	9721827	1348	9721845
644	9721828	1349	9721211
657	9721255		

**Daily Total: 59**

**Cumulative Total: 3224**

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

Amendments were considered by the Assembly, but not adopted, to the following measure:

**SB**

1145 (Morrow amendments, RN 9721842, laid upon the table)

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, September 3, 1997**

**ONE HUNDRED THIRTY-FIRST SESSION DAY**

**TWO HUNDRED SEVENTY-SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, September 3, 1997

The Assembly met at 9 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Papan moved a quorum call of the Assembly.

Motion carried. Time, 9:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 9:24 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

Ackerman	Figueroa	Margett	Runner
Aguiar	Firestone	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poohigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	
Escutia	Machado	Richter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O Lord, Make us worthy to know You and love You, not in the knowledge that comes from an exercise of the mind, but from the knowledge that emanates from our heart. Let us then grow in our love for You, and in turn help to spread Your love throughout the world.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Ducheny then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Shelley, seconded by Assembly Member Thompson.

**LEAVE OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On Legislative business: Assembly Member Alby.*

*On personal business, and waiving per diem: Assembly Member Baugh.*

(NOTE: For letter explaining the absence of Assembly Member Alby on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Friday, August 29, 1997; for further explanation of absence by Assembly Member Alby, see Assembly Journal for September 13, 1997, page 4733.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

August 29, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Education Code Sec. 33530, I have named Mr. Ken Dotson to serve on the Curriculum Development and Supplemental Materials Commission. The effective date of the appointment is August 29, 1997, and this is a term appointment ending 12/15/00. Mr. Dotson will be replacing Ms. Mary F. Jew.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly



**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 3, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 72

Assembly Concurrent Resolution No. 74

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, September 3, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Constitutional Amendment No. 22

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**ADJOURN IN MEMORY**

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Walter B. Gunnison, of Sacramento.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Sweeney announced his intention to request that Senate Bill No. 495 be removed from the inactive file.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 776**, on request of Assembly Member Campbell.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

**ASSEMBLY CONCURRENT RESOLUTION NO. 70** (Battin)—Relative to California Hispanic Heritage Month.

Resolution read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Havice moved a call of the Assembly.

Motion carried. Time, 9:31 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS PASSED ON FILE**

**Assembly Bill No. 1614**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 185 (Papan)**—An act to add Section 1663 to the Civil Code, relating to contracts, 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—73**

Ackerman	Figueroa	Mazzoni	Scott
Aguiar	Firestone	McClintock	Shelley
Alquist	Frusetta	Migden	Strom-Martin
Ashburn	Gallegos	Miller	Sweeney
Baca	Goldsmith	Morrissey	Takasugi
Baldwin	Granlund	Morrow	Thompson
Battin	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Brown	Kuehl	Pacheco	Wayne
Campbell	Kuykendall	Papan	Wildman
Cardenas	Leach	Perata	Woods
Cardoza	Lempert	Poochigian	Wright
Cunneen	Leonard	Prenter	Mr. Speaker
Davis	Machado	Pringle	
Ducheny	Margett	Richter	
Escutia	Martinez	Runner	

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—73**

Ackerman	Figueroa	Mazzoni	Scott
Aguiar	Firestone	McClintock	Shelley
Alquist	Frusetta	Migden	Strom-Martin
Ashburn	Gallegos	Miller	Sweeney
Baca	Goldsmith	Morrissey	Takasugi
Baldwin	Granlund	Morrow	Thompson
Battin	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Brown	Kuehl	Pacheco	Wayne
Campbell	Kuykendall	Papan	Wildman
Cardenas	Leach	Perata	Woods
Cardoza	Lempert	Poochigian	Wright
Cunneen	Leonard	Prenter	Mr. Speaker
Davis	Machado	Pringle	
Ducheny	Margett	Richter	
Escutia	Martinez	Runner	

**NOES—None**

Bill ordered transmitted to the Senate.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Wayne announced his intention to request that Senate Bill No. 1050 be removed from the inactive file.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 512 and 720**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 514 (Hayden)**—An act to amend Section 51226.3 of the Education Code, relating to educational curriculum.

Bill read third time, and presented by Assembly Member Shelley.

Bill passed by the following vote:

**AYES—62**

Aguiar	Frusetta	Mazzoni	Shelley
Alquist	Gallegos	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Bordonaro	Havice	Murray	Thompson
Bowen	Honda	Napolitano	Thomson
Brewer	House	Olberg	Torlakson
Brown	Keeley	Ortiz	Villaraigosa
Campbell	Kuehl	Pacheco	Vincent
Cardenas	Kuykendall	Papan	Washington
Cardoza	Leach	Perata	Wayne
Cunneen	Lempert	Poochigian	Wildman
Davis	Leonard	Prenter	Wright
Ducheny	Machado	Pringle	Mr. Speaker
Escutia	Margett	Richter	
Figueroa	Martinez	Scott	

**NOES—8**

Ackerman	Bowler	Morrow	Runner
Baldwin	McClintock	Oller	Woods

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1094 (Schiff)**—An act to amend Section 2401 of the Business and Professions Code, and to amend Section 1206 of the Health and Safety Code, relating to medicine.

Bill read third time, and presented by Assembly Member Scott.

Bill passed by the following vote:

**AYES—73**

Ackerman	Figueroa	Martinez	Scott
Aguiar	Firestone	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	House	Olberg	Villaraigosa
Bowler	Kaloogian	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Brown	Knox	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker
Davis	Leonard	Pringle	
Ducheny	Machado	Richter	
Escutia	Margett	Runner	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 1196, 184, and 980**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1217 (Johnston)**—An act to amend Sections 11735, 11736, and 11751.8 of, and to add Section 11751.9 to, the Insurance Code, relating to workers' compensation.

**Amendments Withdrawn**

Without objection, Assembly Member Keeley withdrew his amendments to Senate Bill No. 1217.

Bill read third time, and presented by Assembly Member Keeley.

**Senate Bill No. 1217 Passed and Retained**

By unanimous consent Senate Bill No. 1217 was passed temporarily on file.

**SENATE BILL NO. 1323 (Polanco)**—An act to add Section 17039.3 to the Education Code, and to amend Section 13146.3 of the Health and Safety Code, relating to school facilities.

Bill read third time, and presented by Assembly Member Escutia.

Bill passed by the following vote:

**AYES—51**

Aguiar	Figueroa	Leonard	Shelley
Alquist	Firestone	Machado	Strom-Martin
Aroner	Gallegos	Martinez	Sweeney
Baca	Goldsmith	Mazzoni	Thomson
Bowen	Granlund	Migden	Torlakson
Bowler	Havice	Morrissey	Villaraigosa
Brown	Hertzberg	Morrow	Vincent
Cardenas	Honda	Murray	Washington
Cardoza	Keeley	Napolitano	Wayne
Cunneen	Knox	Ortiz	Wildman
Davis	Kuehl	Papan	Wright
Ducheny	Kuykendall	Perata	Mr. Speaker
Escutia	Lempert	Scott	

**NOES—25**

Ackerman	Frusetta	Olberg	Runner
Ashburn	House	Oller	Takasugi
Baldwin	Kaloogian	Pacheco	Thompson
Battin	Leach	Poochigian	Woods
Bordonaro	Margett	Prenter	
Brewer	McClintock	Pringle	
Campbell	Miller	Richter	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bill No. 731**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 768 (Thompson)**—An act to amend Sections 25014.6 and 25017 of the Corporations Code, relating to securities.

Bill read third time, and presented by Assembly Member Papan.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Papan moved a call of the Assembly.

Motion carried. Time, 9:52 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Migden returned Assembly Bill No. 1059 to the Senate for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 119 (Kopp)**—An act to amend Section 170.6 of the Code of Civil Procedure, relating to judicial officers.

Bill read third time, and presented by Assembly Member Goldsmith.

Bill passed by the following vote:

**AYES—44**

Alquist	Figueroa	Kuehl	Richter
Aroner	Firestone	Lempert	Scott
Baca	Frusetta	Machado	Shelley
Baldwin	Gallegos	Martinez	Strom-Martin
Bowen	Goldsmith	Mazzoni	Sweeney
Cardenas	Havice	McClintock	Thomson
Cardoza	Hertzberg	Murray	Torlakson
Cunneen	Honda	Napolitano	Villaraigosa
Davis	House	Ortiz	Wayne
Ducheny	Keeley	Papan	Wildman
Escutia	Knox	Perata	Mr. Speaker

**NOES—26**

Ackerman	Campbell	Miller	Prenter
Aguiar	Granlund	Morrissey	Pringle
Ashburn	Kaloogian	Morrow	Runner
Battin	Leach	Olberg	Takasugi
Bordonaro	Leonard	Oller	Thompson
Bowler	Margett	Pacheco	
Brewer	Migden	Poochigian	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 253 (Burton)**—An act to add Section 1278.5 to the Health and Safety Code, relating to health facilities.

Bill read third time, and presented by Assembly Member Honda.  
The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Honda moved a call of the Assembly.

Motion carried. Time, 9:56 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bill No. 280**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 364**, on request of Assembly Member Papan.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 507 and 513**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 532 (Solis)**—An act to amend Section 18804 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and presented by Assembly Member Papan.

Bill passed by the following vote:

**AYES—61**

Aguiar	Figueroa	Martinez	Sweeney
Alquist	Firestone	Mazzoni	Takasugi
Aroner	Frusetta	Migden	Thompson
Ashburn	Gallegos	Miller	Thomson
Baca	Goldsmith	Morrissey	Torlakson
Baldwin	Granlund	Murray	Villaraigosa
Battin	Havice	Napolitano	Vincent
Bordonaro	Hertzberg	Ortiz	Washington
Bowen	Honda	Pacheco	Wayne
Bowler	House	Perata	Wildman
Brown	Keeley	Poochigian	Woods
Cardenas	Knox	Prenter	Wright
Cardoza	Kuehl	Runner	Mr. Speaker
Cunneen	Kuykendall	Scott	
Davis	Lempert	Shelley	
Ducheny	Machado	Strom-Martin	

**NOES—9**

Ackerman	Leonard	Morrow
Kaloogian	Margett	Olberg
Leach	McClintock	Oller

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 560 and 596**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 609 (Karnette)**—An act to amend Section 23803 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, and presented by Assembly Member Takasugi.

Bill passed by the following vote:

**AYES—73**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—2**

McClintock                      Morrow

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 772, 825, and 916**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**At 10:10 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**BILLS REMOVED FROM CONSENT CALENDAR  
AND PLACED UPON THE INACTIVE FILE**

The following bill was removed from the Consent Calendar, pursuant to Joint Rule 22.2 and placed upon the inactive file pursuant to Assembly Rule 78:

**Senate Bill No. 989**, on request of Assembly Member Lempert.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Hertzberg announced his intention to request that Senate Bill No. 980 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Knox announced his intention to request that Senate Bill No. 202 be removed from the inactive file.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1040 (Maddy)**—An act to amend Sections 13143 and 17920.8 of the Health and Safety Code, relating to building standards.

Bill read third time, and presented by Assembly Member Keeley.

Bill passed by the following vote:

**AYES—74**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 1125 and 1129**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CAUCUS ANNOUNCEMENTS**

At 10:14 a.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 10:15 a.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed.

**REASSEMBLED**

At 10:46 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1243 (Hughes)**—An act to amend Sections 1636.5 and 1724 of the Business and Professions Code, and to amend Section 4 of Chapter 1299 of the Statutes of 1992, relating to dentistry, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Kelley.

Bill passed by the following vote:

**AYES—68**

Ackerman	Ducheny	Kuykendall	Pringle
Aguilar	Escutia	Leach	Richter
Alquist	Figueroa	Lempert	Runner
Aroner	Firestone	Machado	Scott
Ashburn	Floyd	Margett	Shelley
Baca	Frusetta	Mazzoni	Strom-Martin
Baldwin	Gallegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Bordonaro	Granlund	Murray	Thomson
Bowen	Havice	Napolitano	Torlakson
Brewer	Hertzberg	Oller	Villaraigosa
Brown	Honda	Ortiz	Vincent
Campbell	House	Pacheco	Wayne
Cardenas	Kaloogian	Papan	Wildman
Cardoza	Keeley	Perata	Woods
Cunneen	Knox	Poochigian	Wright
Davis	Kuehl	Prenter	Mr. Speaker

**NOES—5**

Bowler	McClintock	Thompson
Leonard	Morrow	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1243: Assembly Member Pacheco, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 36 (Vasconcellos)**—An act relating to elections.

Bill read third time, and presented by Assembly Member Shelley.

Bill passed by the following vote:

**AYES—57**

Ackerman	Davis	Machado	Shelley
Aguiar	Ducheny	Margett	Strom-Martin
Alquist	Escutia	Martinez	Sweeney
Aroner	Figueroa	Mazzoni	Thomson
Ashburn	Gallegos	Migden	Torlakson
Baca	Goldsmith	Murray	Villaraigosa
Battin	Granlund	Napolitano	Vincent
Bordonaro	Havice	Ortiz	Washington
Bowen	Hertzberg	Papan	Wayne
Brewer	Honda	Perata	Wildman
Brown	Keeley	Poochigian	Wright
Campbell	Knox	Prenter	Mr. Speaker
Cardenas	Kuehl	Richter	
Cardoza	Kuykendall	Runner	
Cunneen	Lempert	Scott	

**NOES—14**

Bowler	McClintock	Oller	Thompson
House	Miller	Pacheco	Woods
Kaloogian	Morrissey	Pringle	
Leonard	Morrow	Takasugi	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 1251, 990, and 880**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1088 (Lockyer)**—An act to add Section 68804 to the Government Code, relating to capital judgments.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—71**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Bordonaro	Havice	Murray	Thomson
Bowen	Hertzberg	Napolitano	Torlakson
Bowler	Honda	Olberg	Villaraigosa
Brewer	House	Oller	Vincent
Brown	Kaloogian	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Lempert	Poochigian	Mr. Speaker
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1081 (Calderon)**—An act to add Chapter 3 (commencing with Section 850) to Title 3 of Part 2 of Division 2 of the Civil Code, relating to hazardous materials.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—75**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alquist	Floyd	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker
Ducheny	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1177 (Johnson)**—An act to amend Sections 23166, 23171, 23176, 23186, and 23191 of the Vehicle Code, relating to vehicles.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—75**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker
Ducheny	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1100 (Solis)**—An act to amend Section 18025 of the Education Code, relating to libraries, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend by Assembly Member Runner**

Assembly Member Runner moved the adoption of amendments.  
Amendments read.

**Motion to Table Runner Amendments  
to Senate Bill No. 1100**

Assembly Member Shelley moved that the amendments offered by Assembly Member Runner to Senate Bill No. 1100 be laid upon the table.

Assembly Member Baca seconded the motion.

Motion carried by the following vote:

**AYES—39**

Alquist	Figueroa	Machado	Thomson
Aroner	Floyd	Mazzoni	Torlakson
Baca	Gallegos	Migden	Villaraigosa
Bowen	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Perata	Wildman
Davis	Knox	Shelley	Wright
Ducheny	Kuehl	Strom-Martin	Mr. Speaker
Escutia	Lempert	Sweeney	

**NOES—35**

Ackerman	Cunneen	Leonard	Poochigian
Aguiar	Firestone	Margett	Prenter
Ashburn	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Richter
Battin	Granlund	Morrissey	Runner
Bordonaro	House	Morrow	Takasugi
Bowler	Kaloogian	Olberg	Thompson
Brewer	Kuykendall	Oller	Woods
Campbell	Leach	Pacheco	

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motion to table Runner amendments to Senate Bill No. 1100.

Bill presented by Assembly Member Takasugi.

Bill passed by the following vote:

**AYES—73**

Ackerman	Figueroa	Machado	Runner
Aguiar	Firestone	Margett	Scott
Alquist	Floyd	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallejos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Olberg	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker
Davis	Leach	Poochigian	
Ducheny	Lempert	Prenter	
Escutia	Leonard	Richter	

**NOES—2**

McClintock      Pringle

Bill ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 712 BY UNANIMOUS CONSENT**

Assembly Member Sweeney was granted unanimous consent to take up Senate Bill No. 712, out of order.

**SENATE BILL NO. 712 (Haynes)**—An act to amend Sections 56839.1 and 57103 of, and to add Section 57093 to, the Government Code, relating to local government organization.

Bill read third time.

**Motion to Amend**

Assembly Member Sweeney moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**PARLIAMENTARY INQUIRY**

Assembly Member Martinez arose to the following parliamentary inquiry:

Has it not been the established procedure on this day to pass and retain on those measures with pending amendments?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that amendments to Senate Bill No. 941 were submitted to the Desk by Assembly Member Cardenas, who is not the Assembly Floor author of the measure.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bill No. 941**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

By unanimous consent, Assembly Member Cardenas announced his intention to request that Senate Bill No. 941 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Campbell announced his intention to request that Senate Bill No. 731 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Bowler announced his intention to request that Senate Bill No. 283 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Papan announced his intention to request that Senate Bills Nos. 512 and 364 be removed from the inactive file.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 1332**, on request of Assembly Member Aroner.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1078 (Lockyer)**—An act to amend Section 290.4 of the Penal Code, relating to sex offenses.

Bill read third time.

**Motion to Amend**

Assembly Member Keeley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 348 (Thompson)**—An act to amend Section 11019.5 of the Government Code, to amend Section 6840 of, to add Section 6835.1 to, and to repeal Sections 6831, 6832, and 6842 of, the Harbors and Navigation Code, to amend Section 5782.27 of the Public Resources Code, and to amend Section 55310.2 of the Water Code, relating to local government.

Bill read third time, and presented by Assembly Member Thomson.

Bill passed by the following vote:

**AYES—72**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margott	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Bordonaro	Havice	Morrow	Thompson
Bowen	Hertzberg	Murray	Thomson
Bowler	Honda	Napolitano	Torlakson
Brewer	House	Olberg	Villanigosa
Brown	Keeley	Ortiz	Vincent
Campbell	Knox	Pacheco	Washington
Cardenas	Kuehl	Papan	Wayne
Cardoza	Kuykendall	Perata	Wildman
Cunneen	Leach	Poochigian	Woods
Davis	Lempert	Prenter	Wright
Ducheny	Leonard	Pringle	Mr. Speaker

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

(NOTE: On September 4, 1997, the action was rescinded whereby Senate Bill No. 348 was passed, and whereby the bill was ordered transmitted to the Senate. See page 4078.)

**SENATE CONCURRENT RESOLUTION NO. 23 (Polanco)**—Relative to minority enrollment in medical schools.

Resolution read.

**Motion to Amend**

Assembly Member Ducheny moved the adoption of amendments.

Amendments read and adopted; resolution ordered reprinted, and to be returned to the third reading file.



**SENATE BILL NO. 641 (Polanco)**—An act to amend Section 1270.1 of the Penal Code, relating to bail.

Bill read third time, and presented by Assembly Member Bowler.

Bill passed by the following vote:

**AYES—73**

Ackerman	Escutia	Margett	Runner
Aguiar	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vincent
Brewer	Keeley	Oller	Washington
Brown	Knox	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	
Ducheny	Machado	Richter	

**NOES—1**

House

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 710 (Dills)**—An act relating to teacher credentialing, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Floyd.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Floyd moved a call of the Assembly.

Motion carried. Time, 11:45 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 1037 (Vasconcellos)**—An act to add Section 3105 to the Family Code, relating to family law.

Bill read third time, and presented by Assembly Member Migden.

**At 12:05 p.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding**

**At 12:10 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Migden moved a call of the Assembly.

Motion carried. Time, 12:11 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 1009 (Vasconcellos)**—An act to add Section 14087.301 to the Welfare and Institutions Code, relating to human services.

Bill read third time, and presented by Assembly Member Honda.

Bill passed by the following vote:

**AYES—43**

Alquist	Figueroa	Migden	Sweeney
Aroner	Frusetta	Morrissey	Thomson
Baca	Gallegos	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Cardenas	Keeley	Pacheco	Washington
Cardoza	Knox	Papan	Wayne
Cunneen	Kuehl	Perata	Wildman
Davis	Lempert	Scott	Wright
Ducheny	Martinez	Shelley	Mr. Speaker
Escutia	Mazzoni	Strom-Martin	

**NOES—25**

Ackerman	Brewer	McClintock	Runner
Aguiar	Campbell	Miller	Takasugi
Ashburn	Granlund	Morrow	Thompson
Baldwin	House	Olberg	Woods
Battin	Leach	Oller	
Bordonaro	Leonard	Poochigian	
Bowler	Margett	Prenter	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
THE CONSENT CALENDAR**

At 12:11 p.m., on motion of Assembly Member Havice, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

**Record Expunged and Action Rescinded on The Consent Calendar**

Speaker pro Tempore Kuehl was granted unanimous consent that the record be expunged and the action rescinded whereby a roll call vote was taken on this day on the Consent Calendar.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bills were removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 494**, on request of Assembly Member Cardoza;

**Senate Bill No. 987**, on request of Assembly Member Olberg;

**Senate Bill No. 1102**, on request of Assembly Member Brown;

**Senate Bill No. 525**, on request of Assembly Member Battin;

**Assembly Concurrent Resolution No. 70**, on request of Assembly Member Battin.

**BILLS REMOVED FROM CONSENT CALENDAR  
AND PLACED UPON THE INACTIVE FILE**

The following bill was removed from the Consent Calendar, pursuant to Joint Rule 22.2 and placed upon the inactive file pursuant to Assembly Rule 78:

**Senate Bill No. 1175**, on request of Assembly Member Bowen.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Cardoza announced his intention to request that Senate Bill No. 772 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Granlund announced his intention to request that Senate Bill No. 280 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Gallegos announced his intention to request that Senate Bill No. 750 be removed from the inactive file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 768**

At 12:16 p.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 768 passed by the following vote:

**AYES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Havice	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Scott	Wright
Davis	Kuykendall	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—30**

Ackerman	Campbell	McClintock	Prenter
Aguiar	Frusetta	Miller	Pringle
Ashburn	Goldsmith	Morrissey	Runner
Baldwin	Granlund	Morrow	Takasugi
Battin	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	Woods
Bowler	Leach	Pacheco	
Brewer	Leonard	Poochigian	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 253**

At 12:17 p.m., on motion of Assembly Member Honda, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 253 passed by the following vote:

**AYES—41**

Alquist	Gallegos	Migden	Torlakson
Aroner	Goldsmith	Murray	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	
Floyd	Mazzoni	Thomson	

**NOES—32**

Ackerman	Campbell	Leonard	Poochigian
Aguiar	Firestone	Margett	Prenter
Ashburn	Frusetta	McClintock	Pringle
Baldwin	Granlund	Miller	Richter
Battin	House	Morrow	Runner
Bordonaro	Kaloogian	Olberg	Takasugi
Bowler	Kuykendall	Oller	Thompson
Brewer	Leach	Pacheco	Woods

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 253: Assembly Member Hertzberg, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 710**

At 12:18 p.m., on motion of Assembly Member Floyd, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Baca moved a continue the call of the Assembly.

Motion carried. Time, 12:19 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**FURTHER CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Senate Bills**

**SENATE BILL NO. 65 (McPherson)**—An act to amend Section 115915 of the Health and Safety Code, relating to public beaches.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 275 (Kopp)**—An act to amend Sections 33080.1, 33349, and 33437 of, and to add Sections 33437.5 and 33763.5 to, the Health and Safety Code, relating to redevelopment.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 329 (McPherson)**—An act to amend Sections 4181, 4181.1, and 4651 of, and to add Section 4181.2 to, the Fish and Game Code, relating to game, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 365 (Lewis)**—An act to add Section 12804 to the Food and Agricultural Code, relating to pesticides.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 408 (Maddy)**—An act to amend Section 84752 of the Education Code, to amend Sections 8545 and 14525.6 of, and to repeal Section 8544.1 of, the Government Code, to amend Section 14105.42 of, and to repeal and add Section 19640.5 of, the Welfare and Institutions Code, and to amend Section 13 of Chapter 1044 of the Statutes of 1990, relating to the State Auditor.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 417 (Burton)**—An act to amend Sections 1101, 1151, and 1182 of, and to add Section 1156.6 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 480 (Alpert)**—An act to amend Sections 6, 10, and 10.2 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 603 (Monteith)**—An act to amend Sections 12824 and 12825 of the Food and Agricultural Code, relating to pesticides.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 633 (Ayala)**—An act to repeal Part 4 (commencing with Section 330.24) of Division 1 of the Civil Code, to amend Sections 7312 and 25100 of, and to add Part 7 (commencing with Section 14300), Part 8 (commencing with Section 14350), Part 9 (commencing with Section 14400), Part 10 (commencing with Section 14450), Part 11 (commencing with Section 14500), and Part 12 (commencing with Section 14550) to Division 3 of Title 1 of, the Corporations Code, to amend Section 25988 of the Health and Safety Code, and to amend Sections 597d, 597z, 11105, 11165.16, 12031, and 12583 of the Penal Code, relating to corporations.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 695 (Rainey)**—An act to amend Sections 1872.8 and 1875.12 of, to amend and renumber Section 1876.2 of, to amend the heading of Article 6 (commencing with Section 1876) of Chapter 12 of Part 2 of Division 1 of, to add Section 1875.18 to, and to repeal Sections 1876, 1876.1, and 1876.20 of, the Insurance Code, relating to insurance.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 703 (Rainey)**—An act to amend Sections 6351, 6352, and 6353 of, and to add Section 6354.1 to, the Public Utilities Code, relating to energy transporters.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 894 (Lee)**—An act to amend Section 69535 of the Education Code, relating to postsecondary education.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 920 (Thompson)**—An act to amend Section 112895 of the Health and Safety Code, relating to food labeling.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 946 (Maddy)**—An act to amend Sections 82030 87103, 87303, 89506, 91005, and 91011 of, and to add Section 87209 to, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 999 (Maddy)**—An act to amend Section 1430 of the Code of Civil Procedure, relating to escheat, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1003 (McPherson)**—An act to amend Sections 6433, 6434, and 6439 of the Fish and Game Code, relating to aquatic species, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1015 (Schiff)**—An act to amend Section 56728.9 of the Education Code, relating to special education.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1049 (Maddy)**—An act to amend Sections 1746, 1747, 1748, and 1749 of the Health and Safety Code, relating to hospice.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1104 (Committee on Revenue and Taxation)**—An act to add and repeal Article 2.5 (commencing with Section 7076.1) of Chapter 8 of Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1105 (Committee on Revenue and Taxation)**—An act to amend Section 15031 of the Education Code, to amend Section 54902.5 of the Government Code, to amend Section 33674 of the Health and Safety Code, and to amend Sections 51, 69.5, 75.10, 408, 434.5, 670, 673, 1603, 1605, and 38904 of, and to amend, repeal, and add Section 619 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1121 (Craven)**—An act to amend Sections 8502 and 8801.5 of the Family Code, relating to family law.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1238 (Johannessen)**—An act to amend Section 368 of the Penal Code, relating to crime.

~~Bill read third time, passed, and ordered transmitted to the Senate.~~

~~*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*~~

(NOTE: On September 5, 1997, the action was rescinded whereby Senate Bill No. 1238 was passed, and whereby the bill was ordered transmitted to the Senate. See page 4140.)

**SENATE BILL NO. 1240 (Costa)**—An act to add Section 51256 to, and to add and repeal Section 51257 of, the Government Code, relating to the Williamson Act.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1245 (Costa)**—An act to add Section 10756 to the Water Code, relating to water.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1302 (Leslie)**—An act amend Section 11105.3 of the Penal Code, relating to employees.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 1325 (Mountjoy)**—An act to amend Section 2982 of the Civil Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

**AYES—76**

Ackerman	Escutia	Leonard	Prenter
Aguiar	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Leach	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker

**NOES—None****ADJOURN IN MEMORY**

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Merle Minnehan, of Norwalk.

**REQUEST TO TAKE UP ASSEMBLY BILL NO. 1430, OUT OF ORDER**

Assembly Member Figueroa requested unanimous consent to take up Assembly Bill No. 1430, out of order.

Assembly Member Thompson withheld unanimous consent.



**MOTION TO DISPENSE WITH CALL OF THE ASSEMBLY**

Assembly Member Thompson moved that the Call of the Assembly be dispensed with as it relates to Senate Bill No. 1037.

Assembly Member Pacheco seconded the motion.

Motion lost by the following vote:

**AYES—34**

Ackerman	Cunneen	Leonard	Poochigian
Aguiar	Firestone	Margett	Prenter
Ashburn	Frusetta	McClintock	Richter
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Olberg	Woods
Brewer	Kuykendall	Oller	
Campbell	Leach	Pacheco	

**NOES—39**

Alquist	Figueroa	Mazzoni	Thomson
Aroner	Floyd	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Shelley	Wright
Ducheny	Lempert	Strom-Martin	Mr. Speaker
Escutia	Martinez	Sweeney	

**CONSIDERATION OF DAILY FILE (RESUMED)****SECOND READING OF ASSEMBLY BILLS**

**HOUSE RESOLUTION NO. 43**—Relative to automated teller machine surcharges.

Resolution read; amendments proposed by the Committee on Banking and Finance read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bills Nos. 48, 110, 230, 273, 316, 328, 434, 483, 527, 536, 566, 657, 807, 826, 827, 842, 857, 873, 945, 1007, 1052, 1062, 1068, 1141, 1221, 1258, 1328, 1330, 1349, 235, 367, 413, 617, 675, 795, 1048, 1067, and 1348 ordered to third reading;

Senate Bills Nos. 320, 381, 383, 644, 810, 921, 1107, and 1346, ordered to the Consent Calendar.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 187**—An act to amend, renumber, and repeal Section 35294.1 of, to add Section 35294.2 to, and to add and repeal Sections 35294.1, 35294.6, 35294.7, 35294.8, and 35294.9 to, the Education Code, relating to school safety.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 438**—An act to amend Section 502.01 of, and to add and repeal Chapter 5.7 (commencing with Section 13848) of Title 6 of Part 4 of, the Penal Code, relating to crimes.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 818**—An act to amend Sections 2933, 3057, and 6250 of, to add Section 1170.96 to, to add an article heading to Chapter 9.5 (commencing with Section 6250) of Title 7 of Part 3 of, and to add Article 2 (commencing with Section 6259) to Chapter 9.5 of Title 7 of Part 3 of, the Penal Code, relating to prisons.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1257**—An act to add and repeal Section 1399.2 of the Health and Safety Code, relating to health coverage.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 713**—An act to amend Sections 1743 and 1748 of, and to add Section 1746.1 to, the Business and Professions Code, relating to dentistry.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1271**—An act to add Section 2194.5 to the Elections Code, and to amend Section 6254.4 of the Government Code, relating to voter registration.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 506**—An act to amend Section 719 of the Harbors and Navigation Code, to amend Section 99234 of the Public Utilities Code, to amend Sections 2104, 2110, and 2152 of the Streets and Highways Code, and to amend Sections 1653.5, 1808, 1810, 4000.37, 11704.5, and 27314.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 1086**—An act to amend Section 21701 of, and to add Section 21701.1 to, the Business and Professions Code, relating to business regulation.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 319**—An act to amend Section 1057.6 of, and to add Sections 1057.61, 1057.62, and 1057.63 to, the Civil Code, and to add Sections 12340.12 and 12340.13 to the Insurance Code, relating to title insurance.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted, bill ordered reprinted and to be returned to the second reading file.

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Villaraigosa returned Assembly Bill No. 1572 to the Senate for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 153 (Baldwin)**—An act to add Section 53077.5 to the Government Code, and to amend Section 5353 of the Public Utilities Code, relating to youth groups.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—67**

Ackerman	Escutia	Lempert	Richter
Aguiar	Firestone	Leonard	Runner
Alquist	Floyd	Machado	Scott
Aroner	Frusetta	Margett	Strom-Martin
Ashburn	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Vincent
Brewer	House	Olberg	Washington
Campbell	Kaloogian	Oller	Wayne
Cardenas	Keeley	Ortiz	Wildman
Cardoza	Knox	Pacheco	Woods
Cunneen	Kuehl	Papan	Wright
Davis	Kuykendall	Poochigian	Mr. Speaker
Ducheny	Leach	Prenter	

**NOES—5**

Bowen	Mazzoni	Perata
Martinez	Migden	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 582 (Martinez)**—An act to add Section 709.1 to the Public Utilities Code, relating to telecommunications.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—49**

Alquist	Escutia	Machado	Strom-Martin
Aroner	Figueroa	Martinez	Sweeney
Baca	Floyd	Mazzoni	Thomson
Baldwin	Frusetta	Morrissey	Torlakson
Battin	Gallegos	Murray	Villaraigosa
Bordonaro	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Wayne
Brown	Honda	Pacheco	Wildman
Cardenas	Keeley	Papan	Wright
Cardoza	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Prenter	
Davis	Kuykendall	Scott	
Ducheny	Lempert	Shelley	

**NOES—16**

Ackerman	Campbell	House	Morrow
Aguiar	Firestone	Kaloorgian	Olberg
Ashburn	Goldsmith	McClintock	Oller
Bowler	Granlund	Miller	Thompson

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1041 (Committee on Revenue and Taxation)**—An act to amend Section 15619 of the Government Code, to amend Section 1775.4 of the Insurance Code, and to amend Sections 8255, 8651.7, 9255, 12631, 12632, 12983.1, 30179, 30366, 30455, 32405, 40116, 43455, 45655, 46506, 50112.2, 50113, 50142.1, 50161, 55225, 60120, 60121, 60361, 60524, 60608, and 60609 of, to add Sections 9255.1, 50162, and 60105 to, to add Article 4.5 (commencing with Section 40086) to Chapter 4 of Part 19 of, to add Article 4.5 (commencing with Section 41084.1) to Chapter 4 of Part 20 of, to add Article 2.5 (commencing with Section 50113.5) to Chapter 3 of Part 26 of, and to add Chapter 9 (commencing with Section 50171) to Part 26 of, Division 2 of, and to repeal Sections 60104 and 60709 of, the Revenue and Taxation Code, relating to taxation.

Bill presented by Assembly Member Knox.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Leonard moved a call of the Assembly.

Motion carried. Time, 12:33 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 329 (Caldera)**—An act to amend Section 45 of the Code of Civil Procedure, and to amend Sections 252 and 366.26 of the Welfare and Institutions Code, relating to minors.

Bill presented by Assembly Member Goldsmith.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—56**

Aguiar	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Floyd	McClintock	Sweeney
Ashburn	Frusetta	Miller	Takasugi
Baca	Gallegos	Morrissey	Thomson
Bordonaro	Goldsmith	Murray	Torlakson
Bowen	Havice	Napolitano	Villaraigosa
Brown	Hertzberg	Ortiz	Vincent
Campbell	Keeley	Pacheco	Washington
Cardenas	Kuehl	Papan	Wayne
Cardoza	Kuykendall	Perata	Wildman
Cunneen	Lempert	Prenter	Woods
Davis	Machado	Richter	Wright
Escutia	Margett	Scott	Mr. Speaker

**NOES—16**

Ackerman	Brewer	Leach	Oller
Baldwin	Granlund	Leonard	Poochigian
Battin	House	Morrow	Runner
Bowler	Kaloogian	Olberg	Thompson

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1237 (Granlund)**—An act to amend Sections 5443.5 and 5463 of the Business and Professions Code, relating to advertising.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—67**

Ackerman	Figueroa	Margett	Richter
Aguiar	Firestone	Mazzoni	Runner
Alquist	Floyd	McClintock	Scott
Ashburn	Frusetta	Migden	Shelley
Baca	Gallegos	Miller	Strom-Martin
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowler	Honda	Napolitano	Torlakson
Brewer	House	Olberg	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Leonard	Poohigian	Mr. Speaker
Escutia	Machado	Prenter	

**NOES—5**

Aroner	Havice	Villaraigosa
Bowen	Sweeney	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1237: Assembly Member Lempert, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1527 (Brown)**—An act to add Sections 66451.22 and 66451.23 to the Government Code, relating to land use.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Brown moved a call of the Assembly.

Motion carried. Time, 12:43 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 1599 (Committee on Public Employees, Retirement and Social Security)**—An act to add Section 25300.5 to the Government Code, relating to county employees.

Bill presented by Assembly Member Knox.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—69**

Ackerman	Escutia	Machado	Scott
Aguiar	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Morrissey	Thompson
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Napolitano	Torlakson
Bordonaro	Havice	Olberg	Villaraigosa
Bowen	Hertzberg	Oller	Vincent
Bowler	House	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Richter	
Ducheny	Leonard	Runner	

**NOES—1**

McClintock

Above bill ordered enrolled.

**REQUEST TO TEMPORARILY SUSPEND RULES**

Assembly Member Figueroa requested unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bill No. 1430.

Assembly Member Olberg withheld unanimous consent.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**MOTION TO RECONSIDER SENATE BILL NO. 1329 WAIVED**

Assembly Member Murray waived his motion to reconsider the vote whereby the urgency clause to Senate Bill No. 1329 was refused adoption.

**Further Consideration of Senate Bill No. 1329**

**SENATE BILL NO. 1329 (Leslie)**—An act to amend Section 51226.6 of the Education Code, and to amend Sections 12507.1, 12509, 12514, 12660, and 12814.6 of, and to repeal Sections 12507 and 12512 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend Pursuant to Joint Rule 23.5**

Assembly Member Murray moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 248 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Murray was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 248 was refused passage; and that the bill be placed upon the inactive file.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 70  
WITHOUT REFERENCE TO FILE**

Assembly Member Battin was granted unanimous consent to take up Assembly Concurrent Resolution No. 70, without reference to file, for purpose of amendment.

**ASSEMBLY CONCURRENT RESOLUTION NO. 70** (Battin)—Relative to California Hispanic Heritage Month.

Resolution read.

**Motion to Amend.**

Assembly Member Battin moved the adoption of amendments. Amendments read and adopted; resolution ordered reprinted.

**Request for Unanimous Consent**

Assembly Member Battin requested unanimous consent to take up Assembly Concurrent Resolution No. 70, as amended, without reference to print or file.

Assembly Member Martinez withheld unanimous consent.

**REQUEST TO RETURN TO MOTIONS AND RESOLUTIONS**

Assembly Member Martinez requested unanimous consent to return to Motions and Resolutions.

Assembly Member Thompson withheld unanimous consent.

**Objection Withdrawn**

Assembly Member Thompson withdrew his objection to the request by Assembly Member Martinez.

**REQUEST TO WAIVE JOINT RULE 62(a)**

Assembly Member Martinez requested unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 524 for hearing in the Committee on Utilities and Commerce, today.

Assembly Member Thompson withheld unanimous consent.

**COMMITTEE MEETING CANCELED**

Assembly Member Martinez announced that the meeting of the Committee on Utilities and Commerce scheduled for today has been canceled.



**MOTION TO SUSPEND JOINT RULE 29.5(d)**

Assembly Member Shelley moved that Joint Rule 29.5(d) be suspended as it relates to Senate Bill No. 376.

Motion carried by the following vote:

**AYES—76**

Ackerman	Escutia	Leonard	Prenter
Aguiar	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Leach	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker

**NOES—None****NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Shelley announced his intention to request that Senate Bill No. 1351 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Thomson announced her intention to request that Senate Bill No. 190 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Ortiz announced her intention to request that Senate Bill No. 720 be removed from the inactive file.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, September 3, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9), (a)(10), and (a)(11) as it relates to Senate Bill No. 524.

DIANE MARTINEZ

Above request ordered transmitted to the Committee on Rules.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Migden announced that the Committee on Appropriations would meet today at 5 p.m., instead of 4 p.m.

**REQUEST TO TAKE UP SENATE BILL NO. 1291 OUT OF ORDER**

Assembly Member Miller requested unanimous consent to take up Senate Bill No. 1291, out of order.

Assembly Member Martinez withheld unanimous consent.

**Motion to Temporarily Suspend the Rules**

Assembly Member Miller moved that the Rules be temporarily suspended for the purpose of taking up Senate Bill No. 1291, out of order, for purpose of amendment.

**Motion Withdrawn**

Assembly Member Miller withdrew his motion to temporarily suspend the Rules to permit consideration of Senate Bill No. 1291, out of order.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 1:10 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Speaker's Conference Room, and without objection, the House was permitted to continue in Floor session.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Sweeney announced his intention to request that Senate Bill No. 880 be removed from the inactive file.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

September 3, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a), (9), (10), and (11), as it relates to the following bill be granted:

Senate Bill No. 524.

DON PERATA, Chairman

**At 1:16 p.m., Hon. Fred Keeley, 27th District, presiding**

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Suspend Joint Rules**

By Assembly Member Martinez:

*Resolved*, That Joint Rule 61(a)(9), (a)(10), and (a)(11) be suspended to permit the Committees on Utilities and Commerce and Appropriations to meet, consider, and report Senate Bill No. 524 for further action.

Resolution read, and adopted by the following vote:

**AYES—76**

Ackerman	Escutia	Leonard	Prenter
Aguiar	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Leach	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker

**NOES—None**

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Martinez announced that the Committee on Utilities and Commerce would meet at 5 p.m., today.

**JOINT RULE 62(a) WAIVED**

Assembly Member Martinez was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 524 for hearing in the Committee on Utilities and Commerce, today, at 5 p.m.

**CONSIDERATION OF SENATE BILL NO. 1291 BY UNANIMOUS CONSENT**

Assembly Member Miller was granted unanimous consent to take up Senate Bill No. 1291, out of order.

**SENATE BILL NO. 1291 (Calderon)**—An act to amend Sections 1799.90, 1799.91, 2985.7, 2986.3, 2986.4, 2986.13, and 2989.2 of, to add Section 2987 to, to repeal Section 2986.2 of, and to repeal and add Sections 2985.71 and 2985.8 of, the Civil Code, relating to motor vehicle leases.

**Rules Temporarily Suspended**

Assembly Member Miller was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of proposed amendments to Senate Bill No. 1291.

Bill read third time.

**Motion to Amend**

Assembly Member Miller moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS STRICKEN FROM FILE**

Assembly Member Migden was granted unanimous consent that Assembly Bill No. 1602 be stricken from file.

**MOTION TO DISPENSE WITH CALLS OF THE ASSEMBLY**

Assembly Member Olberg moved that the Calls of the Assembly be dispensed with.

Assembly Member Battin seconded the motion.

**CAUCUS ANNOUNCEMENTS**

At 1:21 p.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

At 1:30 p.m., Assembly Member Leonard announced that the Republican Caucus would meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 1:30 p.m., Acting Speaker Keeley declared the Assembly recessed.

**REASSEMBLED**

At 2:46 p.m., the Assembly reconvened.

Hon. Fred Keeley, Acting Speaker of the Assembly, presiding.

**FURTHER CONSIDERATION OF OLBERG MOTION**

The Olberg motion to dispense with Calls of the Assembly carried by unanimous consent.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 710**

At 2:46 p.m., further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Bowen moved to continue the call of the Assembly.

Motion carried. Time, 2:47 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1037**

At 2:47 p.m., further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1037 refused passage by the following vote:

**AYES—32**

Alquist	Figueroa	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Bowen	Honda	Murray	Villaraigosa
Brown	Keeley	Napolitano	Vincent
Cardenas	Knox	Ortiz	Wayne
Davis	Kuehl	Shelley	Wildman
Ducheny	Lempert	Strom-Martin	Wright
Escutia	Martinez	Sweeney	Mr. Speaker

**NOES—37**

Ackerman	Cunneen	Leonard	Prenter
Aguiar	Firestone	Margett	Pringle
Ashburn	Frusetta	McClintock	Richter
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Bordonaro	Havice	Morrow	Thompson
Bowler	House	Olberg	Woods
Brewer	Kaloogian	Oller	
Campbell	Kuykendall	Pacheco	
Cardoza	Leach	Poochigian	

**Motion to Reconsider Senate Bill No. 1037  
on Next Legislative Day**

Assembly Member Perata moved to reconsider on the next legislative day the vote whereby Senate Bill No. 1037 was this day refused passage.

Senate Bill No. 1037 ordered to the unfinished business file.

**Objection to Vote Adds**

Assembly Member Morrissey withheld unanimous consent on any request for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 1037.

**At 2:48 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1041**

At 2:48 p.m., further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1041 by the following vote:

**AYES—41**

Alquist	Floyd	Mazzoni	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	
Figueroa	Martinez	Thomson	

**NOES—34**

Ackerman	Cunneen	Leonard	Poochigian
Aguiar	Firestone	Margett	Prenter
Ashburn	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Olberg	Woods
Brewer	Kuykendall	Oller	
Campbell	Leach	Pacheco	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1527**

At 2:48 p.m., further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1527 by the following vote:

**AYES—42**

Alquist	Gallegos	Mazzoni	Thomson
Aroner	Granlund	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardoza	Keeley	Papan	Wayne
Davis	Knox	Perata	Wildman
Ducheny	Kuehl	Scott	Wright
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Machado	Strom-Martin	
Floyd	Martinez	Sweeney	

**NOES—34**

Ackerman	Cunneen	Margett	Prenter
Aguiar	Firestone	McClintock	Pringle
Ashburn	Frusetta	Miller	Richter
Baldwin	Goldsmith	Morrissey	Runner
Battin	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Kuykendall	Oller	Woods
Brewer	Leach	Pacheco	
Campbell	Leonard	Poochigian	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 710**

At 2:49 p.m., on motion of Assembly Member Bowen, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 710 refused passage by the following vote:

**AYES—48**

Alquist	Frusetta	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Takasugi
Baca	Granlund	Migden	Thompson
Bowen	Havice	Morrissey	Thomson
Brown	Hertzberg	Murray	Torlakson
Cardenas	Honda	Napolitano	Villaraigosa
Cardoza	Keeley	Ortiz	Vincent
Davis	Knox	Papan	Washington
Ducheny	Kuehl	Perata	Wayne
Escutia	Lempert	Scott	Wildman
Figueroa	Leonard	Shelley	Wright
Floyd	Machado	Strom-Martin	Mr. Speaker

**NOES—24**

Ackerman	Brewer	Margett	Pacheco
Ashburn	Campbell	McClintock	Poochigian
Baldwin	Goldsmith	Miller	Prenter
Battin	House	Morrow	Pringle
Bordonaro	Kaloogian	Olberg	Richter
Bowler	Leach	Oller	Runner

(NOTE: On August 25, 1998, the action was rescinded whereby Senate Bill No. 710 was refused passage. See page 8924.)

**REQUEST TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 70**

Assembly Member Battin requested unanimous consent to take up Assembly Concurrent Resolution No. 70, without reference to file.

Assembly Member Villaraigosa withheld unanimous consent.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577 and Senate Bills Nos. 682, 305, and 1174 were continued until the next legislative day.

**NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 638  
FROM COMMITTEE CONTINUED**

By unanimous consent the notice of motion to withdraw Senate Bill No. 638 from the Committee on Natural Resources was continued until the next legislative day.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Senate Bill No. 1014**, on request of Assembly Member Perata;

**Senate Bill No. 453**, on request of Assembly Member Wayne;

**Senate Bill No. 628**, on request of Assembly Member Pacheco;

**Senate Bill No. 1334**, on request of Assembly Member Cardoza;

**Senate Bill No. 882**, on request of Assembly Member Wildman.

**CAUCUS ANNOUNCEMENTS**

Assembly Member Leonard announced that the Republican Caucus would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 185 and Urgency:** Bowen, Brown, Firestone, Gallegos, Kuykendall, Machado, Martinez, and Morrow—Aye.

**Senate Bill No. 514:** Bowen, Brown, Gallegos, Goldsmith, Kuykendall, Martinez, Sweeney, and Wildman—Aye; Morrow—No.

**Senate Bill No. 1094:** Bowen, Brown, Firestone, Gallegos, Kuykendall, Martinez, Morrow, and Sweeney—Aye.

**Senate Bill No. 1323:** Brown, Gallegos, Goldsmith, Kuykendall, Martinez, Morrissey, and Morrow—Aye; Bordonaro—No.

**Senate Bill No. 119:** Cunneen, Gallegos, and Martinez—Aye; Morrissey and Morrow—No.

**Senate Bill No. 532:** Bowler, Davis, Gallegos, Kuykendall, Martinez, and Poochigian—Aye; Leach and Morrow—No.

**Senate Bill No. 609:** Bowen, Gallegos, Kuykendall, Martinez, and Morrissey—Aye; Morrow—No.

**Senate Bill No. 1040:** Cunneen, Gallegos, Kuykendall, Morrow, and Shelley—Aye.

**Senate Bill No. 1243:** Battin, Bowen, Davis, Gallegos, and House—Aye; Morrow—No.



**Senate Bill No. 36:** Battin, Gallegos, and Kuykendall—Aye; House—No.

**Senate Bill No. 1088:** Battin, Cardoza, Havice, and Mazzoni—Aye.

**Senate Bill No. 1081:** Cunneen and House—Aye.

**Senate Bill No. 1177:** Cunneen and Honda—Aye.

**Senate Bill No. 1100 and Urgency:** Havice and Pacheco—Aye.

**Senate Bill No. 348:** Olberg—Aye.

**Senate Bill No. 641:** Torlakson—Aye.

**Senate Bill No. 1009:** Morrissey—Aye.

**Assembly Bill No. 153, Concurrence:** Bowler and Cunneen—Aye; Bowen—No.

**Assembly Bill No. 582, Concurrence:** Baca, Battin, and Cunneen—Aye; Bowler, Campbell, Firestone, and Morrow—No.

**Assembly Bill No. 329, Concurrence:** Cunneen—Aye; Bowler—No.

**Assembly Bill No. 1599, Concurrence:** Goldsmith—Aye.

**Assembly Bill No. 1527, Concurrence:** Machado—Aye.

**Senate Bill No. 710:** Machado—Aye.

#### **MOTION TO ADJOURN**

At 2:57 p.m., Assembly Member Villaraigosa moved that the Assembly do now adjourn.

Assembly Member Washington seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 2:57 p.m., Assistant Speaker pro Tempore Baca declared the quorum call of the Assembly dispensed with.

#### **RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 38—Bustamante** (Principal coauthors: Honda, Leonard, and Takasugi) (Principal Senate coauthors: Lockyer, Polanco, and Solis). Relative to Asian-American civil rights.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Rules**

September 3, 1997

Mr. Speaker: The Chair of your Committee on Rules reports:

House Resolution No. 38

With author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chairman

**HOUSE RESOLUTION NO. 38—Relative to Communities in Schools.**

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Governmental Organization**

Date of hearing: September 2, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 137

With amendments with the recommendation: Amend, and do pass, as amended.

BROWN, Chairwoman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 705

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Rules**

Date of Hearing: September 2, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 26

Assembly Concurrent Resolution No. 68

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

PERATA, Chairman

Above resolutions ordered on file.

Date of Hearing: September 2, 1997

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 39

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: September 2, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 38

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: September 2, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 49

With the recommendation: Be adopted, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: September 2, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Joint Resolution No. 27

Senate Joint Resolution No. 29

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

PERATA, Chairman

Above resolutions ordered on file.

Senate Chamber, September 3, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 196

Senate Bill No. 340

Senate Bill No. 692

Senate Bill No. 693

Senate Bill No. 744

Senate Bill No. 908

Senate Bill No. 993

Senate Bill No. 1212

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 3, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 147

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 3, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 50

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bill was read the first time:

**SENATE BILL NO. 147**—An act to amend Sections 6591 and 53316.2 of, and to add Section 6586.5 to, the Government Code, relating to local agency borrowing.

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 50**—Relative to the 50th Anniversary of the United States Air Force.

### INTRODUCTION OF GUESTS

Assembly Member Bowen, of the 53rd Assembly District, introduced former Member of the Assembly Bruce Bronzan.

Assembly Member House, of the 25th Assembly District, introduced Vern and Barbara Deatherage and Kevin and Shannyn Miller, of Modesto.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Villaraigosa, the Assembly adjourned until 10:30 a.m., Thursday, September 4, 1997, out of respect to the memory of Walter B. Gunnison, on motion of Assembly Member Migden; and out of respect to the memory of Merle Minnehan, on motion of Assembly Member Napolitano.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 3, 1997**

The following measures were amended in the Assembly on this day:

<b>ACR</b>	<b>RN</b>
70	9721300

<b>HR</b>	<b>RN</b>
38	9722278
43	9721933

<b>SB</b>	<b>RN</b>
187	9722031
319	9722132
438	9721821
506	9721841
712	9722093
713	9721800
818	9721869
1078	9722168
1086	9721958
1257	9721862
1271	9721945
1291	9722199
1329	9722302

<b>SCR</b>	<b>RN</b>
23	9722292

<b>Daily Total:</b>	<b>17</b>
<b>Cumulative Total:</b>	<b>3241</b>

Amendments were considered by the Assembly, but not adopted, to the following measure:

**SB**  
1100 (Runner amendments, RN 9722122, laid upon the table)

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, September 4, 1997**

**ONE HUNDRED THIRTY-SECOND SESSION DAY**

**TWO HUNDRED SEVENTY-SEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, September 4, 1997

The Assembly met at 1:40 p.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Kaloogian moved a quorum call of the Assembly.

Motion carried. Time, 1:41 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 1:53 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poohigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Assembly Member Tom Bordonaro, of the 33rd Assembly District:

*Almighty God,* In our desire for You, we ask You to help us turn our faces away from the sins of the world, that we may see things as they really are, no longer believing in a shadow as in truth. Then we may hope with our mind full of confidence, to receive those great things promised in the Scriptures and prepared by Your love.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Bowen then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Scott, seconded by Assembly Member Ackerman.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Member Alby.*

*Because of illness in her family: Assembly Member Martinez.*

(NOTE: For letter explaining the absence of Assembly Member Alby on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Friday, August 29, 1997; for further explanation of absence by Assembly Member Alby, see Assembly Journal for September 13, 1997, page 4733.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

September 4, 1997

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Keith Olberg to the Assembly Water, Parks and Wildlife Committee to replace Assemblymember Bruce Thompson for today, September 4, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly



September 4, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Robert Hertzberg to replace Assemblymember Diane Martinez on the Assembly Appropriations Committee for today, September 4, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 4, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Tom Woods to the Assembly Utilities and Commerce Committee to replace Assemblymember Barbara Alby for today, September 4, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 4, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 26

Assembly Concurrent Resolution No. 68

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, September 4, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 70  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

Assembly Chamber, September 4, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
House Resolution No. 38  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, September 4, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
House Resolution No. 43  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

Assembly Chamber, September 4, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 2  
And reports the same correctly enrolled, and presented to the Secretary of State on  
the 4th day of September, 1997, at 12:30 p.m.

E. DOTSON WILSON, Chief Clerk

#### **REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, September 4, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (9),  
(10), and (11) as it relates to Senate Bill No. 163.

DION ARONER

Assembly Chamber, September 4, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (9),  
(10), and (11) as it relates to Senate Bill No. 262.

MARTHA ESCUTIA

Assembly Chamber, September 4, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (9),  
and (11) as it relates to Senate Bill No. 45.

KEVIN MURRAY

Above requests ordered transmitted to the Committee on Rules.

#### **APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a  
Committee on Conference concerning Senate Bill No. 376:

Mazzoni, Strom-Martin, and Pacheco.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 246

Assembly Bill No. 1191

Assembly Bill No. 989

Assembly Bill No. 1472

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 686

Assembly Bill No. 996

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 1519

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 226

Assembly Bill No. 731

Assembly Bill No. 304

Assembly Bill No. 739

Assembly Bill No. 374

Assembly Bill No. 917

Assembly Bill No. 397

Assembly Bill No. 1127

Assembly Bill No. 441

Assembly Bill No. 1186

Assembly Bill No. 590

Assembly Bill No. 1423

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 355

Assembly Bill No. 980

Assembly Bill No. 379

Assembly Bill No. 1054

Assembly Bill No. 450

Assembly Bill No. 1061

Assembly Bill No. 475

Assembly Bill No. 1088

Assembly Bill No. 541

Assembly Bill No. 1089

Assembly Bill No. 640

Assembly Bill No. 1280

Assembly Bill No. 747

Assembly Bill No. 1320

Assembly Bill No. 772

Assembly Bill No. 1399

Assembly Bill No. 882

Assembly Bill No. 1611

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 32

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 63

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Concurrent Resolution No. 12

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

Senate Chamber, August 29, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Joint Resolution No. 32

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished file.

Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 318

Assembly Bill No. 712

Assembly Bill No. 845

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 553

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, September 3, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 467  
Assembly Bill No. 797

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 12  
Assembly Bill No. 160  
Assembly Bill No. 186  
Assembly Bill No. 202

Assembly Bill No. 358  
Assembly Bill No. 491  
Assembly Bill No. 504  
Assembly Bill No. 520

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 2, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 568  
Assembly Bill No. 584  
Assembly Bill No. 595  
Assembly Bill No. 620  
Assembly Bill No. 870  
Assembly Bill No. 1144

Assembly Bill No. 1189  
Assembly Bill No. 1209  
Assembly Bill No. 1245  
Assembly Bill No. 1252  
Assembly Bill No. 1458

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 3, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 42  
Assembly Bill No. 75  
Assembly Bill No. 176  
Assembly Bill No. 193  
Assembly Bill No. 424  
Assembly Bill No. 446  
Assembly Bill No. 727  
Assembly Bill No. 839

Assembly Bill No. 865  
Assembly Bill No. 875  
Assembly Bill No. 995  
Assembly Bill No. 1029  
Assembly Bill No. 1303  
Assembly Bill No. 1341  
Assembly Bill No. 1537

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Lee and Maddy as a Committee on Conference concerning:

Assembly Bill No. 534.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Lee and Maddy as a Committee on Conference concerning:

**Senate Bill No. 860.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Lee and Maddy as a Committee on Conference concerning:

**Senate Bill No. 954.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bills were placed on the Special Consent Calendar:

Assembly Bills Nos. 989, 739, 379, 541, 747, 772, 882, 980, 1054, 1061, 1088, 1089, 1280, 1320, 1399, 1611, 358, 1209, and 75; Assembly Concurrent Resolution No. 12; and Assembly Joint Resolution No. 32.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Villaraigosa was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**ADJOURN IN MEMORY**

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lotus Weinstock, of Los Angeles.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John M. Lear, of Davis.

Assembly Member Davis was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the victims of the terrorist bombing in Jerusalem.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Ortiz announced her intention to request that Senate Bill No. 1251 be removed from the inactive file.

**ACTION RESCINDED ON SENATE BILL NO. 348**

Assembly Member Thomson was granted unanimous consent to rescind the action whereby the Assembly, on September 3, 1997 (Assembly Journal, page 4039), passed Senate Bill No. 348, and whereby the bill was ordered transmitted to the Senate.

**Further Consideration of Senate Bill No. 348 Without Reference to File**

Assembly Member Thomson was granted unanimous consent to take up Senate Bill No. 348, without reference to file, for purpose of amendment.

**SENATE BILL NO. 348 (Thompson)**—An act to amend Section 11019.5 of the Government Code, to amend Section 6840 of, to add Section 6835.1 to, and to repeal Sections 6831, 6832, and 6842 of, the Harbors and Navigation Code, to amend Section 5782.27 of the Public Resources Code, and to amend Section 55310.2 of the Water Code, relating to local government.

Bill read third time.

**Motion to Amend**

Assembly Member Thomson moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 383 REMOVED FROM CONSENT  
CALENDAR AND TAKEN UP**

Assembly Member Takasugi was granted unanimous consent that Senate Bill No. 383 be removed from the Consent Calendar, and to take the bill up at this time, without reference to file, for purpose of amendment.

**SENATE BILL NO. 383 (O'Connell)**—An act to amend Sections 77411, 77416, 77421, 77425, 77430, 77434, 77442, 77481, 77483, and 77485 of the Food and Agricultural Code, relating to agriculture.

Bill read third time.

**Motion to Amend**

Assembly Member Takasugi moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF SENATE BILL NO. 1102 BY UNANIMOUS CONSENT**

Assembly Member Brown was granted unanimous consent to take up Senate Bill No. 1102, out of order.

**SENATE BILL NO. 1102 (Committee on Revenue and Taxation)**—An act to amend Section 15619 of the Government Code, and to amend Sections 6203, 7102, 8255, 8651.7, 9255, 30179, 30366, 30455, 32405, 40116, 43455, 45655, 46506, 46751, 50142.1, 50161, 55225, 60120, 60121, 60361, 60524, 60608, and 60609 of, to add Sections 9255.1, 50162, and 60105 to, and to repeal Sections 60104 and 60709 of, the Revenue and Taxation Code, and to amend Sections 2104, 2105, and 2107 of the Streets and Highways Code, relating to taxation.

**Rules Temporarily Suspended**

Assembly Member Brown was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of amendments to Senate Bill No. 1102.

Bill read third time.

**Motion to Amend**

Assembly Member Brown, moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 644**, on request of Assembly Member Goldsmith.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Strom-Martin announced her intention to request that Senate Bill No. 916 be removed from the inactive file.

**CONSIDERATION OF SENATE BILL NO. 1048 BY UNANIMOUS CONSENT**

Assembly Member Cunneen was granted unanimous consent to take up Senate Bill No. 1048, out of order.

**SENATE BILL NO. 1048 (Sher)**—An act to amend Section 31006 of, and to add Chapter 4.5 (commencing with Section 31160) to Division 21, of the Public Resources Code, relating to coastal resources.

Bill read third time.

**Motion to Amend**

Assembly Member Cunneen moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.



**SENATE BILL NO. 320 REMOVED FROM CONSENT  
CALENDAR AND TAKEN UP**

Assembly Member Torlakson was granted unanimous consent that Senate Bill No. 320 be removed from the Consent Calendar, and to take the bill up at this time, without reference to file, for purpose of amendment.

**SENATE BILL NO. 320 (Committee on Housing and Land Use)**—An act to amend Sections 8767, 8768, and 8771 of the Business and Professions Code, to amend Sections 8001, 53091, 65040.6, 65460.2, 65460.4, 65588, 66418.2, 66434, 66445, and 66452.5 of, and to amend and renumber Sections 66413.7 and 67575.9 of, the Government Code, to amend Sections 17921.7, 18901, 18922, 18923, 18944.31, 18959, 33331, 50199.50, 50199.52, 50517, and 51058 of, to amend and renumber Sections 33320.5 and 33320.7 of, to amend and renumber Article 7 (commencing with Section 33493.1 of Chapter 4.5 of Part 1 of Division 24 of, to add a heading to Article 1.5 (commencing with Section 33492.40) of Chapter 4.5 of Part 1 of Division 24 of, to repeal Sections 33320.6, 33334.18, 33492.114, 50054, 50150, 50154, 50663, 50667, 50837, 50900, 50900.1, 50901, 50902, 50908, and 51052 of, to repeal Chapter 5.5 (commencing with Section 51260) and Chapter 9 (commencing with Section 51450) of Part 3 of Division 31 of, and to repeal Part 6.1 (commencing with Section 52534) of Division 31 of, the Health and Safety Code, relating to the Housing and Land Use Omnibus Act of 1997.

Bill read third time.

**Motion to Amend**

Assembly Member Torlakson moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 1107**, on request of Assembly Member Takasugi.

**ADJOURN IN MEMORY**

Assembly Members Alquist and Honda were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Nathan Walker, of Arcadia.

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Bordonaro returned Assembly Bill No. 75 to the Senate for further action.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Gallegos announced his intention to request that Senate Bill No. 1111 be removed from the inactive file.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Perata was granted unanimous consent that the Committee on Rules be permitted to hold a special meeting at this time, and without objection, the House was permitted to continue in Floor session.

**JOINT RULE 62(a) WAIVED**

Assembly Member Perata was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 521 for hearing in the Committee on Rules.

**BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Senate Bill No. 1329**, on request of Assembly Member Murray.

**Assembly Concurrent Resolution No. 70**, on request of Assembly Member Battin.

**CONSIDERATION OF DAILY FILE**

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bills Nos. 187, 438, 818, 1257, 713, 1271, 1086, and 319**, ordered to third reading;

**Senate Bill No. 506**, ordered to the Consent Calendar.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 137**—An act to add Section 19823.5 to the Business and Professions Code, relating to gaming.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 705**—An act to amend Sections 1621.5 and 120290 of, and to add Sections 120291 and 120292 to, the Health and Safety Code, relating to human immunodeficiency virus.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE CONCURRENT RESOLUTION NO. 49**—Relative to school safety.

Resolution read; amendments proposed by the Committee on Rules read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 193 (Mountjoy)**—An act to amend Section 14850 of the Government Code, to amend Sections 2 and 3 of Chapter 352 of the Statutes of 1976, to amend Section 4 of Chapter 620 of the Statutes of 1989, to amend Section 2 of Chapter 625 of the Statutes of 1991, and to amend Section 1 of Chapter 317 of the Statutes of 1993, relating to state administration.

Bill read third time, and presented by Assembly Member Campbell.

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Richter	

**NOES—2**

Miller                      Pringle

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1217 (Johnston)**—An act to amend Sections 11735, 11736, and 11751.8 of, and to add Section 11751.9 to, the Insurance Code, relating to workers' compensation.

Bill read third time, and presented by Assembly Member Keeley.

Bill passed by the following vote:

**AYES—62**

Aguiar	Firestone	Mazzoni	Shelley
Alquist	Frusetta	Migden	Strom-Martin
Aroner	Gallegos	Miller	Sweeney
Ashburn	Goldsmith	Morrissey	Takasugi
Baca	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Ducheny	Leach	Poochigian	Mr. Speaker
Escutia	Lempert	Runner	
Figueroa	Machado	Scott	

**NOES—10**

Ackerman	Brewer	Margett	Thompson
Baldwin	Cardoza	McClintock	
Baugh	Leonard	Pringle	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1217: Assembly Member Cardoza, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 2:28 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Richter introduced Hon. Annabel Young, Member of Parliament, House of Representatives, New Zealand.

**REASSEMBLED**

At 2:28 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 4, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 388	Assembly Bill No. 1093
Assembly Bill No. 489	Assembly Bill No. 1325
Assembly Bill No. 500	Assembly Bill No. 1491
Assembly Bill No. 588	Assembly Bill No. 1546
Assembly Bill No. 816	

An reports the same correctly enrolled, and presented to the Governor at 2 p.m., September 4, 1997.

E. DOTSON WILSON, Chief Clerk

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

September 4, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a)(9), (10), and (11), as it relates to the following bill be granted:

Senate Bill No. 231.

DON PERATA, Chairman

September 4, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a)(9), (10), and (11), as it relates to the following bill be granted:

Senate Bill No. 879.

DON PERATA, Chairman

**At 2:29 p.m., Hon. Fred Keeley, 27th District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE CONCURRENT RESOLUTION NO. 23 (Polanco)**—Relative to minority enrollment in medical schools.

Resolution read, presented by Assembly Member Ducheny, and adopted by the following vote:

**AYES—56**

Aguiar	Ducheny	Kuykendall	Runner
Alquist	Escutia	Leach	Scott
Aroner	Figueroa	Lempert	Shelley
Ashburn	Firestone	Machado	Strom-Martin
Baca	Floyd	Mazzoni	Sweeney
Bordonaro	Frusetta	Migden	Takasugi
Bowen	Gallegos	Morrissey	Thomson
Brewer	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Campbell	Honda	Ortiz	Vincent
Cardenas	House	Pacheco	Washington
Cardoza	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Wright
Davis	Kuehl	Prenter	Mr. Speaker

**NOES—15**

Ackerman	Bowler	McClintock	Richter
Baldwin	Granlund	Miller	Thompson
Battin	Leonard	Morrow	Woods
Baugh	Margett	Olberg	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Concurrent Resolution No. 23: Assembly Members Ashburn, Brewer, Frusetta, House, and Leach, from "No" to "Aye".

Resolution ordered transmitted to the Senate.

**Objection to Vote Adds**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Concurrent Resolution No. 23.

**SENATE BILL NO. 227 (Solis)**—An act to amend Sections 22509, 22801, and 22803 of, and to add Sections 22508.5 and 70905 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

Bill read third time.

**Motion to Amend**

Assembly Member Ducheny moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 233 (Solis)**—An act to amend Section 1256 of the Unemployment Insurance Code, relating to unemployment compensation benefits.

Bill read third time.

**Motion to Amend**

Assembly Member Migden moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 314 (Ayala)**—An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

Bill read third time.

**Motion to Amend**

Assembly Member Leach moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 653 (Calderon)**—An act to amend Sections 1706, 1756, 1758, and 1759 of, to add Sections 1766.1 and 1766.2 to, to repeal Sections 1757.1 and 1765 of, and to repeal and add Section 1757 of, the Public Utilities Code, relating to the Public Utilities Commission.

Bill read third time.

**Motion to Amend**

Assembly Member Pacheco moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 654 (Johnston)**—An act to amend Section 12926 of the Government Code, relating to discrimination.

Bill read third time.

**Motion to Amend**

Assembly Member Knox moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1144 (Rosenthal)**—An act to amend Section 19596 of the Business and Professions Code, relating to horseracing, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately as an urgency statute.

Bill read third time, and presented by Assembly Member Brown.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—65**

Ackerman	Davis	Margett	Runner
Aguiar	Ducheny	Mazzoni	Shelley
Alquist	Escutia	McClintock	Strom-Martin
Aroner	Figueroa	Migden	Sweeney
Ashburn	Firestone	Miller	Takasugi
Baca	Gallegos	Morrissey	Thomson
Baldwin	Goldsmith	Morrow	Torlakson
Battin	Granlund	Murray	Villaraigosa
Baugh	Hertzberg	Napolitano	Vincent
Bordonaro	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Wright
Campbell	Kuykendall	Papan	Mr. Speaker
Cardenas	Leach	Perata	
Cardoza	Lempert	Poochigian	
Cunneen	Machado	Pringle	

**NOES—6**

Bowen	Frusetta	Scott
Floyd	Havice	Thompson

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—65**

Ackerman	Davis	Margett	Runner
Aguiar	Ducheny	Mazzoni	Shelley
Alquist	Escutia	McClintock	Strom-Martin
Aroner	Figueroa	Migden	Sweeney
Ashburn	Firestone	Miller	Takasugi
Baca	Gallegos	Morrissey	Thomson
Baldwin	Goldsmith	Morrow	Torlakson
Battin	Granlund	Murray	Villaraigosa
Baugh	Hertzberg	Napolitano	Vincent
Bordonaro	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Wright
Campbell	Kuykendall	Papan	Mr. Speaker
Cardenas	Leach	Perata	
Cardoza	Lempert	Poochigian	
Cunneen	Machado	Pringle	

**NOES—6**

Bowen	Frusetta	Scott
Floyd	Havice	Thompson

**Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause to Senate Bill No. 1144, and on passage of the bill: Assembly Member Bowen, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1220 (Solis)**—An act to add Section 1367.51 to, and to repeal Section 1367.5 of, the Health and Safety Code, and to add Section 10176.61 to the Insurance Code, relating to health insurance.

Bill read third time.

**Motion to Amend**

Assembly Member Goldsmith moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 74 (Kopp)**—An act to amend Sections 6252 and 6258 of, to amend and renumber Section 6253 of, to add Sections 6252.5 and 6253 to, to add a heading as Article 1 (commencing with Section 6250) to Chapter 3.5 of, to add Article 2 (commencing with Section 6275) to Chapter 3.5 of, Division 7 of Title 1 of, and to repeal Sections 6253.1, 6256, 6256.1, 6256.2, and 6257 of, the Government Code, relating to records.

Bill read third time, and presented by Assembly Member Kuehl.

Bill passed by the following vote:

**AYES—63**

Ackerman	Escutia	Mazzoni	Scott
Aguiar	Figueroa	McClintock	Shelley
Alquist	Firestone	Migden	Sweeney
Ashburn	Frusetta	Miller	Takasugi
Baca	Gallegos	Morrissey	Thompson
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Napolitano	Torlakson
Baugh	Hertzberg	Olberg	Villaraigosa
Bordonaro	House	Ortiz	Vincent
Bowler	Keeley	Pacheco	Washington
Brewer	Knox	Papan	Wayne
Campbell	Kuehl	Perata	Wildman
Cardenas	Kuykendall	Poochigian	Woods
Cardoza	Leach	Prenter	Wright
Davis	Machado	Richter	Mr. Speaker
Ducheny	Margett	Runner	

**NOES—8**

Aroner	Brown	Havice	Oller
Bowen	Cunneen	Leonard	Strom-Martin

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 931 (Schiff)**—An act to amend Section 6025 of the Penal Code, relating to corrections.

Bill read third time.

**Motion to Amend**

Assembly Member Goldsmith moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.



**SENATE BILL NO. 543 (Committee on Agriculture and Water Resources)**—An act to amend Sections 11454, 13459.5, 74224, and 78645 of, and to add Section 36560 to, the Water Code, to amend Section 4 of Chapter 1428 of the Statutes of 1985, and to add Section 32.5 to the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Gallegos moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1234 (Alpert)**—An act to amend Sections 17009, 17039, 17941, 18633.5, 23036, and 23038 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Takasugi.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alquist	Figueroa	Mazzoni	Scott
Aroner	Firestone	McClintock	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Brown	Knox	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**At 3:03 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**SENATE BILL NO. 392 (Gallegos)**—An act to amend Sections 1357 and 1357.50 of the Health and Safety Code, and to amend Sections 10198.6 and 10700 of the Insurance Code, relating to health care coverage.

Bill read third time, and presented by Assembly Member Gallegos.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 392: Assembly Member Pringle, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1184 (Thompson)**—An act to amend Sections 63000, 63010, 63021, 63025.1, 63026, 63055, and 63071 of, to amend and renumber Sections 63042 and 63048 of, to amend and renumber the headings of Article 4 (commencing with Section 63042) and Article 6 (commencing with Section 63048) of Chapter 2 of Division 1 of Title 6.7 of, to add Sections 63027, 63028, 63040, 63084, 63085, 63086, and 63087 to, to repeal Section 63001 of, to repeal Article 3 (commencing with Section 63040) of Chapter 2 of Division 1 of Title 6.7 of, to repeal the heading of Article 1 (commencing with Section 63050) of Chapter 3 of Division 1 of Title 6.7 of, to repeal Part 10.2 (commencing with Section 15710) of Division 3 of Title 2 of, and to repeal and add Article 5 (commencing with Section 63043) of Chapter 2 of Division 1 of Title 6.7 of, the Government Code, relating to state infrastructure.

Bill read third time.

**Motion to Amend**

Assembly Member Perata moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 3:13 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 472 (Maddy)**—An act to amend Sections 6450, 6453, and 6455 of, to add Sections 6440, 6459, and 6460 to, and to repeal Section 6458 of, the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Baca.

Bill passed by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alquist	Figueroa	Mazzoni	Shelley
Aroner	Firestone	McClintock	Strom-Martin
Ashburn	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Napolitano	Torlakson
Bordonaro	Havice	Olberg	Villaraigosa
Bowen	Hertzberg	Oller	Vincent
Bowler	House	Ortiz	Washington
Brewer	Keeley	Pacheco	Wayne
Brown	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 48 (Solis)**—An act to repeal and add Section 10214.7 of the Unemployment Insurance Code, relating to unemployment insurance, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Shelley.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—73**

Ackerman	Escutia	Machado	Runner
Aguiar	Figuerola	Margett	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	Migden	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Murray	Torlakson
Baugh	Havice	Napolitano	Villaraigosa
Bordonaro	Hertzberg	Olberg	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—1**

McClintock

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—73**

Ackerman	Escutia	Machado	Runner
Aguiar	Figuerola	Margett	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	Migden	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Murray	Torlakson
Baugh	Havice	Napolitano	Villaraigosa
Bordonaro	Hertzberg	Olberg	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 316 (Hayden)**—An act to add and repeal Chapter 7 (commencing with Section 99300) of Part 65 of the Education Code, relating to postsecondary education.

Bill read third time, and presented by Assembly Member Lempert.

Bill passed by the following vote:

**AYES—62**

Aguiar	Figueroa	Leonard	Scott
Alquist	Firestone	Machado	Shelley
Aroner	Frusetta	Margett	Strom-Martin
Ashburn	Gallegos	Mazzoni	Sweeney
Baca	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thomson
Bordonaro	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brown	House	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Woods
Davis	Kuykendall	Poochigian	Mr. Speaker
Ducheny	Leach	Prenter	
Escutia	Lempert	Richter	

**NOES—7**

Ackerman	Brewer	Morrow	Runner
Baugh	McClintock	Oller	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 525 (Maddy)**—An act to amend Sections 1961 and 1967 of the Streets and Highways Code, and to amend Section 21716 of the Vehicle Code, relating to vehicles.

Bill read third time.

**Motion to Amend**

Assembly Member Battin moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Baugh was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 328**, on request of Assembly Member Machado.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 657 (Sher)**—An act to amend Sections 25501, 25501.4, 25503.3, and 25505 of the Health and Safety Code, relating to hazardous materials.

Bill read third time.

**Motion to Amend**

Assembly Member Lempert moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 566 (Thompson)**—An act to add Chapter 8 (commencing with Section 51298) to Part 1 of Division 1 of Title 5 of the Government Code, relating to local government.

Bill read third time.

#### Motion to Amend

Assembly Member Migden moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**At 3:27 p.m., Assistant Speaker pro Tempore Joe Baca,**  
**62nd District, presiding**

**SENATE BILL NO. 842 (Hayden)**—An act to amend Section 23221 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and presented by Assembly Member Davis.

#### Point of Order

Assembly Member Wildman arose to the following point of order:

Pursuant to the provisions of Joint Rule 37.5, Senate Bill No. 842 requires 54 votes for passage.

#### Ruling by Assistant Speaker pro Tempore Baca

The Assistant Speaker pro Tempore ruled the point of order not well-taken; that the vote requirement key in the Legislative Counsel's digest in the bill indicates 41 votes required for passage.

The question being on the passage of the bill.

Bill passed by the following vote:

#### AYES—42

Alquist	Floyd	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wright
Ducheny	Leach	Scott	Mr. Speaker
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	

#### NOES—31

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leonard	Poochigian
Ashburn	Cunneen	Margett	Prenter
Baldwin	Firestone	McClintock	Pringle
Battin	Frusetta	Miller	Takasugi
Baugh	Goldsmith	Morrow	Wildman
Bordonaro	Granlund	Olberg	Woods
Bowler	House	Oller	

**Bill ordered transmitted to the Senate.**

(NOTE: Later this day a motion to reconsider the above vote on Senate Bill No. 842 was offered by Assembly Member Davis.)

#### BILLS PASSED ON FILE

**Senate Bills Nos. 857 and 1007—Passed on file.**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 945 (Wright)**—An act to amend Sections 1337.7, 1337.9, 1338.5, 1728.1, 1736.3, 1736.5, and 1736.6 of the Health and Safety Code, and to amend Sections 15671, 15673, and 15675 of the Welfare and Institutions Code, relating to health.

Bill read third time, and presented by Assembly Member Takasugi.

Bill passed by the following vote:

**AYES—71**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Margett	Shelley
Ashburn	Floyd	Mazzoni	Strom-Martin
Baca	Frusetta	Miller	Sweeney
Battin	Gallegos	Morrissey	Takasugi
Baugh	Goldsmith	Morrow	Thomson
Bordonaro	Granlund	Murray	Torlakson
Bowen	Havice	Napolitano	Villaraigosa
Bowler	Hertzberg	Olberg	Vincent
Brewer	Honda	Oller	Washington
Brown	House	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker
Davis	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Pringle was granted unanimous consent that a photographer be permitted in the Assembly Gallery.

**JOINT RULE 62(a) WAIVED**

Assembly Member Aguiar was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 879 for hearing in the Committee on Rules.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 3:39 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

September 4, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a)(9) and (11), as it relates to the following bill be granted:

Senate Bill No. 614 to be heard today only.

DON PERATA, Chairman

**OBJECTION WITHDRAWN**

Assembly Member Shelley withdrew his objection to any request for vote adds or vote changes on the roll call vote taken on this day on Senate Concurrent Resolution No. 23.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Aroner announced her intention to request that Senate Bills Nos. 513 and 560 be removed from the inactive file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 453 (Solis)**—An act to amend Section 27 of the Labor Code, relating to workers' compensation.

Bill read third time.

**Motion to Amend**

Assembly Member Wayne moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Miller announced his intention to request that Senate Bill No. 825 be removed from the inactive file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1221 (Schiff)**—An act to add and repeal Article 5.4 (commencing with Section 1788) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to juveniles.

Bill read third time, and presented by Assembly Member Knox.

Bill passed by the following vote:

**AYES—59**

Ackerman	Davis	Kuykendall	Prenter
Aguiar	Ducheny	Leach	Scott
Alquist	Escutia	Lempert	Shelley
Aroner	Figueroa	Machado	Strom-Martin
Baca	Firestone	Margett	Sweeney
Baldwin	Floyd	Mazzoni	Takasugi
Battin	Gallegos	McClintock	Thomson
Bowen	Granlund	Miller	Torlakson
Bowler	Havice	Morrissey	Villaraigosa
Brewer	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Wayne
Campbell	House	Oller	Wildman
Cardenas	Keeley	Ortiz	Woods
Cardoza	Knox	Pacheco	Mr. Speaker
Cunneen	Kuehl	Papan	

**NOES—6**

Baugh	Frusetta	Morrow
Bordonaro	Leonard	Pringle

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1221: Assembly Member Frusetta, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 705**, on request of Assembly Member Hertzberg.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1141 (Johnson)**—An act to add Section 138.7 to the Labor Code, relating to workers' compensation.

Bill read third time, and presented by Assembly Member Brewer.

Bill passed by the following vote:

**AYES—72**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Mazzoni	Scott
Ashburn	Floyd	McClintock	Shelley
Baca	Frusetta	Miller	Strom-Martin
Baldwin	Gallegos	Morrissey	Sweeney
Battin	Goldsmith	Morrow	Takasugi
Baugh	Granlund	Murray	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowler	Hertzberg	Olberg	Villaraigosa
Brewer	Honda	Oller	Vincent
Brown	House	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**UNFINISHED BUSINESS**

**SENATE BILL NO. 1174 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Alquist was granted unanimous consent that the vote be reconsidered whereby the urgency clause to Senate Bill No. 1174 was refused adoption; and that the bill be placed upon the inactive file.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 675 (Costa)**—An act to amend, repeal, and add Section 41705 of the Health and Safety Code, and to amend and repeal Section 43209.1 of the Public Resources Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Thomson.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—67**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Miller	Takasugi
Baldwin	Callegos	Morrissey	Thomson
Battin	Goldsmith	Morrow	Torlakson
Baugh	Granlund	Olberg	Villaraigosa
Bordonaro	Hertzberg	Oller	Vincent
Bowler	Honda	Ortiz	Washington
Brewer	House	Pacheco	Wayne
Brown	Keeley	Papan	Wildman
Campbell	Knox	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	

**NOES—3**

Bowen	Escutia	Havice
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The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—67**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Miller	Takasugi
Baldwin	Callegos	Morrissey	Thomson
Battin	Goldsmith	Morrow	Torlakson
Baugh	Granlund	Olberg	Villaraigosa
Bordonaro	Hertzberg	Oller	Vincent
Bowler	Honda	Ortiz	Washington
Brewer	House	Pacheco	Wayne
Brown	Keeley	Papan	Wildman
Campbell	Knox	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	

**NOES—3**

Bowen	Escutia	Havice
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**Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause to Senate Bill No. 675, and on passage of the bill: Assembly Member Havice, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 394 (Johnston)**—An act to add Section 33117.7 to the Education Code, and to amend Section 15037.1 of the Unemployment Insurance Code, relating to school-to-career opportunities.

Bill read third time.

**Motion to Amend**

Assembly Member Shelley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 367 (Sher)**—An act to amend Section 44241 of the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Alquist.

Bill passed by the following vote:

**AYES—65**

Aguilar	Firestone	Mazzoni	Shelley
Alquist	Floyd	Migden	Strom-Martin
Aroner	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Battin	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brewer	Honda	Olberg	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker
Ducheny	Leonard	Richter	
Escutia	Machado	Runner	
Figueroa	Margett	Scott	

**NOES—7**

Ackerman	Baugh	House	Oller
Baldwin	Bowler	McClintock	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 827 (Greene)**—An act to amend Sections 101, 128.5, 130, 200.1, 205, 675, 800, 1242.6, 1680, 2071, 2221.1, 2660, 2701, 2708, 2761, 2841, 2842, 2847, 2873.6, 2873.7, 2881, 2890, 2893, 2894, 3527, 3750, 4001, 4003, 4008, 4501, 4503, 4546, 4547, 4800, 4804.5, 4848, 4905, 4955, 5510, 5517, 5526, 5536.27, 8520, and 8528 of, to amend and repeal Sections 5566, 5566.1, and 5566.2 of, to add Sections 473.15, 473.16, 473.6, and 4832 to, to amend, repeal, and add Sections 4833, 4834, 4835, and 4842.2 of, the Business and Professions Code, relating to licensed professionals, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Davis.

Bill passed by the following vote:

**AYES—66**

Ackerman	Davis	Machado	Runner
Aguiar	Ducheny	Margett	Scott
Alquist	Escutia	Mazzoni	Shelley
Aroner	Figueroa	Migden	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Napolitano	Torlakson
Bordonaro	Havice	Olberg	Villaraigosa
Bowen	House	Oller	Vincent
Bowler	Keeley	Ortiz	Washington
Brewer	Knox	Pacheco	Wayne
Brown	Kuehl	Papan	Woods
Campbell	Kuykendall	Perata	Wright
Cardenas	Leach	Poochigian	Mr. Speaker
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Richter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 1346**, on request of Assembly Member Gallegos.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Resolutions**

**ASSEMBLY CONCURRENT RESOLUTION NO. 72 (Baca)**—Relative to parental notification of Megan's Law by school districts.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY CONCURRENT RESOLUTION NO. 74 (Kaloogian)**—Relative to Workplace Fitness Month.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**Consent Calendar—Senate Bills**

**SENATE BILL NO. 95 (Ayala)**—An act to amend Sections 11124.1, 11125, 11125.1, 11125.5, 11125.7, 11126, 11126.3, 11129, 11130, 11130.7, and 11131 of, and to add Sections 11121.95, 11125.4, 11125.8, 11128.5, and 11131.5 to, the Government Code, relating to open meetings.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Mazzoni	Scott
Ashburn	Floyd	McClintock	Shelley
Baca	Frusetta	Migden	Strom-Martin
Baldwin	Gallegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None****NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Poochigian announced his intention to request that Senate Bill No. 782 be removed from the inactive file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 795 (Kopp)**—An act to amend Sections 10153.6 and 10232 of, and to add Sections 10234.5, 10236.4, and 10236.5 to, the Business and Professions Code, relating to real estate.

Bill read third time, and presented by Assembly Member Kuykendall.

Bill passed by the following vote:

**AYES—45**

Alquist	Floyd	Migden	Thomson
Aroner	Gallegos	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Wright
Ducheny	Kuykendall	Scott	Mr. Speaker
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	
Firestone	Mazzoni	Sweeney	

**NOES—23**

Ackerman	Bowler	Leach	Oller
Aguiar	Campbell	Leonard	Pringle
Ashburn	Cardoza	McClintock	Runner
Baldwin	Frusetta	Miller	Takasugi
Baugh	Granlund	Morrow	Woods
Bordonaro	House	Olberg	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 795: Assembly Member Cardoza, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Migden was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting on Friday, September 5, 1997, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 66 and Senate Bill No. 303 for hearing.

**CAUCUS ANNOUNCEMENTS**

Assembly Member Shelley announced that the Democratic Caucus would meet on Friday, September 5, 1997, at noon, in the Assembly Lounge.

**RULES TEMPORARILY SUSPENDED  
FOR REMARKS ON CONDITION OF THE FILE**

Assembly Member Cardoza was granted unanimous consent to temporarily suspend the Rules to speak on the condition of the file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 807 (Thompson)**—An act to add Sections 44006 and 44026 to, and to add and repeal Section 44027 of, the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Murray.  
The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Pringle moved a call of the Assembly.

Motion carried. Time, 4:17 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**MOTION TO RECONSIDER SENATE BILL NO. 842  
ON NEXT LEGISLATIVE DAY**

Assembly Member Davis moved to reconsider on the next legislative day the vote whereby Senate Bill No. 842 was this day passed.

Senate Bill No. 842 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 807**

At 4:32 p.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 807 passed by the following vote:

**AYES—41**

Alquist	Frusetta	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Ducheny	Kuehl	Shelley	Mr. Speaker
Escutia	Lempert	Strom-Martin	
Figueroa	Machado	Sweeney	
Floyd	Mazzoni	Thomson	

**NOES—24**

Ackerman	Bowler	Leonard	Poochigian
Aguiar	Brewer	McClintock	Prenter
Ashburn	Campbell	Miller	Pringle
Baldwin	Goldsmith	Morrow	Runner
Baugh	Granlund	Olberg	Takasugi
Bordonaro	House	Oller	Woods

**Senate Bill No. 807 Reconsidered Immediately**

Assembly Member Murray was granted unanimous consent that the vote be immediately reconsidered whereby Senate Bill No. 807 was this day passed and that the bill be passed on file, to retain its place on file.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Escutia announced her intention to request that Senate Bill No. 136 be removed from the inactive file.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Machado:

*Resolved*, That Joint Rule 61(a) (9), (a) (10), and (a) (11) be suspended to permit the Committees on Water, Parks and Wildlife and Appropriations to meet, consider, and report Senate Bills Nos. 231 and 879 for further action on these bills only.

By Assembly Member Machado:

*Resolved*, That Joint Rule 61(a) (9) and (11) be suspended to permit the Committee on Water, Parks and Wildlife to meet, consider, and report Senate Bill No. 614 for further action, today only.

Resolutions read, and adopted by the following vote:

**AYES—72**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alquist	Escutia	Machado	Runner
Aroner	Figueroa	Margett	Scott
Ashburn	Firestone	Mazzoni	Shelley
Baca	Floyd	Migden	Strom-Martin
Baldwin	Frusetta	Miller	Sweeney
Battin	Gallegos	Morrissey	Takasugi
Baugh	Goldsmith	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poohigian	Mr. Speaker

**NOES—None****SPECIAL COMMITTEE MEETINGS**

Assembly Member Machado was granted unanimous consent that the Committee on Water, Parks and Wildlife be permitted to hold a special meeting today, 30 minutes after adjournment of Floor session, in the Tom Bane Rules Committee Room, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 614, 879, and 231 for hearing.

**REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY  
SUSPEND THE RULES**

Assembly Member Migden was granted unanimous consent that Assembly Rule 56 be temporarily suspended for the purpose of permitting the Committee on Appropriations to notice hearing of Senate Bills Nos. 231 and 879 in the Assembly Daily File prior to re-referral to the committee.

**JOINT RULE 62(a) WAIVED**

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 231 and 879 for hearing in the Committee on Appropriations on Friday, September 5, 1997.



**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Senate Bill No. 495**, on request of Assembly Member Sweeney;  
**Senate Bill No. 1050**, on request of Assembly Member Wayne;  
**Senate Bill No. 980**, on request of Assembly Member Hertzberg;  
**Senate Bill No. 202**, on request of Assembly Member Knox;  
**Senate Bill No. 941**, on request of Assembly Member Cardenas;  
**Senate Bill No. 731**, on request of Assembly Member Campbell;  
**Senate Bill No. 283**, on request of Assembly Member Bowler;  
**Senate Bill No. 364**, on request of Assembly Member Papan;  
**Senate Bill No. 512**, on request of Assembly Member Papan;  
**Senate Bill No. 772**, on request of Assembly Member Cardoza;  
**Senate Bill No. 280**, on request of Assembly Member Granlund;  
**Senate Bill No. 750**, on request of Assembly Member Gallegos;  
**Senate Bill No. 1351**, on request of Assembly Member Shelley;  
**Senate Bill No. 190**, on request of Assembly Member Thomson;  
**Senate Bill No. 720**, on request of Assembly Member Ortiz;  
**Senate Bill No. 880**, on request of Assembly Member Sweeney.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577 and Senate Bills Nos. 682, 305, and 1037 were continued until the next legislative day.

**NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 638  
FROM COMMITTEE CONTINUED**

By unanimous consent the notice of motion to withdraw Senate Bill No. 638 from the Committee on Natural Resources was continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 193:** Battin, Baugh, Bowler, Machado, Mazzoni, McClintock, Migden, Morrow, Washington, and Woods—Aye.

**Senate Bill No. 1217:** Aguiar, Ashburn, Battin, Bordonaro, Bowler, Goldsmith, Machado, Mazzoni, Migden, Morrow, Pacheco, and Washington—Aye; Baugh—No.

**Senate Concurrent Resolution No. 23:** Bordonaro, Machado, Mazzoni, Pacheco, and Takasugi—Aye; Bowler, Granlund, Morrow, and Olberg—No.

**Senate Bill No. 1144 and Urgency:** Aguiar, Ashburn, Bowler, Cardenas, Granlund, Knox, Machado, Miller, and Morrow—Aye; Scott—No.

**Senate Bill No. 74:** Battin, Bowler, Davis, Granlund, Knox, Mazzoni, and Morrow—Aye; Cunneen—No.

**Senate Bill No. 1234:** Baugh, Bowler, Cardenas, Cunneen, Granlund, Knox, Machado, and Morrow—Aye.

**Senate Bill No. 392:** Baugh, Bowler, Cunneen, Granlund, Miller, Pacheco, and Woods—Aye.

**Senate Bill No. 472:** Ashburn, Bowler, Cardenas, Cunneen, Granlund, Pacheco, and Woods—Aye.

**Senate Bill No. 48 and Urgency:** Baca, Baugh, Bowler, Cunneen, Goldsmith, Granlund, Pacheco, and Woods—Aye.

**Senate Bill No. 316:** Aguiar, Baca, Bordonaro, Bowen, Bowler, Cunneen, Goldsmith, Granlund, Mazzoni, Pacheco, and Prenter—Aye; Baugh and Morrow—No.

**Senate Bill No. 842:** Bowler, Cunneen, Granlund, Pacheco, and Prenter—No.

**Senate Bill No. 945:** Ackerman, Baugh, Bowen, Bowler, Cunneen, Granlund, Pacheco, and Prenter—Aye.

**Senate Bill No. 1221:** Aguiar, Figueroa, Granlund, Leach, Mazzoni, and Pacheco—Aye; Baugh and Morrow—No.

**Senate Bill No. 1141:** Baugh, Granlund, Mazzoni, and Pacheco—Aye.

**Senate Bill No. 675 and Urgency:** Alquist, Cunneen, Granlund, Honda, Lempert, Mazzoni, and Pacheco—Aye.

**Senate Bill No. 367:** Cunneen, Granlund, Mazzoni, Morrow, Pacheco, and Takasugi—Aye; Baugh—No.

**Senate Bill No. 827:** Baugh, Cardoza, Olberg, and Pacheco—Aye.

**Senate Bill No. 795:** Ducheny, Mazzoni, and Pacheco—Aye; Baugh, Granlund, and Morrow—No.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 4:46 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Natural Resources**

Date of Hearing: September 4, 1997

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1066

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

BOWEN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 3	Senate Bill No. 721
Senate Bill No. 31	Senate Bill No. 820
Senate Bill No. 49	Senate Bill No. 914
Senate Bill No. 72	Senate Bill No. 936
Senate Bill No. 172	Senate Bill No. 1034
Senate Bill No. 200	Senate Bill No. 1035
Senate Bill No. 255	Senate Bill No. 1051
Senate Bill No. 377	Senate Bill No. 1113
Senate Bill No. 445	Senate Bill No. 1135
Senate Bill No. 499	Senate Bill No. 1179
Senate Bill No. 535	Senate Bill No. 1270
Senate Bill No. 545	Senate Bill No. 1306
Senate Bill No. 669	Senate Bill No. 1307
Senate Bill No. 673	Senate Bill No. 1339

With the recommendation: Do pass,

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 42	Senate Bill No. 624
Senate Bill No. 85	Senate Bill No. 702
Senate Bill No. 135	Senate Bill No. 802
Senate Bill No. 291	Senate Bill No. 824
Senate Bill No. 300	Senate Bill No. 828
Senate Bill No. 345	Senate Bill No. 853
Senate Bill No. 458	Senate Bill No. 1031
Senate Bill No. 463	Senate Bill No. 1106
Senate Bill No. 550	Senate Bill No. 1130
Senate Bill No. 623	

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 45

With the recommendation: Do pass, and be re-referred to the Committee on Transportation.

MIGDEN, Chairwoman

Above bill re-referred to the Committee on Transportation.

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 521

With the recommendation: That the bill be re-referred to the Committee on Rules.

MIGDEN, Chairwoman

Above bill re-referred to the Committee on Rules.

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Constitutional Amendment No. 22

With the recommendation: Be adopted.

MIGDEN, Chairwoman

Above resolution ordered to second reading.

**MESSAGES FROM THE SENATE**

September 4, 1997

*Hon. E. Dotson Wilson  
Chief Clerk of the Assembly  
Assembly Chamber*

Dear Dotson: The Senate this day by a two-thirds vote suspended Joint Rule 29.5(a) on Senate Bill 376.

Sincerely,

**GREGORY SCHMIDT**  
Secretary of the Senate

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 475

Senate Bill No. 517

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

**Senate Bill No. 1088.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Greene, O'Connell and Brulte as a Committee on Conference concerning:

**Assembly Bill No. 1580.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Lockyer, Vasconcellos and Maddy as a Committee on Conference concerning:

**Senate Bill No. 1088.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**MESSAGES FROM THE SENATE**

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 218

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 218**—An act to amend Section 203 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 1088:

Hertzberg, Wayne, and Morrow.

**INTRODUCTION OF GUESTS**

Speaker pro Tempore Kuehl introduced Bill Jones, Secretary of State.

**ADJOURNMENT**

At 4:50 p.m., the Assembly adjourned until 9 a.m., Friday, September 5, 1997, out of respect to the memory of Lotus Weinstock, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of the victims of the terrorist bombing in Jerusalem, on motion of Assembly Member Davis; out of respect to the memory of James Nathan Walker, on motion of Assembly Members Alquist and Honda; and out of respect to the memory of John M. Lear, on motion of Assembly Member Thomson.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 4, 1997**

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The following measures were amended in the Assembly on this day:

<b>SB</b>	<b>RN</b>
137	9722274
227	9722080
233	9722049
314	9722322
320	9721680
348	9722501
383	9722514
394	9722068
453	9721930
525	9722249
543	9722294
566	9722464
653	9722170
654	9722416
657	9722432
705	9721836
931	9722423
1048	9722296
1102	9721885
1184	9721956
1220	9722325

<b>SCR</b>	<b>RN</b>
49	9722054

<b>Daily Total:</b>	<b>22</b>
<b>Cumulative Total:</b>	<b>3263</b>

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, September 5, 1997**

**ONE HUNDRED THIRTY-THIRD SESSION DAY**

**TWO HUNDRED SEVENTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Friday, September 5, 1997

The Assembly met at 9 a.m.  
Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly,  
presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Aguiar moved a quorum call of the Assembly.  
Motion carried. Time, 9:01 a.m.  
The Speaker pro Tempore directed the Sergeant at Arms to close  
the doors, and to bring in the absent Members.

#### Quorum Present

At 9:38 a.m., Speaker pro Tempore Kuehl declared a quorum of the  
Assembly present.

The roll call was completed, and the following answered to their  
names—78:

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	



**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O God, Look upon our generation and grant that our days be lived in the light of Your transcendent and eternal goodness. Keep us, day by day, close to You, that we may be close to one another. Preserve us from prideful thoughts and from vanity, that with pure purpose and holy illumination we may set forward Your Kingdom of truth and righteousness.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Figueroa then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Perata, seconded by Assembly Member Battin.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of a death in his family: Assembly Member Thompson.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

September 5, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Keith Olberg to the Assembly Water, Parks and Wildlife Committee to replace Assemblymember Bruce Thompson for today, September 5, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 5, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember George Runner to replace Assemblymember Bruce Thompson on the Assembly Appropriations Committee for today, September 5, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

#### REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, September 5, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (10) and (a) (11) as it relates to Senate Bill No. 1066.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

#### REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to Committee:

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
76 -----	Rls.

*Assembly Joint*

<i>Resolution No.</i>	<i>Committee</i>
38 -----	Rls.

*Senate*

<i>Bill No.</i>	<i>Committee</i>
163 -----	Hum. S.

*Senate Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
50 -----	Rls.

#### AUTHOR'S AMENDMENTS

Committee on Rules

September 5, 1997

Mr. Speaker: The Chair of your Committee on Rules reports:

Assembly Joint Resolution No. 35

With author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chairman

**ASSEMBLY JOINT RESOLUTION NO. 35**—Relative to the Department of Housing and Urban Development foreclosure procedures.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

September 5, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(a)(9) and (11), as it relates to the following bills be granted:  
Senate Bill No. 163 to be heard today only.

DON PERATA, Chairman

September 5, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a)(10) and (11), as it relates to the following bill be granted:  
Senate Bill No. 1066 to be heard today only.

DON PERATA, Chairman

**ADJOURN IN MEMORY**

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Daniel Mark Pommon, and Fred H. Laubscher.

Assembly Member Leonard was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Christina E. Beeson Bailey, of Highland.

Assembly Member Lempert was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michael Costa Rodrigues, of Half Moon Bay.

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mark Kidd, of Rancho Cordova.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 495**, on request of Assembly Member Sweeney.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Aroner:

*Resolved*, That Joint Rule 61(a)(9) and (11) be suspended to permit the Committee on Human Services to meet, consider, and report Senate Bill No. 163, today only, for further action.

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(a)(10) and (a)(11) be suspended to permit the committee on Appropriations to meet, consider, and report Senate Bill No. 1066, today only, for further action.

Resolutions read, and adopted by the following vote:

**AYES—73**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thomson
Baugh	Havice	Morrissey	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Wright
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—None**

**JOINT RULE 62(a) WAIVED**

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1066 for hearing in the Committee on Appropriations today.

**CONSIDERATION OF DAILY FILE**

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 1078 (Lockyer)**—An act to amend Section 290.4 of the Penal Code, relating to sex offenses.

Bill read third time, and presented by Assembly Member Keeley.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 951 (Johnson)**—An act to add Section 20417 to the Government Code, and to amend Section 830.3 of the Penal Code, relating to peace officers, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Battin.

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Battin moved a call of the Assembly.

Motion carried. Time, 9:54 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

#### SENATE BILL NO. 825 REMOVED FROM INACTIVE FILE AND TAKEN UP

Assembly Member Miller was granted unanimous consent that Senate Bill No. 825 be withdrawn from the inactive file, and to take the bill up at this time, without reference to file, for purpose of amendment.

**SENATE BILL NO. 825 (Greene)**—An act to amend Sections 7000.5, 7011, 7155.5, 7156, 7157, and 7159 of the Business and Professions Code, relating to contractors.

Bill read third time.

#### Motion to Amend

Assembly Member Miller moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

#### CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

**SENATE BILL NO. 712 (Haynes)**—An act to amend Sections 56839.1 and 57103 of, and to add Section 57093 to, the Government Code, relating to local government organization.

Bill read third time, and presented by Assembly Member Sweeney.

Bill passed by the following vote:

#### AYES—75

Ackerman	Davis	Lempert	Poochigian
Aguiar	Ducheny	Leonard	Prenter
Alby	Escutia	Machado	Pringle
Alquist	Figueroa	Margett	Richter
Aroner	Firestone	Martinez	Runner
Ashburn	Frusetta	Mazzoni	Scott
Baca	Gallegos	McClintock	Shelley
Baldwin	Goldsmith	Migden	Strom-Martin
Battin	Granlund	Miller	Sweeney
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kalোগian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Mr. Speaker
Cunneen	Leach	Perata	

#### NOES—None

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1291 (Calderon)**—An act to amend Section 1799.90, 1799.91, 2985.7, 2986.3, 2986.4, 2986.13, and 2989.2 of, to add Section 2987 to, to repeal Section 2986.2 of, and to repeal and add Sections 2985.71 and 2985.8 of, the Civil Code, relating to motor vehicle leases.

Bill read third time, and presented by Assembly Member Miller.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Poochigian
Aguiar	Ducheny	Leonard	Prenter
Alby	Escutia	Machado	Pringle
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Wright
Cunneen	Leach	Perata	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 110 (Dills)**—An act to amend Section 7056 of, to add Section 7051.3 to, to add a chapter heading to, and to add Chapter 2 (commencing with Section 7221) to, Part 1.5 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time.

**Motion to Amend**

Assembly Member Kuykendall moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 434 (Kopp)**—An act to add Sections 2602 and 2603 to the Penal Code, relating to prisoners.

Bill read third time, and presented by Assembly Member Migden.

Bill passed by the following vote:

**AYES—54**

Ackerman	Figueroa	Martinez	Strom-Martin
Aguiar	Firestone	Mazzoni	Sweeney
Alquist	Floyd	McClintock	Takasugi
Aroner	Gallegos	Migden	Thomson
Battin	Goldsmith	Miller	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brewer	Honda	Napolitano	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Papan	Wildman
Cunneen	Kuykendall	Perata	Woods
Davis	Lempert	Richter	Mr. Speaker
Ducheny	Leonard	Scott	
Escutia	Machado	Shelley	

**NOES—19**

Alby	Cardoza	Kaloogian	Olberg
Ashburn	Frusetta	Leach	Poochigian
Baldwin	Granlund	Margett	Prenter
Bordonaro	Havice	Morrissey	Runner
Bowler	House	Morrow	

Bill ordered transmitted to the Senate.

**At 10:33 a.m., Hon. Fred Keeley, 27th District, presiding**

**SENATE BILL NO. 483 (Schiff)**—An act to add Chapter 1.5 (commencing with Section 1950) to Division 2.5 of the Welfare and Institutions Code, relating to juvenile justice, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—61**

Ackerman	Ducheny	Leach	Shelley
Aguiar	Escutia	Lempert	Strom-Martin
Alby	Figueroa	Machado	Sweeney
Alquist	Firestone	Margett	Thomson
Aroner	Frusetta	Martinez	Torlakson
Ashburn	Gallegos	Mazzoni	Villaraigosa
Baca	Goldsmith	Migden	Vincent
Battin	Havice	Murray	Washington
Bowen	Hertzberg	Napolitano	Wayne
Bowler	Honda	Ortiz	Wildman
Brown	House	Pacheco	Woods
Campbell	Kaloogian	Papan	Wright
Cardenas	Keeley	Perata	Mr. Speaker
Cardoza	Knox	Prenter	
Cunneen	Kuehl	Richter	
Davis	Kuykendall	Scott	

**NOES—14**

Baldwin	Floyd	Miller	Oller
Baugh	Granlund	Morrissey	Runner
Bordonaro	Leonard	Morrow	
Brewer	McClintock	Olberg	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 273 (Burton)**—An act to add and repeal Section 109281 of the Health and Safety Code, relating to prostate cancer.

Bill read third time.

**Motion to Amend**

Assembly Member Granlund moved the adoption of amendments.  
Amendments read and adopted; bill ordered reprinted.

**Re-reference of Bills to Committee Pursuant to Assembly Rule 77.2**

Pursuant to Assembly Rule 77.2, the Speaker re-referred Senate Bill No. 273 to the Committee on Appropriations.

**ADJOURN IN MEMORY**

**Moment of Silence**

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mother Teresa and that the Assembly observe a moment of silence in her honor.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 527 (Rosenthal)**—An act to add and repeal Sections 10232.2 and 10232.93 of the Insurance Code, relating to insurance.

Bill read third time.

**Motion to Amend**

Assembly Member Gallegos moved the adoption of amendments.  
Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.



**SENATE BILL NO. 536 (Mountjoy)**—An act to amend Sections 6601.3, 6601.5, 6602, 6609.1, 6609.2, and 6609.3 of, to amend, repeal, and add Section 6604 of, and to add Section 6602.5 to, the Welfare and Institutions Code, relating to sexually violent predators, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Poochigian.

### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—73

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Terlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	Houge	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

#### NOES—4

Migden

The question being on the passage of the bill:

Bill passed by the following vote:

#### AYES—73

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Terlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	Houge	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

#### NOES—4

Migden

Bill ordered transmitted to the Senate:

(NOTE: On September 11, 1997, the action was rescinded whereby the urgency clause to Senate Bill No. 536 was adopted and the bill passed, and whereby the bill was ordered transmitted to the Senate. See page 4567.)

**SENATE BILL NO. 807 (Thompson)**—An act to add Sections 44006 and 44026 to, and to add and repeal Section 44027 of, the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Murray.

Bill passed by the following vote:

**AYES—64**

Aguiar	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Baca	Frusetta	Migden	Strom-Martin
Battin	Callegos	Miller	Sweeney
Bordonaro	Havice	Morrissey	Takasugi
Bowen	Hertzberg	Morrow	Thomson
Brewer	Honda	Murray	Torlakson
Brown	Keeley	Napolitano	Villaraigosa
Campbell	Knox	Ortiz	Vincent
Cardenas	Kuehl	Pacheco	Washington
Cardoza	Kuykendall	Papan	Wayne
Cunneen	Leach	Perata	Wildman
Davis	Lempert	Poochigian	Woods
Ducheny	Leonard	Prenter	Wright
Escutia	Machado	Pringle	Mr. Speaker

**NOES—8**

Ackerman	Bowler	Granlund	Olberg
Baugh	Goldsmith	Kaloogian	Oller

Bill ordered transmitted to the Senate.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Murray announced his intention to request that Senate Bill No. 1329 be removed from the inactive file.

**BILLS PASSED ON FILE**

**Senate Bill No. 826**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 857 (Polanco)**—An act to amend Section 7057 of, and to add Section 7019.1 to, the Business and Professions Code, relating to contractors.

Bill read third time.

**Motion to Amend**

Assembly Member Miller moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1007 (Vasconcellos)**—An act to repeal and add Chapter 11 (commencing with Section 121150) of Part 4 of Division 105 of the Health and Safety Code, relating to HIV.

Bill read third time, and presented by Assembly Member Gallegos.

Bill passed by the following vote:

**AYES—48**

Aguiar	Ducheny	Lempert	Shelley
Alquist	Escutia	Machado	Strom-Martin
Aroner	Figueroa	Martinez	Sweeney
Baca	Firestone	Mazzoni	Thomson
Battin	Gallegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Wright
Davis	Kuykendall	Scott	Mr. Speaker

**NOES—26**

Ackerman	Campbell	Leonard	Oller
Alby	Frusetta	Margett	Poochigian
Ashburn	Goldsmith	McClintock	Prenter
Baldwin	Granlund	Miller	Runner
Baugh	House	Morrissey	Takasugi
Bordonaro	Kaloogian	Morrow	
Bowler	Leach	Olberg	

Bill ordered transmitted to the Senate.

**At 11:02 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**SENATE BILL NO. 1330 (Lockyer)**—An act to amend Sections 42847, 42889, and 48653 of, and to add Chapter 2.5 (commencing with Section 48100) to Part 7 of Division 30 of, the Public Resources Code, relating to solid waste.

Bill read third time, and presented by Assembly Member Poochigian.

Bill passed by the following vote:

**AYES—74**

Ackerman	Escutia	Leonard	Richter
Aguiar	Figueroa	Machado	Runner
Alby	Firestone	Margett	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	Migden	Strom-Martin
Ashburn	Gallegos	Miller	Sweeney
Baca	Goldsmith	Morrissey	Takasugi
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowen	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker
Davis	Leach	Prenter	
Ducheny	Lempert	Pringle	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**At 11:04 a.m., Hon. Fred Keeley, 27th District, presiding**

**SENATE BILL NO. 1349 (Committee on Business and Professions)**—An act to amend Sections 4001, 4002, 4003, 4004, 4005, 4007, 4008, 4017, 4018, 4021, 4022, 4023, 4024, 4025, 4028, 4029, 4030, 4031, 4033, 4034, 4037, 4040, 4043, 4051, 4052, 4053, 4055, 4056, 4057, 4058, 4060, 4061, 4062, 4063, 4064, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4080, 4081, 4082, 4100, 4101, 4102, 4103, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4122, 4130, 4131, 4132, 4133, 4137, 4138, 4143, 4144, 4150, 4160, 4161, 4162, 4163, 4164, 4170, 4174, 4175, 4180, 4182, 4191, 4197, 4200, 4201, 4202, 4205, 4231, 4232, 4300, 4301, 4303, 4305, 4307, 4309, 4311, 4312, 4320, 4321, 4322, 4326, 4331, 4333, 4339, 4341, 4360, 4361, 4369, 4370, 4372, 4400, 4401, 4402, 19059.5, and 19170 of, to add Sections 4025.1, 4059.5, 4078, 4104, 4105, 4119.5, 4136.5, 4165, 4166, 4167, 4200.5, 4305.5, 4306.5, and 4313 to, to add and repeal Section 4200.1 of, to repeal Sections 4009, 4020, 4186, 4230, and 4233 of, and to repeal and add Sections 4016 and 4136 of, the Business and Professions Code, and to amend Sections 11122 and 11150 of the Health and Safety Code, relating to vocational licensing, and making an appropriation therefor.

Bill read third time, and presented to Assembly Member Gallegos.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Lempert	Prenter
Aguiar	Escutia	Leonard	Pringle
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Baca	Frusetta	Mazzoni	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	House	Olberg	Washington
Brown	Kaloogian	Oller	Wayne
Campbell	Keeley	Ortiz	Wildman
Cardenas	Knox	Pacheco	Woods
Cardoza	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker
Davis	Leach	Poochigian	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 617 (Monteith)**—An act to amend Section 16946 of the Welfare and Institutions Code, relating to human services.

Bill read third time, and presented by Assembly Member House.

Bill passed by the following vote:

**AYES—62**

Ackerman	Escutia	Lempert	Poochigian
Aguiar	Figueroa	Leonard	Richter
Alby	Firestone	Machado	Runner
Alquist	Floyd	Margett	Scott
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thomson
Baugh	Havice	Morrissey	Torlakson
Bordonaro	Hertzberg	Morrow	Villaraigosa
Bowler	Honda	Murray	Vincent
Brewer	House	Napolitano	Washington
Campbell	Kaloogian	Olberg	Woods
Cardenas	Keeley	Oller	Wright
Cardoza	Kuehl	Ortiz	Mr. Speaker
Cunneen	Kuykendall	Pacheco	
Ducheny	Leach	Papan	

**NOES—4**

Bowen	Martinez	McClintock	Wildman
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Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1014 (Brulte)**—An act to add Section 1684.5 to the Business and Professions Code, relating to dentistry.

Bill read third time, and presented by Assembly Member Perata.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 628 (Kopp)**—An act to amend Section 1800.3 of the Probate Code, and to amend Sections 15610.07 and 15657.3 of, and to add Sections 15610.06 and 15657.05 to, the Welfare and Institutions Code, relating to elderly and dependent adults.

Bill read third time.

**Motion to Amend**

Assembly Member Pacheco moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS PASSED ON FILE**

**Senate Bill No. 1334**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1332 (Vasconcellos)**—An act to add Section 19507 to the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Aroner moved the adoption of amendments.

Amendments read and adopted by the following vote:

**AYES—72**

Ackerman	Cunneen	Leach	Perata
Aguiar	Davis	Lempert	Poochigian
Alby	Ducheny	Machado	Prenter
Alquist	Escutia	Margett	Richter
Aroner	Figueroa	Martinez	Runner
Ashburn	Firestone	Mazzoni	Scott
Baca	Frusetta	McClintock	Shelley
Baldwin	Gallegos	Migden	Strom-Martin
Battin	Granlund	Miller	Sweeney
Baugh	Havice	Morrissey	Takasugi
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Mr. Speaker

**NOES—1**

Goldsmith

Bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 987 (Sher)**—An act to amend Section 41712 of the Health and Safety Code, relating to air pollution.

Bill read third time.

**Motion to Amend**

Assembly Member Olberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**At 11:20 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**SENATE BILL NO. 187 (Hughes)**—An act to amend, renumber, and repeal Section 35294.1 of, to add Section 35294.2 to, and to add and repeal Sections 35294.1, 35294.6, 35294.7, 35294.8, and 35294.9 to, the Education Code, relating to school safety.

Bill read third time, and presented by Assembly Member Alquist.

**Demand for Previous Question**

Assembly Members Sweeney, Honda, Washington, Shelley, and Margett demanded the previous question. Demand sustained.

**Point of Order**

Assembly Member Martinez arose to the following point of order:

Assembly Member Goldsmith arose to ask a question of the author and is engaging in debate.

**Ruling by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore ruled the point of order well-taken.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—51**

Aguilar	Escutia	Martinez	Strom-Martin
Alquist	Figueroa	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Takasugi
Baca	Granlund	Morrissey	Thomson
Bowen	Havice	Murray	Torlakson
Bowler	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Campbell	Keeley	Pacheco	Washington
Cardenas	Knox	Papan	Wayne
Cardoza	Kuehl	Perata	Wildman
Cunneen	Leach	Prenter	Wright
Davis	Lempert	Scott	Mr. Speaker
Ducheny	Machado	Shelley	

**NOES—24**

Ackerman	Brewer	Kuykendall	Olberg
Alby	Firestone	Leonard	Oller
Ashburn	Frusetta	Margett	Poochigian
Baldwin	Goldsmith	McClintock	Pringle
Baugh	House	Miller	Runner
Bordonaro	Kaloogian	Morrow	Woods

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 438 (Johnston)**—An act to amend Section 502.01 of, and to add and repeal Chapter 5.7 (commencing with Section 13848) of Title 6 of Part 4 of, the Penal Code, relating to crimes.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—65**

Ackerman	Cunneen	Machado	Runner
Aguiar	Davis	Margett	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Mazzoni	Strom-Martin
Aroner	Firestone	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Granlund	Morrissey	Thomson
Baldwin	Havice	Morrow	Torlakson
Battin	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Ortiz	Wayne
Bowler	Knox	Pacheco	Wildman
Brewer	Kuehl	Papan	Woods
Brown	Kuykendall	Perata	Mr. Speaker
Campbell	Leach	Poochigian	
Cardenas	Lempert	Prenter	
Cardoza	Leonard	Richter	

**NOES—5**

Baugh	Floyd	Oller
Ducheny	McClintock	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 776 (Johannessen)**—An act to add Sections 13332.19 and 14661 to the Government Code, relating to state property.

Bill read third time.

**Motion to Amend**

Assembly Member Campbell moved the adoption of amendments.  
Amendments read and adopted.

**Amendments Withdrawn**

Without objection, Assembly Member Campbell withdrew his amendments to Senate Bill No. 776—Set 2.



**Request for Unanimous Consent**

Assembly Member Campbell requested unanimous consent that Senate Bill No. 776, as amended, be returned to the Consent Calendar.

Assembly Member Martinez withheld unanimous consent.

**Parliamentary Inquiry**

Assembly Member Aguiar arose to the following parliamentary inquiry:

What is the vote requirement to return a bill to the Consent Calendar after it has been removed and amendments to the bill read and adopted?

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore replied that it would be a suspension of the Rules to return a bill to the Consent Calendar and would therefor require  $\frac{2}{3}$  present and voting.

Senate Bill No. 776 ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF SENATE BILL NO. 719 BY UNANIMOUS CONSENT**

Assembly Member Gallegos was granted unanimous consent to take up Senate Bill No. 719, out of order.

**SENATE BILL NO. 719 (Johnston)**—An act to add Article 3.5 (commencing with Section 1359) to Chapter 2.2 of Division 2 of the Health and Safety Code, to add Article 1.7 (commencing with Section 10128.50) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to health coverage.

Bill read third time.

**Motion to Amend**

Assembly Member Gallegos moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**At 11:40 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**BILLS PASSED ON FILE**

Senate Bills Nos. 818, 1257, 713, and 1086—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 494 (Maddy)**—An act to amend Sections 19621.1, 19622.1, 19622.3, and 19622.4 of, and to repeal and add Section 19622.5 of, the Business and Professions Code, relating to district agricultural associations.

Bill read third time.

**Motion to Amend**

Assembly Member Cardoza moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 980 (Hayden)**—An act to add and repeal Chapter 3.6 (commencing with Section 13827) of Title 6 of Part 4 of the Penal Code, relating to crime prevention.

Bill read third time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 283 (Leslie)**—An act to amend Section 1596.792 of the Health and Safety Code, and to amend Section 5056 of the Penal Code, relating to prisons.

Bill read third time.

**Motion to Amend**

Assembly Member Bowler moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 364 (Sher)**—An act to add and repeal Article 9.7 (commencing with Section 8420) of Chapter 2 of Part 3 of Division 6 of, and to repeal Section 8425 of, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Papan moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 512 (Rosenthal)**—An act to amend Sections 45, 132, 685, 729, 1070.6, 1531, 1774, 1775, 1775.1, 1775.2, 1775.3, 1775.4, 1775.5, 1775.6, 1775.7, 1775.8, 1775.9, 1776, 1779, 12973.6, 12976, and 12976.5 of, and to repeal Section 685.3 of, the Insurance Code, and to amend Sections 12222, 12253, 12255, 12260, 12281, 12302, 12303, 12304, 12305, 12306, 12412, 12413, 12421, 12422, 12423, 12425, 12428, 12429, 12430, 12434, 12435, 12601, 12602, 12633, 12634, 12978, 13151, and 13170 of, and to add Sections 12009, 13171, 13172, 13173, and 13174 to, and to repeal Sections 12411, 12424, 12952, and 12982 of, the Revenue and Taxation Code, relating to insurance.

Bill read third time.

**Motion to Amend**

Assembly Member Keeley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**Amendments Withdrawn**

Without objection, Assembly Member Keeley withdrew his amendments to Senate Bill No. 512—Set 2.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 772 and 880**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 750 (Rosenthal)**—An act to amend Section 1367.10 of the Health and Safety Code, relating to health care coverage.

Bill read third time.

**Motion to Amend**

Assembly Member Gallegos moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 720 (Lockyer)**—An act to add and repeal Section 9250.19 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Ortiz.

**Demand for Previous Question**

Assembly Members Sweeney, Baca, Mazzoni, Margett, and Washington demanded the previous question. Demand sustained.

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Ortiz moved a call of the Assembly.

Motion carried. Time, 12:16 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 1107 (Committee on Revenue and Taxation)**—An act to amend Section 53684 of the Government Code, to amend Sections 2191.4, 2195, 2503.2, 2605, 2606, 2607, 2611.6, 2910.1, 3691, 4836.5, 4837.5, and 20583 of the Revenue and Taxation Code, and to amend Section 9880 of the Vehicle Code, relating to taxation.

Bill read third time.

**Motion to Amend**

Assembly Member Takasugi moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1346 (Committee on Business and Professions)**—An act to amend Sections 101, 485, 486, 489, 810, 2499.5, 2530.2, 2530.5, 2530.6, 2531, 2531.05, 2531.1, 2531.2, 2531.3, 2531.4, 2531.6, 2531.7, 2531.8, 2531.9, 2531.95, 2532.1, 2532.2, 2532.4, 2533.4, 2534, 2534.1, 2534.2, 2535, 2535.2, 2535.4, 2536, 2539, 2760.1, 2902, 2928, 2929, 2933, 2940, 2941, 2948, 2971, 2980, 2984, 3325, 3328, 3362, 3401, 5029, 5107, 7330, 7335, 7337, 7340, 7404, 7414, 7415, 7417, 7423, and 7860 of, to add Sections 144 and 2531.75 to, to repeal Sections 6529, 6548, 6560, 6625, 6630, 6632, 6633, 6634, 6635, 6635.2, 6636, 7302, 7311, 7312, 7314, 7314.1, 7314.2, 7320, 7322, 7373, 7384, 7390, 7391, 7392, 7393, 7394, 7395, 7412, 7420, 7427, 7431, 7436, 7437, 7437.3, and 7444 of, and to repeal and add Section 2531.5 of, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professions and vocations.

Bill read third time.

**Motion to Amend**

Assembly Member Gallegos moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bill No. 506**, on request of Assembly Member Cardoza.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 969 (Burton)**—An act to amend Sections 75033.5, 75075, 75076, 75520, and 75522 of the Government Code, relating to judges.

Bill read third time.

**Motion to Amend**

Assembly Member Perata moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1614 (Lempert)**—An act to add Part 32 (commencing with Section 65001) to Division 2 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Lempert moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 542 (Alpert)**—An act to amend Sections 63.1, 255, 273, 273.5, 275, 275.5, 276, 401.13, 430.5, and 1603 of, and to add Section 5145.5 to, the Revenue and Taxation Code, relating to taxation.

**Rules Temporarily Suspended**

Assembly Member Takasugi was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of proposed amendments to Senate Bill No. 542.

Bill read third time.

**Motion to Amend**

Assembly Member Takasugi moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 873 (Vasconcellos)**—An act to add Section 116064 to the Health and Safety Code, relating to pool safety.

Bill read third time.

**Motion to Amend**

Assembly Member Torlakson moved the adoption of amendments.

Amendments read.

**Roll Call Demanded**

Assembly Members Kuykendall, House, and Aguiar, demanded a roll call.

The roll was called, and the Torlakson amendments adopted by the following vote:

**AYES—44**

Alquist	Floyd	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Thomson
Bowen	Havice	Morrissey	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Davis	Knox	Papan	Wayne
Ducheny	Kuehl	Perata	Wildman
Escutia	Lempert	Scott	Wright
Figuerola	Machado	Shelley	Mr. Speaker

**NOES—32**

Ackerman	Brewer	Kuykendall	Oller
Aguiar	Campbell	Leach	Pacheco
Ashburn	Cunneen	Leonard	Poochigian
Baldwin	Firestone	Margett	Prenter
Battin	Goldsmith	McClintock	Pringle
Baugh	Granlund	Miller	Richter
Bordonaro	House	Morrow	Runner
Bowler	Kaloogian	Olberg	Woods

Bill ordered reprinted, and to be returned to the third reading file.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1347 (Committee on Business and Professions)**—An act to amend Sections 651, 2590, 2591, 2592, 3105.1, and 3135 of, and to add Section 17505.2 to, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Thomson moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1052 (Vasconcellos)**—An act to amend Sections 10232.1, 10234.93, and 10237.1 of, to amend and renumber Section 10232.8 of, to add Sections 10232.2, 10232.92, 10232.93, 10232.95, 10232.96, 10234.86, 10234.87, 10235.9, 10235.30, 10235.40, 10235.50, 10235.51, 10235.52, 10235.90, 10237.4, 10237.5, and 10237.6 to, and to repeal and add Section 10234.95 of, the Insurance Code, relating to health insurance.

Bill read third time.

**Motion to Amend**

Assembly Member Gallegos moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1258 (Vasconcellos)**—An act to amend Sections 35560, 35565, 35575, 35710, 35710.5, and 35753 of, and to add Section 35710.7 to, the Education Code, relating to education.

Bill read third time.

**Motion to Amend**

Assembly Member Lempert moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 230 (Alpert)**—An act to amend Section 41712 of the Health and Safety Code, relating to air pollution.

Bill read third time.

**Motion to Amend**

Assembly Member Wayne moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1328 (Brulte)**—An act to amend Sections 1775, 1776, and 1813 of the Labor Code, relating to public works.

**Rules Temporarily Suspended**

Assembly Member Mazzoni was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of proposed amendments to Senate Bill No. 1328.

Bill read third time.

**Motion to Amend**

Assembly Member Mazzoni moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 951**

At 12:41 p.m., on motion of Assembly Member Battin, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Battin moved to continue the call of the Assembly.

Motion carried. Time, 12:41 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 720**

At 12:42 p.m., on motion of Assembly Member Ortiz, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Ortiz moved to continue the call of the Assembly.

Motion carried. Time, 12:42 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, September 5, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (11) as it relates to Senate Bill No. 972.

CAROLE MIGDEN

Assembly Chamber, September 5, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (10) and (a) (11) as it relates to Senate Bills Nos. 298 and 521.

CAROLE MIGDEN

Above requests ordered transmitted to the Committee on Rules.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Perata announced that the Committee on Rules would meet today, upon recess of Floor session (upon adjournment of Caucus meetings).

#### **JOINT RULE 62(a) WAIVED**

Assembly Member Perata was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 521 for hearing in the Committee on Rules.

#### **NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Sweeney announced his intention to request that Senate Bill No. 495 be removed from the inactive file.

#### **SPECIAL COMMITTEE MEETINGS**

Assembly Member Aroner was granted unanimous consent that the Committee on Human Services be permitted to hold a special meeting today, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 163 for hearing.

#### **REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Lempert was granted unanimous consent that the following communication be printed in the Journal:

September 5, 1997

*E. Dotson Wilson  
Chief Clerk, California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Mr. Speaker and Members of the Assembly: I am offering amendments to AB 1614 that restate more clearly an author's amendment I offered that was approved without opposition by the Revenue and Taxation Committee on July 14. In that Committee, I offered an amendment to allow continuation of local utility taxes as they apply to basic charges for telephone, cable or cellular telephone service, even though the customer might use their cellular or landline telephone or cable television to access the Internet some or all of the time. I also offered to work with interested local government representatives to resolve concerns about the application of cable franchise fees to charges for interactive computer services. The cable franchise fee issue was subsequently addressed by author's amendments added in the Televising the Assembly and Information Technology Committee on August 29 ((Section 65004(b) (7))).

At the same time, however, I made it clear that I did not want the utility users tax to apply to additional charges made specifically for Internet access. For example, if the basic charge by a local telephone company for monthly telephone service is \$10.00, my intent was for

utility users taxes to continue to apply to that charge, even though the customer may use his or her telephone line to access the Internet. On the other hand, if an interactive computer service, such as Netcom or America Online, or a local telephone company, cable television company or cellular telephone company makes an additional charge specifically for (such as \$19.95 a month for unlimited Internet access), those charges are not to be subjected to the utility users tax.

The language drafted following the Revenue and Taxation Committee hearing to memorialize this amendment has met with varying interpretations, and there is great disagreement over whether the language establishes the boundary line for taxation where we agreed it was established. The amendment I am making to AB 1614 simply sharpens the language of my original amendment consistent with the Committee's action on July 14.

Sincerely,

TED LEMPert, Assembly Member  
Twenty-first District

#### **ACTION RESCINDED ON SENATE BILL NO. 450**

Assembly Member Kuykendall was granted unanimous consent to rescind the action whereby the Assembly, on August 7, 1997 (Assembly Journal, page 3540), passed Senate Bill No. 450, and whereby the bill was ordered transmitted to the Senate.

#### **Consideration of Senate Bill No. 450 Without Reference to File**

Assembly Member Kuykendall was granted unanimous consent to take up Senate Bill No. 450, without reference to file, for purpose of amendment.

**SENATE BILL NO. 450 (Peace)**—An act to amend Section 138.6 of the Labor Code, relating to workers' compensation.

Bill read third time.

#### **Motion to Amend**

Assembly Member Kuykendall moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

#### **CONSIDERATION OF SENATE BILL NO. 506 WITHOUT REFERENCE TO FILE**

Assembly Member Cardoza was granted unanimous consent to take up Senate Bill No. 506, without reference to file, for purpose of amendment.

**SENATE BILL NO. 506 (Committee on Transportation)**—An act to amend Section 719 of the Harbors and Navigation Code, to amend Section 99234 of the Public Utilities Code, to amend Sections 2104, 2110, and 2152 of the Streets and Highways Code, and to amend Sections 1653.5, 1808, 1810, 4000.37, 11704.5, and 27314.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor.

Bill read third time.

#### **Motion to Amend**

Assembly Member Cardoza moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.



**MOTION TO SUSPEND JOINT RULE 28.1**

Assembly Member Leonard moved that Joint Rule 28.1 be suspended to permit the appointment of conferees to the Conference Committees on Assembly Bills Nos. 234, 252, 755, and 1580 and Senate Bill No. 1227.

Motion carried by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figuerola	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

**NOES—None****MOTION TO SUSPEND JOINT RULE 28.1**

Assembly Member Leonard moved that Joint Rule 28.1 be suspended to permit the appointment of conferees to the Conference Committees on Senate Bills Nos. 860 and 903.

Motion carried by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figuerola	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

**NOES—None**

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as Committees on Conference concerning:

Assembly Bill No. 534: Figueroa, Aguiar, and Villaraigosa.

Senate Bill No. 860: Figueroa, Aguiar, and Villaraigosa.

Senate Bill No. 954: Figueroa, Aguiar, and Villaraigosa.

Assembly Bill No. 252: Villaraigosa, Bordonaro, and Mazzoni.

Assembly Bill No. 1580: Villaraigosa, Bordonaro, and Mazzoni.

Senate Bill No. 903: Figueroa, Villaraigosa, and Aguiar.

**CHANGES IN CONFEREES**

The Speaker made the following changes in the Conference Committee on Assembly Bill No. 234:

Assembly Member Bordonaro, in place of Assembly Member Leonard.

The Speaker made the following changes in the Conference Committee on Assembly Bill No. 755:

Assembly Member Bordonaro, in place of Assembly Member Leonard.

The Speaker made the following changes in the Conference Committee on Senate Bill No. 250:

Assembly Member Bordonaro, in place of Assembly Member Leonard.

The Speaker made the following changes in the Conference Committee on Senate Bill No. 1227:

Assembly Member Bordonaro, in place of Assembly Member Leonard.

**CAUCUS ANNOUNCEMENTS**

At 12:55 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 12:56 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 3:31 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 247

Senate Bill No. 1092

Senate Bill No. 526

Senate Bill No. 1161

Senate Bill No. 660

Senate Bill No. 1163

Senate Bill No. 812

Senate Bill No. 1189

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1195

Senate Bill No. 1198

Senate Bill No. 1254

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

#### **Committee on Rules**

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 44

With the recommendation: Be adopted, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 52

Senate Concurrent Resolution No. 53

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

PERATA, Chairman

Above resolutions ordered on file.

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 21

Assembly Concurrent Resolution No. 76

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

PERATA, Chairman

Above resolutions ordered on file.

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 38

With the recommendation: Be adopted, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

#### **MESSAGES FROM THE SENATE**

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

**Senate Bill No. 406.**

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

September 5, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a) (9) and (11), as it relates to the following bill be granted:

Senate Bill No. 262.

DON PERATA, Chairman

September 5, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a) (11), as it relates to the following bill be granted:

Senate Bill No. 521, to be heard today only.

DON PERATA, Chairman

September 5, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a) (10) and (11), as it relates to the following bill be granted:

Senate Bill No. 614, today only.

DON PERATA, Chairman

September 5, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a) (9) and (11), as it relates to the following bill be granted:

Senate Bill No. 45.

DON PERATA, Chairman

**NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 6**  
**FROM COMMITTEE**

Pursuant to the provisions of Assembly Rule 96, Assembly Member Goldsmith gave notice that he would move to withdraw Senate Bill No. 6 from the Committee on Appropriations.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Member Richter on the occasion of his birthday.

**ACTION RESCINDED ON SENATE BILL NO. 1238**

Assembly member Hertzberg was granted unanimous consent to rescind the action whereby the Assembly, on September 3, 1997 (Assembly Journal, page 4046), passed Senate Bill No. 1238, and whereby the bill was ordered transmitted to the Senate.

**Consideration of Senate Bill No. 1238 without Reference to File**

Assembly Member Hertzberg was granted unanimous consent to take up Senate Bill No. 1238, without reference to file, for purpose of amendment.

**SENATE BILL NO. 1238 (Johannessen)**—An act to amend Section 368 of the Penal Code, relating to crime.

Bill read third time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

At 3:38 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 235 (Solis)**—An act to amend Section 12926 of the Government Code, relating to employment.

Bill read third time.

**Motion to Amend**

Assembly Member Kuehl moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**At 3:43 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 190**, on request of Assembly Member Thomson.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE WAIVED**

Assembly Member Murray waived his notice of intention to request that Senate Bill No. 1329 be removed from the inactive file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 731 (Hurt)**—An act to repeal Section 43843 of the Health and Safety Code, relating to air pollution.

Bill read third time.

**Motion to Amend by Assembly Member Olberg**

Assembly Member Olberg moved the adoption of amendments.

Amendments read.

**Motion to Offer Substitute Motion to Amend**

Assembly Member Wayne moved to offer a substitute motion to amend.

Assembly Member Escutia seconded the motion.

**Demand for Previous Question**

Assembly Members Villaraigosa, Escutia, Napolitano, Figueroa, and Keeley demanded the previous question.

**Roll Call Demanded**

Assembly Members Miller, Kuykendall, and Brewer, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—40**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thomson
Baca	Havice	Migden	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Perata	Wayne
Davis	Kuehl	Scott	Wildman
Ducheny	Lempert	Shelley	Wright
Escutia	Machado	Strom-Martin	Mr. Speaker

**NOES—36**

Ackerman	Brewer	Kuykendall	Oller
Aguiar	Campbell	Leach	Pacheco
Alby	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Margett	Prenter
Baldwin	Frusetta	McClintock	Pringle
Battin	Goldsmith	Miller	Richter
Baugh	Granlund	Morrissey	Runner
Bordonaro	House	Morrow	Takasugi
Bowler	Kaloogian	Olberg	Woods

**Objection to Vote Adds**

Assembly Member Woods withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the demand for the previous question on the Wayne motion to offer a substitute motion to amend Senate Bill No. 731.

The question being on the Wayne motion to offer a substitute motion to amend.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Villaraigosa moved a call of the Assembly.

Motion carried. Time, 4:16 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ACTION RESCINDED ON SENATE BILL NO. 161**

Assembly Member Mazzoni was granted unanimous consent to rescind the action whereby the Assembly, on June 19, 1997 (Assembly Journal page 2788), passed Senate Bill No. 161, and whereby the bill was ordered transmitted to the Senate.

**Consideration of Senate Bill No. 161 Without Reference to File**

Assembly Member Mazzoni was granted unanimous consent to take up Senate Bill No. 161, without reference to file, for purpose of amendment.

**SENATE BILL NO. 161 (Greene)**—An act to add Section 38060 to the Education Code, relating to schools.

Bill read third time.

**Motion to Amend**

Assembly Member Mazzoni moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Frusetta returned Assembly Bill No. 1029 to the Senate for further action.

**ADJOURN IN MEMORY**

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jasmine Torres, of Pico Rivera.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**SECOND READING OF SENATE BILL NO. 255**

**SENATE BILL NO. 255**—An act to amend Sections 15301 and 15301.3 of, to repeal Section 15301.7 of, and to repeal and add Section 15301.5 of, the Government Code, relating to armories, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Motion to Amend**

Assembly Member Honda moved the adoption of amendments.

Amendments read.

**Roll Call Demanded**

Assembly Members Kuykendall, Leonard, and Bowler, demanded a roll call.

The roll was called, and the Honda amendments adopted by the following vote:

**AYES—42**

Alquist	Escutia	Machado	Thomson
Aroner	Figuroa	Martinez	Torlakson
Baca	Firestone	Mazzoni	Villaraigosa
Battin	Frusetta	Migden	Vincent
Bowen	Gallegos	Murray	Washington
Brown	Havice	Napolitano	Wayne
Cardenas	Hertzberg	Pacheco	Wildman
Cardoza	Honda	Perata	Woods
Cunneen	Knox	Shelley	Mr. Speaker
Davis	Kuehl	Strom-Martin	
Ducheny	Lempert	Sweeney	

**NOES—28**

Ackerman	Bowler	Kuykendall	Olberg
Aguiar	Brewer	Leach	Oller
Alby	Campbell	Leonard	Ortiz
Ashburn	Goldsmith	Margett	Poochigian
Baldwin	Granlund	McClintock	Pringle
Baugh	House	Miller	Richter
Bordonaro	Kaloogian	Morrissey	Runner

**Vote Changes**

By unanimous consent, the following vote change was permitted on the amendments offered by Assembly Member Honda to Senate Bill No. 255: Assembly Member Ortiz, from "Aye" to "No".

Bill ordered reprinted, and ordered to the third reading file, by unanimous consent.

**SECOND READING OF SENATE BILL NO. 535**

**SENATE BILL NO. 535**—An act to add Section 11362.59 to the Health and Safety Code, relating to marijuana, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Motion to Amend**

Assembly Member Migden moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and ordered to the third reading file, by unanimous consent.

**SECOND READING OF SENATE BILL NO. 936**

**SENATE BILL NO. 936**—An act to amend Sections 11475.8 and 15200.95 of, to add Sections 15200.75, 15200.8, 15200.91, and 15200.92 to, the Welfare and Institutions Code, relating to human services.

Bill read second time.

**Motion to Amend**

Assembly Member Escutia moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and ordered to the third reading file, by unanimous consent.



**SECOND READING OF SENATE BILL NO. 1135**

**SENATE BILL NO. 1135**—An act to add Section 25201.15 to the Health and Safety Code, relating to hazardous waste.

Bill read second time.

**Motion to Amend**

Assembly Member Wayne moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and ordered to the third reading file, by unanimous consent.

**At 4:43 p.m., Assistant Speaker pro Tempore Joe Baca,**  
**62nd District, presiding**

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 882 (Schiff)**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill read third time.

**Motion to Amend by Assembly Member Battin**

Assembly Member Battin moved the adoption of amendments.  
Amendments read.

**Motion to Table Battin Amendments  
to Senate Bill No. 882**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Battin to Senate Bill No. 882 be laid upon the table.

Assembly Member Shelley seconded the motion.

Motion carried by the following vote:

**AYES—38**

Alquist	Gallegos	Migden	Torlakson
Aroner	Hertzberg	Murray	Villaraigosa
Baca	Honda	Napolitano	Vincent
Brown	Keeley	Ortiz	Washington
Cardenas	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Shelley	Wright
Escutia	Machado	Strom-Martin	Mr. Speaker
Figueroa	Martinez	Sweeney	
Floyd	Mazzoni	Thomson	

**NOES—36**

Ackerman	Brewer	Kuykendall	Oller
Aguiar	Campbell	Leach	Pacheco
Alby	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Margett	Prenter
Baldwin	Frusetta	McClintock	Pringle
Battin	Goldsmith	Miller	Richter
Baugh	Granlund	Morrissey	Runner
Bordonaro	House	Morrow	Takasugi
Bowler	Kaloogian	Olberg	Woods

**Objection to Vote Adds**

Assembly Member Margett withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Villaraigosa motion to table Battin amendments to Senate Bill No. 882.

**Further Consideration of Senate Bill No. 882**  
**Motion to Amend**

Assembly Member Wildman moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1348 (Committee on Business and Professions)**—An act to amend Sections 5053, 5055, 5056, 5060, 5070.6, 5071, 5072, 5073, 5081.1, 5084, 5153, 11302, 11315, 11360, 11410, 17550.43, 17550.44, 17550.47, 17550.49, and 22958 of, to add Sections 5058.1, 11316, 11317, 11318, and 11409 to, to repeal Sections 5059, 5074, 5075, and 5076 of, and to repeal and add Section 5082.3 of, the Business and Professions Code, and to amend Section 719 of the Harbors and Navigation Code, relating to professions.

Bill read third time.

**Motion to Amend**

Assembly Member Davis moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1050 (Alpert)**—An act to add Section 601.5 to the Welfare and Institutions Code, relating to youths.

Bill read third time.

**Motion to Amend**

Assembly Member Wayne moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**REQUEST TO DISPENSE WITH CALLS OF THE ASSEMBLY**

Assembly Member Floyd requested unanimous consent to dispense with Calls of the Assembly.

Unanimous consent was withheld.

**Motion to Dispense with Calls of the Assembly**

Assembly Member Floyd moved to dispense with the Calls of the Assembly.

Assembly Member Miller seconded the motion.

Motion lost by the following vote:

**AYES—38**

Ackerman	Campbell	Leach	Papan
Aguiar	Cunneen	Leonard	Poochigian
Alby	Firestone	Margett	Prenter
Ashburn	Floyd	McClintock	Pringle
Baldwin	Frusetta	Miller	Richter
Battin	Goldsmith	Morrissey	Runner
Baugh	Granlund	Morrow	Takasugi
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Pacheco	

**NOES—39**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thomson
Baca	Havice	Migden	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**CONSIDERATION OF DAILY FILE (RESUMED)**

**SECOND READING OF SENATE BILL NO. 499**

**SENATE BILL NO. 499**—An act to add Chapter 10 (commencing with Section 66406) to Division 1 of Title 7 of the Government Code, to add Sections 21083.10, 30012.5, and 30412.1 to the Public Resources Code, and to add Section 13167.1 to, and to add Chapter 5.4 (commencing with Section 13367) to Division 7 of, the Water Code, relating to water.

Bill read second time.

**Motion to Amend**

Assembly Member Wayne moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and ordered to the third reading file, by unanimous consent.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 914**—An act to amend Section 654 of the Penal Code, relating to criminal procedure.

Bill read second time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and ordered to the third reading file, by unanimous consent.

**SENATE BILL NO. 782 REMOVED FROM INACTIVE FILE AND TAKEN UP**

Assembly Member Poochigian was granted unanimous consent that Senate Bill No. 782 be withdrawn from the inactive file and to take the bill up at this time, without reference to file, for purpose of amendment.

**SENATE BILL NO. 782 (Costa)**—An act to add Sections 6523.6 and 6523.7 to the Government Code, relating to public health.

Bill read third time.

**Motion to Amend**

Assembly Member Poochigian moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**RESOLUTIONS**

The following resolutions were offered:

**Resolution No. 1 to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(a)(11) be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bill No. 521 for further action today only.

**Resolution No. 2 to Suspend Joint Rules**

By Assembly Member Escutia:

*Resolved*, That Joint Rule 61(a)(9) and (11) be suspended to permit the Committee on Judiciary to meet, consider, and report Senate Bill No. 262 for further action.

Resolutions read.

**Request for Division of the Question**

Assembly Member Leonard requested that the question be divided to permit consideration of Resolution No. 2 to Suspend Rules as they relate to Senate Bill No. 262, separately.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled that the question is divisible, as requested.

**Question 1**

The question being on the adoption of Resolution No. 1 to Suspend Rules as they relate to Senate Bill No. 521.

Resolution adopted by the following vote:

**AYES—71**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Floyd	Mazzoni	Strom-Martin
Baca	Frusetta	McClintock	Sweeney
Baldwin	Gallegos	Migden	Takasugi
Baugh	Goldsmith	Miller	Thomson
Bordonaro	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Morrow	Vincent
Bowler	Hertzberg	Murray	Washington
Brewer	Honda	Napolitano	Wayne
Brown	House	Olberg	Wildman
Campbell	Kaloogian	Oller	Woods
Cardenas	Keeley	Pacheco	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	

**NOES—None****Question 2**

The question being on the adoption of Resolution No. 2 to Suspend Rules as they relate to Senate Bill No. 262.

Resolution refused adoption by the following vote:

**AYES—40**

Alquist	Figueroa	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Cardenas	Keeley	Papan	Washington
Cardoza	Kuehl	Perata	Wayne
Davis	Lempert	Scott	Wildman
Ducheny	Machado	Shelley	Wright
Escutia	Martinez	Strom-Martin	Mr. Speaker

**NOES—36**

Ackerman	Brewer	Kuykendall	Oller
Aguiar	Campbell	Leach	Pacheco
Alby	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Margett	Prenter
Baldwin	Frusetta	McClintock	Pringle
Battin	Goldsmith	Miller	Richter
Baugh	Granlund	Morrissey	Runner
Bordonaro	House	Morrow	Takasugi
Bowler	Kaloogian	Olberg	Woods

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1430 (Figueroa)**—An act to add Chapter 14 (commencing with Section 15775) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to health care coverage.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

~~The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:~~

**AYES—4**

**Figueroa**

**NOES—70**

Aekerman	Cunneen	Kuykendall	Peechigian
Aguilar	Davis	Leach	Prenter
Alby	Ducheny	Lempert	Pringle
Alquist	Eseutia	Leonard	Runner
Aroner	Firestone	Machado	Scott
Ashburn	Floyd	Margett	Shelley
Baca	Frusetta	Martinez	Strom Martin
Baldwin	Gallegos	Mazzoni	Sweeney
Battin	Goldsmith	McClintock	Takasugi
Baugh	Granlund	Miller	Villanigosa
Bordonaro	Havice	Morrissey	Vincent
Bowen	Hertzberg	Morrow	Wayne
Bowler	Honda	Murray	Wildman
Brewer	House	Napolitano	Woods
Brown	Kaloeagian	Olberg	Wright
Campbell	Keeley	Oller	Mr. Speaker
Cardenas	Knox	Pacheco	
Cardeza	Kuehl	Perata	

(NOTE: On March 30, 1998, the action was rescinded whereby the Assembly refused to concur in Senate amendments to Assembly Bill No. 1430. See page 6007.)

**SECOND READING OF SENATE BILL NO. 721**

**SENATE BILL NO. 721**—An act to amend Sections 669, 1170, 1170.1, 1170.13, and 1170.15 of, to add Section 1170.11 to, and to repeal Section 1170.95 of, the Penal Code, relating to sentencing.

Bill read second time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and ordered to the third reading file, by unanimous consent.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 319 (Burton)**—An act to add Sections 1057.61, 1057.62, and 1057.63 to the Civil Code, and to add Sections 12340.12 and 12340.13 to the Insurance Code, relating to title insurance.

Bill read third time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read.

**Roll Call Demanded**

Assembly Members Morrissey, Aguiar, and Margett, demanded a roll call.

The roll was called, and the Hertzberg amendments adopted by the following vote:

**AYES—41**

Alquist	Gallegos	Murray	Torlakson
Aroner	Havice	Napolitano	Villaraigosa
Baca	Hertzberg	Ortiz	Vincent
Bowen	Honda	Papan	Washington
Brown	Keeley	Perata	Wayne
Cardenas	Knox	Richter	Wildman
Cardoza	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Martinez	Strom-Martin	
Escutia	Mazzoni	Sweeney	
Figueroa	Migden	Thomson	

**NOES—34**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Machado	Prenter
Ashburn	Firestone	Margett	Pringle
Baldwin	Frusetta	Miller	Runner
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Woods
Bordonaro	House	Olberg	
Bowler	Kaloogian	Oller	

Bill ordered reprinted, and to be returned to the third reading file.

**UNFINISHED BUSINESS (RESUMED)****SENATE BILL NO. 1037 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given by Assembly Member Perata, Assembly Member Migden was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 1037 was refused passage.

**Further Consideration of Senate Bill No. 1037**

**SENATE BILL NO. 1037 (Vasconcellos)**—An act to add Section 3105 to the Family Code, relating to family law.

Bill read third time.

**Motion to Amend**

Assembly Member Migden moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Machado:

*Resolved*, That Joint Rule 61(a) (10) and (a) (11) to permit the Committee on Appropriations to meet, consider, and report Senate Bill No. 614 for further action today only.

By Assembly Member Murray:

*Resolved*, That Joint Rule 61(a) (9) and (a) (11) be suspended to permit the Committee on Transportation to meet, consider, and report Senate Bill No. 45 for further action.

Resolutions read, and adopted by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

**NOES—None**

At 5:28 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

**CONSIDERATION OF DAILY FILE (RESUMED)****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 22**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article XIII A thereof, relating to taxation.

Bill read second time, and ordered to third reading.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 137**, ordered to third reading.



**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 3**—An act to amend Section 11055 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 31**—An act to add Sections 17053.50 and 23649.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 49**—An act to add Chapter 4.6 (commencing with Section 84600) to Title 9 of the Government Code, relating to the Political Reform Act of 1974, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 72**—An act to amend Section 30620 of the Public Resources Code, relating to coastal resources.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 172**—An act to amend Sections 513, 514, 518, 522, 523, 524, and 525 of, and to add Sections 526 and 527 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 200**—An act to add Section 7073.8 to the Government Code, and to amend Sections 17053.74 and 23622.7 of, to add Sections 17053.47 and 23622.8 to, and to repeal and amend Sections 17053.70, 17053.75, 17235, 23612.2, and 24384.5 of, the Revenue and Taxation Code, relating to economic development.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 377**—An act to add Sections 42249.6 and 42249.65 to the Education Code, relating to education.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 445**—An act to add Section 12803 to the Food and Agricultural Code, relating to agriculture.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 545**—An act to amend Section 668.1 of, to add Section 658.6 to, and to repeal and add Section 658.5 of, the Harbors and Navigation Code, relating to vessels.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 669**—An act to add Sections 48645.8 and 51220.6 to the Education Code, and to add Sections 885.5, 896.5, 1124.5, and 1857.5 to the Welfare and Institutions Code, relating to parenting education.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 673**—An act to add Section 13396.9 to the Water Code, relating to water, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 820**—An act to add Article 3 (commencing with Section 79140) to Chapter 9 of Part 48 of the Education Code, relating to education.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1034**—An act to amend Sections 1226, 117670, 117680, 117690, 117705, 117755, 117760, and 129885 of, to add Sections 117672, 117776, 117777, 117778, and 118005 to, and to add Chapter 9.5 (commencing with Section 118321) to Part 14 of Division 104 of, the Health and Safety Code, relating to health services.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1035**—An act relating to human services.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1051**—An act to amend Section 42249 of, and to add Section 42249.8 to, the Education Code, relating to education.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1113**—An act to amend Section 21087 of, and to add Section 21001.2 to, the Public Resources Code, relating to environmental quality.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1179**—An act to add Section 40059.1 to the Public Resources Code, relating to solid waste.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1270**—An act to add Section 8169.5 to the Government Code, relating to state property.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1306**—An act to repeal, add, and repeal Chapter 6 (commencing with Section 39900) of Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1307**—An act to amend Sections 116275, 116285, 116290, 116325, 116390, 116425, 116540, 116565, 116580, 116585, 116650, and 116880 of, to amend and renumber Section 116300 of, to add Sections 116286 and 116287 to, to add Chapter 4.5 (commencing with Section 116760) to Part 12 of Division 104 of, and to repeal and add Section 116875 of, the Health and Safety Code, and to add Section 13169 to the Water Code, relating to drinking water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1339**—An act to amend Section 12020 of the Penal Code, relating to firearms.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 42**—An act to amend Section 44011 of the Health and Safety Code, and to amend Section 4000.1 of the Vehicle Code, relating to air pollution.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 85**—An act to add Article 7.5 (commencing with Section 44579) to Chapter 3 of Part 25 of the Education Code, relating to staff development.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 135**—An act to amend and repeal Sections 48431.6, 48431.7, 62000.1, and 62000.5 of, to amend, repeal, and add Sections 63000 and 64000 of, to add Part 28.5 (commencing with Section 53008) to, to add and repeal Sections 42926, 44498, 4689.6, 48642, 52091, 52115, 52187, 54669.1, 54686.3, 58410, and 58609 of, to add and repeal Article 4 (commencing with Section 44689.1) of Chapter 3.1 of Part 25 of, and Article 4 (commencing with Section 54146) of Chapter 2 of, and Article 3 (commencing with Section 54349) of Chapter 3 of, Part 29 of, Article 6 (commencing with Section 58070) of Chapter 1 of, and Article 7 (commencing with Section 58930) of Chapter 9 of, Part 31 of, to repeal Article 4 (commencing with Section 44490) of Chapter 3 of Part 25 of, Article 2 (commencing with Section 48630) of Chapter 4 of Part 27 of, Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of,

Article 3 (commencing with Section 54660) and Article 4.5 (commencing with Section 54685) of, Chapter 9 of Part 29 of, to repeal Chapter 11.3 (commencing with Section 42920) of Part 24 of, Chapter 3.1 (commencing with Section 44670.1) of, and Chapter 3.15 (commencing with Section 44689.5) of, Part 25 of, Chapter 6.8 (commencing with Section 52080) of, and Chapter 6.9 (commencing with Section 52100) of, Part 28 of, Chapter 2 (commencing with Section 54100) of, and Chapter 3 (commencing with Section 54300) of, Part 29 of, and to repeal Chapter 1 (commencing with Section 58000) of, Chapter 2 (commencing with Section 58400) of, Chapter 4 (commencing with Section 58600) of, and Chapter 9 (commencing with Section 58900) of, Part 31 of, the Education Code, relating to education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 291**—An act relating to the payment of judgments and settlement claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 300**—An act to repeal and add and repeal Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code, relating to education, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 345**—An act to amend Sections 33370, 33381, and 62000.14 of, to repeal Sections 33371 and 33372 of, the Education Code, relating to Indian education centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 458**—An act to add Section 11019.7 to the Government Code, relating to state agencies.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 463**—An act to amend Sections 12002.6, 12002.8, 12006.6, and 12009 of, to amend and renumber Sections 8306.7, 8311, 8313, and 8314 of, to add Sections 5520, 5521, 5521.5, 5522, 7149.8, and 7149.9 to, to add Article 3 (commencing with Section 7360) to Chapter 2 of Part 2 of Division 6 of, and to repeal Sections 8300, 8300.1, 8300.2, 8301, 8302, 8303, 8304, 8305, 8305.5, 8305.8, 8305.9, 8305.10, 8305.11, 8306, 8306.1, 8306.2, 8306.3, 8306.6, 8306.9, 8308, 8309, and 8310 of, the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 550**—An act to amend Sections 35735.1 and 48664 of, and to add and repeal Section 52124.5 of, the Education Code, relating to education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 623**—An act to add Section 89009 to the Education Code, relating to postsecondary education, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 624**—An act to add Section 71051 to the Education Code, relating to postsecondary education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 702**—An act to repeal and add Article 4 (commencing with Section 15379.15) of Chapter 3.5 of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to economic development.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 802**—An act relating to independent study, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 824**—An act to add and repeal Article 4 (commencing with Section 90530) of Chapter 11 of Part 55 of the Education Code, relating to teacher recruitment, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 828**—An act to amend Sections 6710, 6714, 6747, and 8710 of the Business and Professions Code, relating to professional engineers.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 853**—An act to add and repeal Section 628.3 of, and to add and repeal Title 5.5 (commencing with Section 13760) of Part 4 of, the Penal Code, relating to firearms, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1031**—An act to add and repeal Article 3.6 (commencing with Section 35746) of Chapter 4 of Part 21 of the Education Code, relating to education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1106**—An act to amend Section 30 of the Business and Professions Code, to amend Section 1666.5 of the Insurance Code, to amend Sections 17053.49, 17062, 17220, 17276.2, 17502, 17570, 17935, 18633, 18633.5, 19021, 19024, 19141.6, 19280, 19282, 19340, 23183.1, 23183.2, 23221, 23332, 23332.5, 23455, 23649, 23802, 23809, 23811, 24416.2, 24602, 24710, and 24918 of, to amend and renumber Section 19532 of, to amend and renumber the heading of Article 6 (commencing with Section 19280) of Chapter 5 of Part 10.2 of Division 2 of, to add Sections 17936, 23114, and 24954 to, and to repeal Sections 23184, 23184.5, 23185, 23185a, 23185b, and 24903 of, the Revenue and Taxation Code, to amend Section 1088.5 of the Unemployment Insurance Code, and to amend Section 56 of Chapter 952 of the Statutes of 1996, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1130**—An act relating to human services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

### RECESS

By unanimous consent, at 5:30 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

### REASSEMBLED

At 5:31 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

### CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

#### Consent Calendar—Assembly Resolutions

**ASSEMBLY CONCURRENT RESOLUTION NO. 26 (Gallegos)**—Relative to Business Watch Month.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY CONCURRENT RESOLUTION NO. 68 (Morrissey)**—Relative to Mexican independence.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**HOUSE RESOLUTION NO. 39 (Strom-Martin)**—Relative to sister cities.

Resolution read, and adopted.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

#### Consent Calendar—Senate Bills

**SENATE BILL NO. 381 (Watson)**—An act to amend Sections 1562.3 and 1569.616 of the Health and Safety Code, relating to care facilities.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 810 (Johnson)**—An act to amend Sections 654, 654.05, 654.06, 655.3, and 668 of the Harbors and Navigation Code, and to amend Section 256 of the Welfare and Institutions Code, relating to vessels.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE BILL NO. 921 (Thompson)**—An act to amend Sections 16809.4, 17603, and 17604 of, and to amend and repeal Sections 16809 and 16809.3 of, the Welfare and Institutions Code, relating to public social services.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 38 (Alpert)**—Relative to women in military service for America.

Resolution read, adopted and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE JOINT RESOLUTION NO. 27 (Kopp)**—Relative to World Exposition, EXPO 2000.

Resolution read, adopted and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE JOINT RESOLUTION NO. 29 (Vasconcellos)**—Relative to repealing export restrictions on encryption software and hardware products.

Resolution read, adopted and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

#### **Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

#### **AYES—78**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

#### **NOES—None**

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Migden was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting today, upon adjournment of Floor session, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 614 and 521 for hearing.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
WAYNE MOTION TO OFFER A SUBSTITUTE MOTION TO AMEND  
SENATE BILL NO. 731**

At 5:52 p.m., on motion of Assembly Member Villaraigosa, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Wayne motion to offer a substitute motion to amend Senate Bill No. 731 lost by the following vote:

**AYES—31**

Alquist	Gallegos	Mazzoni	Sweeney
Aroner	Hertzberg	Migden	Thomson
Bowen	Honda	Murray	Torlakson
Brown	Keeley	Napolitano	Villaraigosa
Cardenas	Knox	Ortiz	Washington
Ducheny	Kuehl	Perata	Wayne
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	

**NOES—44**

Ackerman	Campbell	Kuykendall	Pacheco
Aguiar	Cardoza	Leach	Papan
Alby	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Machado	Prenter
Baca	Floyd	Margett	Pringle
Baldwin	Frusetta	McClintock	Richter
Battin	Goldsmith	Miller	Runner
Baugh	Granlund	Morrissey	Scott
Bordonaro	Havice	Morrow	Takasugi
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Woods

**FURTHER CONSIDERATION OF OLBERG AMENDMENTS TO  
SENATE BILL NO. 731**

**SENATE BILL NO. 731 (Hurtt)**—An act to repeal Section 43843 of the Health and Safety Code, relating to air pollution.

The question being on the adoption of the Olberg amendments to Senate Bill No. 731.

**Roll Call Demanded**

Assembly Members Morrow, Ackerman, and Leach, demanded a roll call.

**Motion to Re-refer Senate Bill No. 731 to Committee**

Assembly Member Bowen moved that Senate Bill No. 731 be re-referred to the Committee on Natural Resources.

**Motion Ruled Out of Order**

Speaker pro Tempore Kuehl ruled the motion out of order as the roll call has been demanded on the Olberg amendments to Senate Bill No. 731.

The question being on the Olberg amendments to Senate Bill No. 731.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Martinez moved a call of the Assembly.

Motion carried. Time, 5:56 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 644 (Polanco)**—An act to amend Sections 11165.12, 11166.9, 11167.5, 11169, 11170, and 11170.5 of the Penal Code, relating to children.

Bill read third time.

**Motion to Amend**

Assembly Member Goldsmith moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**REQUEST TO DISPENSE WITH CALL OF THE ASSEMBLY**

Assembly Member Battin requested unanimous consent that the Call of the Assembly be dispensed with as it relates to Senate Bill No. 951.

Assembly Member Martinez withheld unanimous consent.



**Motion to Dispense with Call of the Assembly**

Assembly Member Battin moved that the Call of the Assembly be dispensed with as it relates to Senate Bill No. 951.

Assembly Member Pringle seconded the motion.

Motion carried by the following vote:

**AYES—68**

Ackerman	Escutia	Machado	Richter
Aguiar	Firestone	Margett	Runner
Alby	Floyd	Mazzoni	Scott
Alquist	Frusetta	McClintock	Shelley
Aroner	Gallegos	Migden	Strom-Martin
Ashburn	Goldsmith	Miller	Sweeney
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Napolitano	Torlakson
Bordonaro	House	Olberg	Villaraigosa
Bowler	Kaloogian	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Campbell	Kuehl	Pacheco	Wayne
Cardenas	Kuykendall	Papan	Wildman
Cardoza	Leach	Poochigian	Woods
Cunneen	Lempert	Prenter	Wright
Davis	Leonard	Pringle	Mr. Speaker

**NOES—None****CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 951**

At 6:06 p.m., further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 951 passed by the following vote:

**AYES—54**

Ackerman	Figueroa	Mazzoni	Strom-Martin
Aguiar	Firestone	Migden	Sweeney
Alquist	Floyd	Morrissey	Takasugi
Aroner	Gallegos	Murray	Thomson
Baca	Granlund	Napolitano	Torlakson
Battin	Havice	Ortiz	Villaraigosa
Bowen	Honda	Pacheco	Vincent
Bowler	House	Papan	Washington
Brown	Keeley	Perata	Wayne
Campbell	Knox	Poochigian	Wildman
Cardenas	Kuehl	Prenter	Wright
Davis	Kuykendall	Runner	Mr. Speaker
Ducheny	Lempert	Scott	
Escutia	Martinez	Shelley	

**NOES—19**

Alby	Brewer	Margett	Oller
Ashburn	Goldsmith	McClintock	Pringle
Baldwin	Kaloogian	Miller	Richter
Baugh	Leonard	Morrow	Woods
Bordonaro	Machado	Olberg	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 951: Assembly Member Baugh, from "Aye" to "No"; Assembly Member Campbell, from "No" to "Aye"; Assembly Member Cunneen, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 720**

At 6:06 p.m., on motion of Assembly Member Ortiz, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 720 passed by the following vote:

**AYES—46**

Aguiar	Frusetta	Migden	Sweeney
Alquist	Gallegos	Murray	Thomson
Aroner	Granlund	Napolitano	Torlakson
Baca	Hertzberg	Ortiz	Villaraigosa
Battin	Honda	Pacheco	Vincent
Bowen	Keeley	Papan	Washington
Brown	Knox	Perata	Wayne
Cardenas	Kuehl	Prenter	Wildman
Davis	Lempert	Pringle	Wright
Ducheny	Machado	Scott	Mr. Speaker
Escutia	Martinez	Shelley	
Figuerola	Mazzoni	Strom-Martin	

**NOES—21**

Ackerman	Firestone	Margett	Richter
Baldwin	Floyd	McClintock	Runner
Baugh	Goldsmith	Miller	Woods
Bordonaro	Kaloogian	Morrow	
Campbell	Kuykendall	Olberg	
Cunneen	Leonard	Oller	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 720: Assembly Member Havice, from "No" to "Not Voting".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 136 REMOVED FROM INACTIVE FILE AND TAKEN UP**

Assembly Member Machado was granted unanimous consent that Senate Bill No. 136 be withdrawn from the inactive file, and to take the bill up at this time, without reference to file, for purpose of amendment.

**SENATE BILL NO. 136 (Costa)**—An act to amend Section 5650 of the Fish and Game Code, relating to water pollution, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Machado moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**REPORTS OF STANDING COMMITTEES  
Committee on Water, Parks and Wildlife**

Date of Hearing: September 4, 1997

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 614

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MACHADO, Chairman

Above bill ordered to second reading.

**SENATE BILL NO. 614 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Unanimous consent was granted to take up Senate Bill No. 614 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 614**—An act to amend Section 5652 of the Fish and Game Code, relating to pollution.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Migden announced that the Committee on Appropriations would meet at this time, in the Tom Bane Rules Committee Room.

Assembly Member Aroner announced that the Committee on Human Services would meet at this time, in the Speaker's Conference Room.

**RECESS**

By unanimous consent, at 6:23 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 8 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**AUTHOR'S AMENDMENTS****Committee on Utilities and Commerce**

September 5, 1997

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Senate Bill No. 524

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MARTINEZ, Chairwoman

**SENATE BILL NO. 524**—An act to amend Sections 366 and 394 of, to add Sections 395.5, 395.6, and 395.7 to, and to add Article 12.5 (commencing with Section 396.5) to Chapter 2.3 of Part 1 of Division 1 of, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Appropriations**

September 5, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 455

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 455**—An act to amend Sections 17020.6, 17024.5, 17041, 17052.12, 17054, 17062, 17063, 17072, 17077, 17085, 17088, 17139, 17250, 17273, 17279, 17507, 17561, 17750, 17860, 18037, 18180, 18601, 18624, 18645, 19144, 19164, 19184, 23045, 23453, 23456, 23457, 23609, 23732, 23801, 23802, 23806, 24326, 24343.3, 24349, 24355, 24355.5, 24357, 24443, 24692, 24870, 24903, 24916, and 24993 of, to amend the heading of Chapter 14.5 (commencing with Section 24870) of Part 11 of, to add Sections 17088.3, 17132.5, 17154, 17215, 17250.5, 17251.5, 17270.5, 17275.5, 17278.5, 17731.5, 18044, 18152, 18648.5, 19136.3, 19141.2, 19182.5, 19365, 23800.5, 23813, 24272.5, 24343.7, 24429, 24875, 24949.5, 24954, and 24956 to, to repeal Sections 17131.5, 17132, 17137, 17138.5, 17141.5, 17150, 17201.5, 17210, 17213, 17249, 17267, 17283, 17748, 18035, 18040, 18060, 18166, 18173, 24371.5, 24966.3, 24971, 24990.8, and 24990.9 of, and to repeal and add Sections 17255, 17271, 23701h, 24372.5, and 24947 of, the Revenue and Taxation Code, and to amend Sections 928.5 and 934 of the Unemployment Insurance Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Budget**

September 5, 1997

Mr. Speaker: The Chair of your Committee on Budget reports:

Senate Bill No. 766

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chairwoman

**SENATE BILL NO. 766**—An act relating to the Department of Fish and Game, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Environmental Safety and Toxic Materials**

September 5, 1997

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 921

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**ASSEMBLY BILL NO. 921**—An act to amend Section 25197.2 of the Health and Safety Code, relating to hazardous waste.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

September 5, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 5

Senate Bill No. 655

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 5**—An act to amend Sections 17152, 18042, 18510, 18601, 23732, 23801, 23802, 23806, and 24611 of, and to add Sections 17731.5, 18037.5, 19136.4, 19365, 23800.5, 23804, 23802.5, 23804.5, 23813, 24954, and 24990.4 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 655**—An act to add Chapter 6 (commencing with Section 11010) to Part 1 of Division 3 of the Unemployment Insurance Code, relating to employment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Human Services**

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 163

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

ARONER, Chairwoman

Above bill re-referred to the Committee on Appropriations.

### **Committee on Water, Parks and Wildlife**

Date of Hearing: September 4, 1997

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 879

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MACHADO, Chairman

Above bill ordered to second reading.

### **Committee on Utilities and Commerce**

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 1054

Senate Bill No. 1268

Senate Bill No. 1305

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MARTINEZ, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 90

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MARTINEZ, Chairwoman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1026

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1218

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: August 27, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 965

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 303

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 88

Senate Bill No. 225

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1066

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Rules**

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Bill No. 521

With the recommendation: That the bill be re-referred to the Committee on Appropriations.

PERATA, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Rules**

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 37

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

**Committee on Appropriations**

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1273

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
OLBERG MOTION TO AMEND SENATE BILL NO. 731**

At 8:03 p.m., on motion of Assembly Member Martinez, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Olberg amendments to Senate Bill No. 731 adopted by the following vote:**AYES—55**

Aekerman	Davis	Leonard	Richter
Aguiar	Firestone	Machado	Runner
Alby	Floyd	Margett	Scott
Ashburn	Frusette	McClintock	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Terlaksen
Baugh	House	Olberg	Vincent
Bordonaro	Kaleogian	Oller	Washington
Bowler	Keeley	Pacheco	Wayne
Brewer	Knox	Papan	Woods
Campbell	Kuykendall	Pocchigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	

**NOES—14**

Aroner	Honda	Migden	Strom-Martin
Bowen	Kuehl	Napolitano	Villaraigosa
Escutia	Martinez	Ortiz	
Figueroa	Mazzoni	Perata	

**Bill ordered reprinted, and to be returned to the third reading file.**

(NOTE: On September 10, 1997, the action was rescinded whereby Olberg amendments to Senate Bill No. 731 were read and adopted, and whereby the bill was ordered reprinted and returned to the third reading file. See page 4470.)

**Objection to Vote Adds**

Assembly Member Woods withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Olberg amendments to Senate Bill No. 731.

**ANNOUNCEMENTS**

Assembly Members Aguiar and Villaraigosa announced that leadership had agreed to waive rules as they relate to consideration of amendments to Senate Bill No. 660, on Monday, September 8, 1997.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

**Senate Bill No. 1251**, on request of Assembly Member Ortiz;

**Senate Bill No. 916**, on request of Assembly Member Strom-Martin;

**Senate Bill No. 1111**, on request of Assembly Member Gallegos;

**Senate Bill No. 513**, on request of Assembly Member Aroner;

**Senate Bill No. 560**, on request of Assembly Member Aroner.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 638  
FROM COMMITTEE CONTINUED**

By unanimous consent the notice of motion to withdraw Senate Bill No. 638 from the Committee on Natural Resources was continued until the next legislation day.

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577; and Senate Bills Nos. 682, 305, and 842 were continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Resolution to suspend rules:** Bowen, Campbell, Cardoza, Martinez, Mazzoni, and Prenter—Aye.

**Senate Bill No. 1078:** Aroner, Cardoza, Martinez, Morrow, and Poochigian —Aye.

**Senate Bill No. 712:** Aroner, Ducheny, Knox, Martinez, Mazzoni, and Morrow—Aye.

**Senate Bill No. 1291:** Aroner, Martinez, Mazzoni, Morrow, and Poochigian—Aye.

**Senate Bill No. 434:** Aroner, Battin, Knox, Martinez, and Oller—Aye; Kaloogian and Prenter—No.

**Senate Bill No. 483:** Aguiar, Aroner, and Cunneen—Aye; Baugh, Bordonaro, and Runner—No.

**Senate Bill No. 536 and Urgency:** Baugh, Bowen, Brewer, Cunneen, Mazzoni, and Pacheco—Aye; Migden—No.

**Senate Bill No. 807:** Aroner, Bowen, Brewer, Cunneen, Martinez, and Prenter—Aye; Baugh, Goldsmith, Granlund, and Olberg—No.

**Senate Bill No. 1007:** Aroner and Battin—Aye; Baugh, Goldsmith, Granlund, Morrow, Poochigian, Prenter, and Runner—No.

**Senate Bill No. 1330:** Alby, Aroner, Baugh, Frusetta, and Granlund—Aye.

**Senate Bill No. 1349:** Aroner, Baldwin, Baugh, Campbell, Goldsmith, Havice, Honda, and Murray—Aye; McClintock—No.

**Senate Bill No. 617:** Battin, Baugh, Cardenas, Ducheny, Figueroa, Honda, Murray, and Strom-Martin—Aye; Martinez and McClintock—No.

**Senate Bill No. 1014:** Baugh and Poochigian—Aye; McClintock—No.



**Senate Bill No. 1332, Aroner Amendments:** Baugh, Gallegos, Granlund, McClintock—Aye; Goldsmith—No.

**Senate Bill No. 187:** Cardenas, Cardoza, Cunneen, Granlund, and Keeley—Aye; Baldwin, Baugh, McClintock, Miller, Morrow, and Poochigian—No.

**Senate Bill No. 438:** Baldwin, Granlund, Knox, Machado, Morrow, and Runner—Aye; Baugh—No.

**Senate Bill No. 873, Torlakson Amendments:** Cardenas and Machado—Aye; Granlund, Morrow, and Pacheco—No.

**Senate Bill No. 255, Honda Amendments:** Cunneen—Aye; Poochigian—No.

**Senate Bill No. 521, Resolution to Suspend Rules:** Firestone—Aye.

**Senate Bill No. 1430, Concurrence:** Havice—No.

**Senate Bill No. 319, Hertzberg Amendments:** Machado—No.

**Consent Calendar:** Machado—Aye.

**Battin Motion to Dispense With Call of Assembly:** Davis—Aye.

**Senate Bill No. 720:** Granlund and Papan—Aye.

#### **MOTION TO ADJOURN**

At 8:04 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Villaraigosa seconded the motion.

#### **REMARKS ON CONDITION OF THE FILE**

Assembly Member Firestone arose to speak on the condition of the file.

#### **FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Firestone that the Assembly adjourn.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 8:05 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

#### **APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Assembly Bill No. 1430:

Figueroa, Villaraigosa, and Aguiar.

#### **MESSAGES FROM THE SENATE**

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1188

Assembly Bill No. 1587

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

**ADJOURNMENT**

At 8:06 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 11 a.m., Monday, September 8, 1997, out of respect to the memory of Mother Teresa, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Daniel Mark Pommon and Fred H. Loubscher, on motion of Assembly Member Shelley; out of respect to the memory of Christina E. Beeson Bailey, on motion of Assembly Member Leonard; out of respect to the memory of Michael Costa Rodrigues, on motion of Assembly Member Lempert; out of respect to the memory of Jasmine Torres, on motion of Assembly Member Napolitano; and out of respect to the memory of Mark Kidd, on motion of Assembly Member Bowler.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON SEPTEMBER 5, 1997

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	<b>SB</b>	<b>RN</b>
5	9722972	550	9721600
921	9722732	614	9721334
1614	9722560	623	9722510
		624	9722288
<b>AJR</b>	<b>RN</b>	628	9722646
35	9722853	644	9722928
		655	9723038
		702	9722244
<b>SB</b>	<b>RN</b>	719	9722334
42	9722270	721	9722941
85	9722277	<del>731</del>	* †
110	9722484	750	9722107
135	9722046	766	9722922
136	9723040	776	9722544
161	9720025	782	9722918
230	9722666	802	9722314
235	9722339	824	9722306
255	9722712	825	9722550
273	9722433	828	9722426
283	9722508	853	9722076
291	9721755	857	9722695
300	9722290	873	9722763
319	9723037	882	9722738
345	9721978	914	9722722
364	9722543	936	9722536
450	9721452	969	9722802
455	9722774	980	9722680
458	9719096	987	9722603
463	9722309	1031	9722458
494	9722255	1037	9722773
499	9722805	1050	9722764
506	9722794	1052	9722440
512	9721209	1106	9722103
524	9722326	1107	9722310
527	9722427	1130	9722333
535	9722745	1135	9722831
542	9722201	1238	9722524

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

† Adoption of amendments rescinded.

<b>SB</b>	<b>RN</b>	<b>SB</b>	<b>RN</b>
1258	9722620	1346	9722597
1328	9722869	1347	9722425
1332	9722677	1348	9722542

**Daily Total: 75**

**Cumulative Total: 3338**

Amendments were considered by the Assembly, but not adopted, to the following measure:

**SB**

882 (Battin amendments, RN 9722307, laid upon the table)

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, September 8, 1997**

**ONE HUNDRED THIRTY-FOURTH SESSION DAY**

**TWO HUNDRED EIGHTY-FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, September 8, 1997

The Assembly met at 11 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Poochigian moved a quorum call of the Assembly.

Motion carried. Time, 11:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 11:17 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*Eternal Father*, We pray for the soul of Your servant, Mother Teresa, and we ask that You rest her soul where the righteous repose. Also Lord, we thank You for all the blessings of this life, especially for new friendships and for old ones made stronger and more precious with each passing day. Give us grace to listen to each other and to the prompting of Your Spirit, so we may work in unity and in the bonds of peace. Help us to do, with all our soul and mind and strength, the work committed to us by the people, that we fail neither them nor You.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Richter then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Sweeney, seconded by Assembly Member Goldsmith.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

September 8, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Keith Olberg to the Assembly Water, Parks and Wildlife Committee to replace Assemblymember Bruce Thompson for today, September 8, 1997, only.

Thank you for your attention to this request.

Sincerely,

**CRUZ M. BUSTAMANTE**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 8, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1614

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, September 8, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 921

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, September 8, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 21

Assembly Concurrent Resolution No. 76

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, September 8, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Joint Resolution No. 37

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, September 8, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Joint Resolution No. 35

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

September 8, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 540

Senate Bill No. 93

Senate Bill No. 1099

Senate Bill No. 163

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 540**—An act relating to the San Joaquin County Office of Education, and making an appropriation therefor, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 1099**—An act to add Section 14085.56 to the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 93**—An act to amend Sections 1760.8 and 1798 of, and to add Sections 1798.1 and 1798.2 to, the Welfare and Institutions Code, relating to youthful offenders.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 163**—An act relating to public social services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.



**AUTHOR'S AMENDMENTS**  
**Committee on Budget**

September 8, 1997

Mr. Speaker: The Chair of your Committee on Budget reports:

Senate Bill No. 938

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chairwoman

**SENATE BILL NO. 938**—An act add Article 4.5 (commencing with Section 52560) to Chapter 10 of Part 28 of the Education Code, to augment Item 4700-001-0890 and Item 6110-156-0890 of the Budget Act of 1996, and to augment Item 4700-101-0001 and item 6110-156-0001 of the Budget Act of 1997, relating to citizenship assistance, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 614

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Utilities and Commerce**

Date of Hearing: September 3, 1997

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 524

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

MARTINEZ, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**ADJOURN IN MEMORY**

Assembly Member Baca was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frances Calderon, of San Bernardino.

Assembly Member Frusetta was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bill Eade, of Rabbit Valley-Bitterwater.

Assembly Member Ortiz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Stephanie Frazier McDowell, of Sacramento.

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lyle Harlan, of Turlock.

**At 11:21 a.m., Assistant Speaker pro Tempore Joe Baca,**  
**62nd District, presiding**

**RECESS**

By unanimous consent, at 11:22 a.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Kuehl introduced the Right Honorable Kim Campbell, Consul General of Canada, Los Angeles.

The Right Honorable Kim Campbell then addressed the assemblage.

**REASSEMBLED**

At 11:27 a.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

At 11:29 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO  
ASSEMBLY RULE 77.2**

Upon request of Assembly Member Murray, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 176 to the Committee on Transportation.

**BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Assembly Bill No. 424**, on request of Assembly Member Baldwin;

**Senate Bill No. 750**, on request of Assembly Member Gallegos.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Aroner announced her intention to request that Senate Bill No. 867 be removed from the inactive file.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**HOUSE RESOLUTION NO. 44**—Relative to religious tolerance in Russia.

Resolution read; amendments proposed by the Committee on Rules read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY JOINT RESOLUTION NO. 38**—Relative to Asian-American civil rights.

Resolution read; amendments proposed by the Committee on Rules read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1218**—An act to amend Sections 24344 and 24410 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bills Nos. 42, 85, 135, 291, 300, 345, 458, 463, 550, 623, 624, 702, 802, 824, 828, 853, 1031, 1106 and 1130**, ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 247**—An act to amend Section 19272 of, and to amend and renumber Section 19532 of, the Revenue and Taxation Code, and to amend Section 11475.1 of the Welfare and Institutions Code, relating to support.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 526**—An act to add Article 5.4 (commencing with Section 1788) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to the Youth Authority, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 660**—An act to amend Sections 25143, 25160.5, 25165, 25166, 25166.5, 25174, 25174.1, 25174.2, 25174.6, 25178.1, 25187, 25192, 25201.6, 25201.9, 25204.7, 25205.4, 25205.5, 25205.6, 25205.7, 25205.12, 25205.14, 25205.15, 25205.16, 25205.18, 25205.19, 25207.12, 25209.7, 25221, 25324, 25330, 25330.4, 25336, 25337, 25343, 25351.1, 25354.5, 25360, 25404.5, and 25416 of, to add Sections 25173.6 and 25173.7 to, to add Article 9.2 (commencing with Section 25206.1) to Chapter 6.5 of Division 20 of, and to repeal Sections 25167, 25187.9, 25205.8, 25205.9, 25340, 25341, 25345, and 25351 of, the Health and Safety Code, and to amend Sections 43053, 43054, and 43101 of, and to repeal Section 43055 of, the Revenue and Taxation Code, relating to hazardous waste and substances, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 812**—An act to amend Section 10789 of the Revenue and Taxation Code, and to amend Section 9107 of the Vehicle Code, relating to vehicles.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1092**—An act to add Section 13967.6 to the Government Code, to amend and renumber Sections 18966 and 18966.1 of, to amend, renumber, and add Section 18965 of, and to add Sections 18965.1, 18965.2, and 18965.3 to, the Welfare and Institutions Code, relating to victims of crime, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1161**—An act to amend Sections 12021, 12103, 12104, 12112, 12201, 12252, 12784, 12843, 12845, 12846, 12931, 12991, 12999.4, and 14152, and the heading of Chapter 7 (commencing with Section 12101) of Division 6 of, to amend and renumber Sections 12115.3, 12115.5, and 12115.6 of, to add Chapter 10 (commencing with Section 12400) to Division 6 of, to repeal Sections 12115, 12115.1, 12115.2, 12115.4, 12932, and 12971.5 of, the heading of Article 1.5 (commencing with Section 12115) of Chapter 7 of Division 6 of, and Article 4.6 (commencing with Section 12848) of Chapter 2 of Division 7 of, to repeal and add Sections 12841, 12842, 12844, and 12847 of, and to repeal, add, and repeal Section 12841.1 of, the Food and Agricultural Code, relating to pesticides.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1195**—An act to amend Sections 656.2 and 707 of the Welfare and Institutions Code, relating to minors.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1198**—An act to amend Sections 226, 55403, 55435.5, 55483, 55485, 55523, 55525, 55721, 55722, 55741, 55742, 55743, 55744, 55861, 56109, 56133.5, 56161, 56186, 56381, 56382, and 56571 of, to amend and renumber Sections 55751, 56252, and 56451 of, to amend and repeal Sections 55861.7 and 56571.7 of, to add Sections 55462, 55484.5, 55484.75, 55485.5, 55485.75, 55524.5, 55524.75, 55525.75, 55722.5, 56183.5, 56185.5, 56185.75, 56186.5, 56186.75, 56382.5, 56701.5, and 56717 to, to repeal Sections 55486, 55487, 55489, 55490, 55526, 55527, 55528.5, 55529, 55529.5, 55745, 55745.5, 55746, 55747, 55748, 55749, 55750, 56187, 56188, 56191, 56191.5, 56192, 56192.5, 56446, 56447, 56448, 56449, 56450, and 56452 of, to repeal Article 13 (commencing with Section 55781) and Article 15 (commencing with Section 55841) of Chapter 6 of, and Article 14 (commencing with Section 56471) and Article 16 (commencing with Section 56531) of Chapter 7 of, and Chapter 7.5 (commencing with Section 56701) of, Division 20 of, and to repeal and add Sections 55484, 55488, 55524, 55528, 56185, 56190, 56443, 56444, and 56445 of, the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1254**—An act to amend Sections 290 and 11166.5 of the Penal Code, relating to children.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 318**—An act to amend Sections 41865 and 44507 of, and to add Chapter 4.5 (commencing with Section 39750) to Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 940**—An act to amend Sections 136.1 and 186.22 of the Penal Code, relating to crimes.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1039**—An act to amend Sections 4500.5, 4501, 4508, 4512, 4593, 4595, 4598, 4622, 4625, 4629, 4646, 4646.5, 4647, 4648, 4660, 4661, 4664, 4666, 4677, and 4791 of, and to add Sections 4414, 4418.3, 4434, 4542, 4602, 4640.8, and 4731 to, the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1110**—An act to amend Section 51201.5 of, and to add Sections 51554 and 51555 to, the Education Code, relating to education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1163**—An act to add Section 42247.5 to the Education Code, relating to school desegregation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1189**—An act to add Article 12 (commencing with Section 25299.97) and Article 13 (commencing with Section 25299.99) to Chapter 6.75 of Division 20 of, and to add Article 7.5 (commencing with Section 116610) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, and to add Section 13272.1 to the Water Code, relating to drinking water, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1338**—An act relating to state purchases, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 879**—An act to amend Section 2081 of, and to add Sections 2052.1 and 2081.1 to, the Fish and Game Code, relating to endangered species.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 1054**—An act to add Section 54954.7 to the Government Code, and to add Section 454.1 to the Public Utilities Code, relating to water and sewer systems.

Bill read second time; amendments proposed by the Committee on Utilities and Commerce read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 1268**—An act to amend Section 10061 of, and to add Chapter 2.5 (commencing with Section 2718) to Division 2 of, the Public Utilities Code, relating to water corporations.

Bill read second time; amendments proposed by the Committee on Utilities and Commerce read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 1305**—An act to amend Section 25320 of, and to add Chapter 4.7 (commencing with Section 25380) to Division 15 of, the Public Resources Code, and to add Article 14 (commencing with Section 398.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to public utilities.

Bill read second time; amendments proposed by the Committee on Utilities and Commerce read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 90**—An act to add Chapter 7.1 (commencing with Section 25260) to Division 15 of the Public Resources Code, and to amend Section 371 of, to add Sections 383.5 and 384 to, and to add Article 5 (commencing with Section 445) to Chapter 2.5 of Part 1 of Division 1 of, and to add and repeal Section 380 of, the Public Utilities Code, relating to energy resources, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Utilities and Commerce read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 1026**—An act to amend Section 24415 of, and to add Sections 22951.5, 24416, and 24417 to, the Education Code, relating to retirement, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 965**—An act to add Section 7089 to the Government Code, and to amend Sections 17053.17, 17053.74, 17256, 17260, 23036, 23622.7, 23623.5, 24345, 24349.1, 24356.5, 24422, and 24916 of, to repeal Sections 17053.70, 17053.73, 17053.8, 17235, 17267, 23612.2, 23622, 23622.5, 24356.7, and 24384.5 of, and to repeal and amend Section 17053.75 of, the Revenue and Taxation Code, relating to economic development, to take effect immediately, tax levy.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 303**—An act to amend Section 41204.1 of the Education Code, and to amend Sections 97.2 and 97.3 of the Revenue and Taxation Code, relating to local government finance.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 88**—An act to amend Section 8686.1 of the Government Code, relating to natural disaster assistance.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 225**—An act to amend Section 1861.10 of, and to repeal and add Section 12900 of, the Insurance Code, relating to insurance.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1066**—An act to amend Sections 40001, 41820, 41821, 41850, 42000, 42005, and 42010 of, to amend and repeal Sections 41785 and 41820 of, to add Sections 40900.1, 41821.6, 42024, and 42241.5 to, and to repeal Section 42242 of, the Public Resources Code, relating to solid waste.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 1273**—An act to add Section 11104.5 to the Government Code, relating to state agencies.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

### THIRD READING OF SENATE BILLS

**SENATE BILL NO. 233 (Solis)**—An act to amend Section 1256 of the Unemployment Insurance Code, relating to unemployment compensation benefits.

Bill read third time, and presented by Assembly Member Migden.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Migden moved a call of the Assembly.

Motion carried. Time, 11:47 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 314 (Ayala)**—An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

Bill read third time, and presented by Assembly Member Leach.

Bill passed by the following vote:

**AYES—73**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—4**

Aroner	Migden	Washington	Wright
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 314: Assembly Member Ducheny, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 227**, on request of Assembly Member Ducheny.

**At 11:49 a.m., Assistant Speaker pro Tempore Joe Baca,**  
**62nd District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 394 (Johnston)**—An act to add Section 33117.7 to the Education Code, and to amend Section 15037.1 of the Unemployment Insurance Code, relating to school-to-career opportunities.

Bill read third time, and presented by Assembly Member Shelley.

Bill passed by the following vote:

**AYES—52**

Aguir	Frusetta	Leach	Scott
Alquist	Gallegos	Lempert	Shelley
Aroner	Goldsmith	Machado	Strom-Martin
Baca	Granlund	Martinez	Sweeney
Bowen	Havice	Mazzoni	Thomson
Brown	Hertzberg	Migden	Torlakson
Cardenas	Honda	Morrissey	Villaraigosa
Cardoza	House	Murray	Vincent
Cunneen	Kaloogian	Napolitano	Washington
Davis	Keeley	Ortiz	Wayne
Ducheny	Knox	Pacheco	Wildman
Escutia	Kuehl	Papan	Wright
Figueroa	Kuykendall	Perata	Mr. Speaker

**NOES—23**

Ackerman	Bordonaro	Margett	Poochigian
Alby	Bowler	McClintock	Pringle
Ashburn	Brewer	Miller	Runner
Baldwin	Campbell	Morrow	Takasugi
Battin	Firestone	Olberg	Thompson
Baugh	Leonard	Oller	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 653 (Calderon)**—An act to amend Sections 1706, 1756, 1758, and 1759 of, to add Sections 1766.1 and 1766.2 to, to repeal Section 1765 of, and to repeal and add Sections 1757 and 1757.1 of, the Public Utilities Code, relating to the Public Utilities Commission.

Bill read third time, and presented by Assembly Member Keeley.

**Demand for Previous Question**

Assembly Members Sweeney, Escutia, Figueroa, Brown, and Villaraigosa demanded the previous question.

**Roll Call Demanded**

Assembly Members Runner, Thompson, and Ackerman, demanded a roll call.



The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—38**

Alquist	Figueroa	Mazzoni	Torlakson
Aroner	Gallegos	Migden	Villaraigosa
Baca	Havice	Murray	Washington
Bowen	Hertzberg	Ortiz	Wayne
Brown	Honda	Perata	Wildman
Cardenas	Keeley	Scott	Woods
Cardoza	Knox	Shelley	Wright
Davis	Kuehl	Strom-Martin	Mr. Speaker
Ducheny	Lempert	Sweeney	
Escutia	Martinez	Thomson	

**NOES—35**

Ackerman	Campbell	Leach	Pacheco
Aguiar	Cunneen	Leonard	Papan
Alby	Firestone	Margett	Poochigian
Ashburn	Frusetta	McClintock	Prenter
Baldwin	Goldsmith	Miller	Pringle
Battin	Granlund	Morrissey	Runner
Baugh	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Kuykendall	Oller	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—75**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Machado	Pringle
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	

**NOES—2**

Leonard                      Richter

Bill ordered transmitted to the Senate.

**At 12:04 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**SENATE BILL NO. 654 (Johnston)**—An act to amend Section 12926 of the Government Code, relating to discrimination.

Bill read third time, and presented by Assembly Member Knox.

**Senate Bill No. 654 Passed Temporarily**

By unanimous consent Senate Bill No. 654 was passed temporarily on file.

**SENATE BILL NO. 931 (Schiff)**—An act to amend Section 6025 of the Penal Code, relating to corrections.

Bill read third time, and presented by Assembly Member Goldsmith.

Bill passed by the following vote:

**AYES—50**

Ackerman	Escutia	Margett	Shelley
Aguiar	Figueroa	Martinez	Strom-Martin
Alquist	Firestone	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Goldsmith	Miller	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Brewer	House	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardenas	Kuehl	Perata	Wildman
Cardoza	Kuykendall	Prenter	Mr. Speaker
Davis	Lempert	Richter	
Ducheny	Machado	Scott	

**NOES—20**

Alby	Campbell	Leach	Poohigian
Ashburn	Cunneen	McClintock	Pringle
Battin	Frusetta	Morrissey	Runner
Baugh	Granlund	Morrow	Takasugi
Bowler	Kaloogian	Oller	Wright

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1220 (Solis)**—An act to add Section 1367.51 to, and to repeal Section 1367.5 of, the Health and Safety Code, and to add Section 10176.61 to the Insurance Code, relating to health insurance.

Bill read third time, and presented by Assembly Member Goldsmith.

Bill passed by the following vote:

**AYES—58**

Aguiar	Ducheny	Leach	Shelley
Alby	Escutia	Lempert	Strom-Martin
Alquist	Figueroa	Machado	Sweeney
Aroner	Firestone	Margett	Takasugi
Ashburn	Frusetta	Martinez	Thomson
Baca	Gallegos	Mazzoni	Torlakson
Battin	Goldsmith	Migden	Villaraigosa
Bordonaro	Havice	Morrissey	Vincent
Bowen	Hertzberg	Murray	Washington
Brewer	Honda	Napolitano	Wayne
Brown	House	Ortiz	Wildman
Cardenas	Keeley	Papan	Wright
Cardoza	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Richter	
Davis	Kuykendall	Scott	

**NOES—18**

Ackerman	Granlund	Morrow	Runner
Baldwin	Kaloogian	Olberg	Thompson
Baugh	Leonard	Oller	Woods
Bowler	McClintock	Poohigian	
Campbell	Miller	Pringle	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 543 (Committee on Agriculture)**—An act to amend Sections 11454, 13459.5, 74224, and 78645 of, and to add Section 36560 to, the Water Code, to amend Section 4 of Chapter 1428 of the Statutes of 1985, and to add Section 32.5 to the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Gallegos.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1184 (Thompson)**—An act to amend Sections 63000, 63010, 63021, 63025.1, 63026, 63055, and 63071 of, to amend and renumber Sections 63042 and 63048 of, to amend and renumber the headings of Article 4 (commencing with Section 63042) and Article 6 (commencing with Section 63048) of Chapter 2 of Division 1 of Title 6.7 of, to add Sections 63027, 63028, 63040, 63084, 63085, 63086, and 63087 to, to repeal Section 63001 of, to repeal Article 3 (commencing with Section 63040) of Chapter 2 of Division 1 of Title 6.7 of, to repeal the heading of Article 1 (commencing with Section 63050) of Chapter 3 of Division 1 of Title 6.7 of, to repeal Part 10.2 (commencing with Section 15710) of Division 3 of Title 2 of, and to repeal and add Article 5 (commencing with Section 63043) of Chapter 2 of Division 1 of Title 6.7 of, the Government Code, relating to state infrastructure.

Bill read third time, and presented by Assembly Member Perata.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	Migden	Strom-Martin
Ashburn	Gallegos	Miller	Sweeney
Baca	Goldsmith	Morrissey	Takasugi
Baldwin	Granlund	Morrow	Thompson
Battin	Havice	Murray	Thomson
Baugh	Hertzberg	Napolitano	Torlakson
Bordonaro	Honda	Olberg	Villaraigosa
Bowen	House	Oller	Vincent
Bowler	Kaloogian	Ortiz	Washington
Brewer	Keeley	Pacheco	Wayne
Brown	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 657 (Sher)**—An act to amend Sections 25501, 25501.4, 25503.3, and 25505 of the Health and Safety Code, relating to hazardous materials.

Bill read third time, and presented by Assembly Member Lempert.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Margett	Runner
Aguiar	Escutia	Martinez	Scott
Alby	Figueroa	Mazzoni	Shelley
Alquist	Firestone	McClintock	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Kuehl	Papan	Woods
Campbell	Kuykendall	Perata	Wright
Cardenas	Leach	Poochigian	Mr. Speaker
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Pringle	
Davis	Machado	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 826 (Greene)**—An act to amend Sections 1601, 1616.5, and 1742 of, and to add Sections 160.5 and 1616.1 to, the Business and Professions Code, and to amend Section 830.3 of the Penal Code, relating to dentistry.

Bill read third time, and presented by Assembly Member Campbell

Bill passed by the following vote:

**AYES—73**

Ackerman	Ducheny	Margett	Richter
Aguiar	Escutia	Martinez	Runner
Alby	Figueroa	Mazzoni	Scott
Alquist	Firestone	McClintock	Shelley
Aroner	Frusetta	Migden	Strom-Martin
Ashburn	Gallegos	Miller	Sweeney
Baca	Goldsmith	Morrissey	Takasugi
Baldwin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Machado	Pringle	

**NOES—4**

Battin	Leonard	Thompson	Wildman
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Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1068 (Thompson)**—An act to add Sections 8709.2, 8709.3, and 8709.4 to the Water Code, relating to water.

Bill read third time, and presented by Assembly Member Machado.

**At 12:45 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**Demand for Previous Question**

Assembly Members Sweeney, Wayne, Escutia, Mazzoni, and Washington demanded the previous question.

**Roll Call Demanded**

Assembly Members Miller, Kuykendall, and Leach, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—40**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thomson
Baca	Granlund	Migden	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Scott	Wildman
Ducheny	Lempert	Shelley	Wright
Escutia	Machado	Strom-Martin	Mr. Speaker

**NOES—34**

Ackerman	Cunneen	Margett	Prenter
Aguiar	Firestone	McClintock	Pringle
Ashburn	Goldsmith	Miller	Richter
Baldwin	Havice	Morrissey	Runner
Battin	House	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Kuykendall	Oller	Woods
Bowler	Leach	Pacheco	
Campbell	Leonard	Poohigian	

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Machado moved a call of the Assembly.

Motion carried. Time, 12:50 p.m.

The Sergeant at Arms was directed to close the doors, and bring in the absent Members.

**SENATE BILL NO. 413 (Peace)**—An act to add Section 1260 of the Health and Safety Code, relating to health, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Figueroa.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—77

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

#### NOES—1

McClintock

The question being on the passage of the bill.  
Bill passed by the following vote:

#### AYES—77

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

#### NOES—1

McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1048 (Sher)**—An act to amend Section 31006 of, and to add Chapter 4.5 (commencing with Section 31160) to Division 21, of the Public Resources Code, relating to coastal resources.

Bill read third time, and presented by Assembly Member Cunneen.

Bill passed by the following vote:

**AYES—52**

Alquist	Escutia	Leach	Prenter
Aroner	Figueroa	Lempert	Scott
Ashburn	Firestone	Machado	Shelley
Baca	Gallegos	Martinez	Strom-Martin
Bordonaro	Goldsmith	Mazzoni	Sweeney
Bowen	Granlund	Migden	Thomson
Brown	Havice	Morrissey	Torlakson
Campbell	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Cunneen	Knox	Pacheco	Wayne
Davis	Kuehl	Papan	Wright
Ducheny	Kuykendall	Perata	Mr. Speaker

**NOES—24**

Ackerman	Bowler	McClintock	Pringle
Aguiar	Brewer	Miller	Richter
Alby	House	Morrow	Runner
Baldwin	Kaloogian	Olberg	Takasugi
Battin	Leonard	Oller	Thompson
Baugh	Margett	Poochigian	Woods

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1067 (Polanco)**—An act to add Section 330d to the Penal Code, relating to gaming.

Bill read third time, and presented by Assembly Member Battin.

Bill passed by the following vote:

**AYES—60**

Ackerman	Davis	Machado	Richter
Aguiar	Ducheny	Margett	Runner
Alquist	Escutia	Martinez	Shelley
Aroner	Figueroa	Mazzoni	Strom-Martin
Ashburn	Firestone	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Battin	Goldsmith	Miller	Thomson
Bordonaro	Granlund	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Olberg	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leonard	Pringle	Mr. Speaker

**NOES—9**

Alby	Kaloogian	Oller
Bowler	Leach	Thompson
House	Morrow	Woods

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1067: Assembly Member Oller, from "Aye" to "No"

Bill ordered transmitted to the Senate.



**SENATE BILL NO. 453 (Solis)**—An act to add Article 16 (commencing with Section 11475.10) to Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Sections 27 and 123.6 of the Labor Code, relating to administrative law.

Bill read third time, and presented by Assembly Member Wayne.

**Motion to Re-refer Senate Bill No. 453 to Committee**

Assembly Member Morrow moved that Senate Bill No. 453 be re-referred to the Committee on Insurance.

Assembly Member Pringle seconded the motion.

Motion lost by the following vote:

**AYES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

**NOES—41**

Alquist	Gallegos	Migden	Torlakson
Aroner	Havice	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**Senate Bill No. 453 Passed Temporarily**

By unanimous consent Senate Bill No. 453 was passed temporarily on file.

**SENATE BILL NO. 1102 (Committee on Revenue and Taxation)**—An act to amend Section 15619 of the Government Code, and to amend Sections 6203, 7102, 8255, 8651.7, 9255, 30179, 30366, 30455, 32405, 40116, 43455, 45655, 46506, 46751, 50142.1, 50161, 55225, 60120, 60121, 60361, 60524, 60608, and 60609 of, to add Sections 7204.5, 9255.1, 50162, and 60105 to, and to repeal Sections 60104 and 60709 of, the Revenue and Taxation Code, and to amend Sections 2104, 2105, and 2107 of the Streets and Highways Code, relating to taxation.

Bill read third time, and presented by Assembly Member Takasugi.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 525 (Maddy)**—An act to amend Sections 1957, 1961, and 1967 of the Streets and Highways Code, and to amend Section 21716 of the Vehicle Code, relating to vehicles.

Bill read third time, and presented by Assembly Member Battin.

Bill passed by the following vote:

**AYES—75**

Ackerman	Davis	Leonard	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Mazzoni	Scott
Aroner	Firestone	McClintock	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Callegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	

**NOES—2**

Honda                      Martinez

Bill ordered transmitted to the Senate.

**FURTHER CONSIDERATION OF SENATE BILL NO. 453  
BY UNANIMOUS CONSENT**

**SENATE BILL NO. 453 (Solis)**—An act to add Article 16 (commencing with Section 11475.10) to Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Sections 27 and 123.6 of the Labor Code, relating to administrative law.

**Point of Order**

Assembly Member Kuehl arose to the following point of order:

Assembly Member Morrow's line of questioning is dilatory.

**Ruling by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore ruled the point of order well-taken.

**Parliamentary Inquiry**

Assembly Member Morrow arose to the following parliamentary inquiry:

Under what rule is a Member precluded from asking more than one question?

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore replied that under Assembly Rule 108 no Member may yield time to another Member. Assembly Member Wayne yielded time to permit Assembly Member Morrow's question but did not yield time for additional questions.

Bill passed by the following vote:

**AYES—43**

Aekerman	Figueroa	Mazzoni	Sweeney
Alquist	Gallegos	Migdon	Thomson
Aroner	Harvie	Murray	Terlaksen
Baca	Hertzberg	Napolitano	Villanigosa
Bowen	Honda	Ortiz	Vincent
Brown	Keeley	Pacheco	Washington
Cardenas	Knox	Papan	Wayne
Cardoza	Kuchi	Perata	Wildman
Davis	Lempert	Scott	Wright
Ducheny	Machado	Shelley	Mr. Speaker
Escutia	Martinez	Strom-Martin	

**NOES—34**

Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	Margett	Pringle
Baldwin	Frusetta	McClintock	Runner
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordenaro	House	Morrow	Woods
Bowler	Kaleogian	Olberg	
Brewer	Kuykendall	Oller	

Bill ordered transmitted to the Senate:

(NOTE: On July 27, 1998, the action was rescinded whereby Senate Bill No. 453 was passed, and whereby the bill was ordered transmitted to the Senate. See page 8082.)

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bill No. 818**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1257 (Vasconcellos)**—An act to add and repeal Section 1399.2 of the Health and Safety, relating to health coverage.

Bill read third time, and presented by Assembly Member Alquist.

Bill passed by the following vote:

**AYES—68**

Ackerman	Cunneen	Leach	Pringle
Aguir	Davis	Lempert	Richter
Alby	Ducheny	Leonard	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Margett	Strom-Martin
Ashburn	Firestone	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Baldwin	Gallejos	Migden	Thomson
Battin	Goldsmith	Miller	Torlakson
Bordonaro	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brewer	Honda	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poohigian	Mr. Speaker

**NOES—9**

Baugh	McClintock	Pacheco
House	Morrow	Runner
Kaloogian	Olberg	Thompson

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 1257: Assembly Member Baldwin, from "No" to "Aye"; Assembly Member Prenter, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**At 1:30 p.m. Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**SENATE BILL NO. 713 (Rosenthal)**—An act to amend Sections 1743 and 1748 of, and to add Section 1746.1 to, the Business and Professions Code, relating to dentistry.

Bill read third time, and presented by Assembly Member Keeley.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Leonard	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1271 (Kopp)**—An act to add Section 2194.5 to the Elections Code, and to amend Section 6254.4 of the Government Code, relating to voter registration.

Bill read third time, and presented by Assembly Member McClintock.

Bill passed by the following vote:

**AYES—51**

Aguiar	Figueroa	Machado	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Murray	Thomson
Baldwin	Hertzberg	Napolitano	Torlakson
Bordonaro	Honda	Oller	Villaraigosa
Bowen	House	Ortiz	Vincent
Brown	Kaloogian	Pacheco	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Poochigian	Wildman
Cunneen	Kuehl	Prenter	Wright
Davis	Kuykendall	Richter	Mr. Speaker
Escutia	Lempert	Scott	

**NOES—24**

Ackerman	Brewer	Margett	Olberg
Alby	Campbell	Martinez	Perata
Ashburn	Granlund	Migden	Runner
Battin	Havice	Miller	Takasugi
Baugh	Leach	Morrissey	Thompson
Bowler	Leonard	Morrow	Woods

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bill No. 1086**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 202 (Solis)**—An act to amend Section 1275 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Knox.

**Parliamentary Inquiry**

Assembly Member Goldsmith arose to the following parliamentary inquiry:

What is the vote required for passage of Senate Bill No. 202?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that Senate Bill No. 202 is appropriately keyed by Legislative Counsel to require 41 votes for passage.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Knox moved a call of the Assembly.

Motion carried. Time, 1:52 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS PASSED ON FILE**

**Senate Bill No. 941**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 772 (Johannessen)**—An act to amend Sections 44012, 44036, and 44036.2 of, and to add Section 44012.5 to, the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Richter.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.



**SENATE BILL NO. 280 (Brulte)**—An act to add Section 5408.7 to the Business and Professions Code, and to amend Section 4000.37 of the Vehicle Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Granlund.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—73**

Ackerman	Firestone	Martinez	Seott
Aguiar	Frusetta	Mazzoni	Shelley
Alby	Gallegos	McClintock	Strom-Martin
Alquist	Goldsmith	Migden	Sweeney
Aroner	Granlund	Miller	Takasugi
Ashburn	Havice	Morrissey	Thompson
Baca	Hertzberg	Morrow	Thomson
Baugh	Honda	Murray	Torlakson
Bordenaro	House	Napolitano	Villaraigosa
Bowler	Kalooogian	Olberg	Vincent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker
Ducheny	Leonard	Prenter	
Escutia	Machado	Richter	
Figueroa	Margett	Runner	

**NOES—2**

Baldwin                      Bowen

The question being on the passage of the bill:

Bill passed by the following vote:

**AYES—73**

Ackerman	Firestone	Martinez	Seott
Aguiar	Frusetta	Mazzoni	Shelley
Alby	Gallegos	McClintock	Strom-Martin
Alquist	Goldsmith	Migden	Sweeney
Aroner	Granlund	Miller	Takasugi
Ashburn	Havice	Morrissey	Thompson
Baca	Hertzberg	Morrow	Thomson
Baugh	Honda	Murray	Torlakson
Bordenaro	House	Napolitano	Villaraigosa
Bowler	Kalooogian	Olberg	Vincent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker
Ducheny	Leonard	Prenter	
Escutia	Machado	Richter	
Figueroa	Margett	Runner	

**NOES—2**

Baldwin                      Bowen

Bill ordered transmitted to the Senate:

(NOTE: On September 9, 1997, the action was rescinded whereby the urgency clause was adopted and Senate Bill No. 280 was passed, and whereby the bill was ordered transmitted to the Senate. See page 4282.)

**BILLS PASSED ON FILE**

Senate Bill No. 1351—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 348 (Thompson)**—An act to amend Sections 11019.5 and 14670.15 of the Government Code, to amend Section 6840 of, to add Section 6835.1 to, and to repeal Sections 6831, 6832, and 6842 of, the Harbors and Navigation Code, to amend Section 5782.27 of the Public Resources Code, and to amend Section 55310.2 of the Water Code, relating to local government.

Bill read third time, and presented by Assembly Member Thomson.

Bill passed by the following vote:

**AYES—67**

Ackerman	Figueroa	Machado	Runner
Aguiar	Firestone	Margett	Scott
Alquist	Frusetta	Martinez	Shelley
Aroner	Gallegos	Mazzoni	Strom-Martin
Ashburn	Goldsmith	Migden	Sweeney
Baca	Granlund	Miller	Takasugi
Baldwin	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Brown	House	Napolitano	Vincent
Campbell	Kaloogian	Olberg	Washington
Cardenas	Keeley	Oller	Wayne
Cardoza	Knox	Ortiz	Wildman
Cunneen	Kuehl	Papan	Woods
Davis	Kuykendall	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker
Escutia	Leonard	Prenter	

**NOES—7**

Alby	Bowler	Leach	Thompson
Baugh	Brewer	McClintock	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 383 (O'Connell)**—An act to amend Sections 77411, 77416, 77421, 77425, 77430, 77434, 77442, 77481, 77483, and 77485 of the Food and Agricultural Code, relating to agriculture.

Bill read third time, and presented by Assembly Member Takasugi.

Bill passed by the following vote:

#### AYES—76

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Baugh	Hertzberg	Murray	Thomson
Bordonaro	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

#### NOES—2

Bowen                      McClintock

Bill ordered transmitted to the Senate.

#### CAUCUS ANNOUNCEMENTS

At 2:02 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

#### RECESS

By unanimous consent, at 2:03 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

#### REASSEMBLED

At 4:34 p.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 8, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 44	Assembly Bill No. 662
Assembly Bill No. 153	Assembly Bill No. 686
Assembly Bill No. 175	Assembly Bill No. 719
Assembly Bill No. 207	Assembly Bill No. 758
Assembly Bill No. 259	Assembly Bill No. 797
Assembly Bill No. 329	Assembly Bill No. 845
Assembly Bill No. 445	Assembly Bill No. 1041
Assembly Bill No. 460	Assembly Bill No. 1200
Assembly Bill No. 582	Assembly Bill No. 1221
Assembly Bill No. 650	Assembly Bill No. 1226

And reports the same correctly enrolled, and presented to the Governor at 3:30 p.m., September 8, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 8, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1237

Assembly Bill No. 1527

Assembly Bill No. 1519

Assembly Bill No. 1543

And reports the same correctly enrolled, and presented to the Governor at 3:30 p.m., September 8, 1997.

E. DOTSON WILSON, Chief Clerk

### REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, September 8, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (10) and (11) as it relates to Senate Bills Nos. 163, 273, 298, 368, and 655.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

### NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Hertzberg announced his intention to request that Senate Bill No. 818 be removed from the inactive file.

### CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

**SENATE BILL NO. 137 (Maddy)**—An act to add Division 8.6 (commencing with Section 22980) to the Business and Professions Code, relating to smoking.

Bill read third time, and presented by Assembly Member Vincent.

#### Demand for Previous Question

Assembly Members Kaloogian, Wright, Washington, Sweeney, and Honda demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

#### AYES—44

Ackerman	Cardenas	House	Oller
Aguiar	Cardoza	Kaloogian	Pacheco
Alby	Cunneen	Leach	Papan
Ashburn	Ducheny	Leonard	Poochigian
Baca	Firestone	Machado	Pringle
Baldwin	Frusetta	Margett	Runner
Battin	Gallegos	McClintock	Takasugi
Baugh	Goldsmith	Miller	Vincent
Bowler	Granlund	Morrow	Woods
Brewer	Havice	Murray	Wright
Campbell	Hertzberg	Olberg	Mr. Speaker

#### NOES—28

Alquist	Honda	Mazzoni	Strom-Martin
Aroner	Keeley	Migden	Sweeney
Bowen	Knox	Napolitano	Thompson
Brown	Kuehl	Ortiz	Thomson
Davis	Kuykendall	Perata	Torlakson
Escutia	Lempert	Richter	Washington
Figueroa	Martinez	Scott	Wildman

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 3 (Leslie)**—An act to amend Section 11055 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Bowler.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 31 (Maddy)**—An act to add Sections 17053.50 and 23649.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Poochigian.

Bill passed by the following vote:

**AYES—59**

Ackerman	Cardoza	Kuykendall	Poochigian
Aguiar	Cunneen	Leach	Prenter
Alby	Davis	Leonard	Pringle
Alquist	Ducheny	Machado	Richter
Ashburn	Firestone	Margett	Runner
Baca	Frusetta	Mazzoni	Shelley
Baldwin	Gallegos	McClintock	Takasugi
Battin	Goldsmith	Migden	Thompson
Baugh	Granlund	Miller	Torlakson
Bordonaro	Havice	Morrissey	Villaraigosa
Bowler	Hertzberg	Morrow	Vincent
Brewer	House	Murray	Washington
Brown	Kaloogian	Napolitano	Wildman
Campbell	Keeley	Olberg	Mr. Speaker
Cardenas	Knox	Oller	

**NOES—7**

Aroner	Ortiz	Sweeney	Wright
Bowen	Perata	Thomson	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 31: Assembly Members Aroner, Ortiz, and Wright, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Murray announced his intention to request that Senate Bill No. 1329 be removed from the inactive file.

**REQUEST TO TRANSMIT TO SENATE IMMEDIATELY**

Assembly Member Thomson requested unanimous consent that Senate Bill No. 348 be transmitted to the Senate immediately.

Unanimous consent was withheld.

**REQUEST TO TAKE UP NOTICE OF MOTION TO WITHDRAW  
OUT OF ORDER**

Assembly Member Goldsmith requested unanimous consent to take up the notice of motion to withdraw Senate Bill No. 6 from committee, out of order.

Unanimous consent was withheld.

**ORDERS OF THE DAY DEMANDED**

Assembly Member Goldsmith demanded the Orders of the Day.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Machado was granted unanimous consent that the Committee on Water, Parks and Wildlife be permitted to hold a special meeting today, at 5:30 p.m., in the Tom Bane Rules Committee Room, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 231 for hearing.

**BILLS REMOVED FROM SPECIAL CONSENT CALENDAR**

The following bills were removed from the Special Consent Calendar, and placed on the unfinished business file, pursuant to Joint Rule 22.2:

**Assembly Bills Nos. 989 and 1611**, on request of Assembly Member Runner.

**CAUCUS ANNOUNCEMENTS**

At 5:20 p.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**RECESS**

By unanimous consent, at 5:21 p.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed.

**REASSEMBLED**

At 5:55 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 55  
Assembly Bill No. 248  
Assembly Bill No. 405  
Assembly Bill No. 536  
Assembly Bill No. 589  
Assembly Bill No. 690  
Assembly Bill No. 699  
Assembly Bill No. 847  
Assembly Bill No. 925  
Assembly Bill No. 968  
Assembly Bill No. 1022  
Assembly Bill No. 1040

Assembly Bill No. 1071  
Assembly Bill No. 1104  
Assembly Bill No. 1296  
Assembly Bill No. 1298  
Assembly Bill No. 1337  
Assembly Bill No. 1344  
Assembly Bill No. 1460  
Assembly Bill No. 1464  
Assembly Bill No. 1468  
Assembly Bill No. 1485  
Assembly Bill No. 1518  
Assembly Bill No. 1588

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 1020  
Assembly Bill No. 1103

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 408  
Assembly Bill No. 1128  
Assembly Bill No. 1206

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 6

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 43  
Assembly Bill No. 51  
Assembly Bill No. 59  
Assembly Bill No. 267  
Assembly Bill No. 293  
Assembly Bill No. 301  
Assembly Bill No. 320  
Assembly Bill No. 326  
Assembly Bill No. 369  
Assembly Bill No. 418  
Assembly Bill No. 421  
Assembly Bill No. 459  
Assembly Bill No. 472  
Assembly Bill No. 482  
Assembly Bill No. 524  
Assembly Bill No. 530  
Assembly Bill No. 573  
Assembly Bill No. 618

Assembly Bill No. 633  
Assembly Bill No. 652  
Assembly Bill No. 874  
Assembly Bill No. 885  
Assembly Bill No. 1139  
Assembly Bill No. 1163  
Assembly Bill No. 1213  
Assembly Bill No. 1230  
Assembly Bill No. 1275  
Assembly Bill No. 1321  
Assembly Bill No. 1335  
Assembly Bill No. 1353  
Assembly Bill No. 1395  
Assembly Bill No. 1433  
Assembly Bill No. 1475  
Assembly Bill No. 1508  
Assembly Bill No. 1520  
Assembly Bill No. 1545

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 156  
Assembly Bill No. 221  
Assembly Bill No. 515  
Assembly Bill No. 572  
Assembly Bill No. 736  
Assembly Bill No. 753  
Assembly Bill No. 837  
Assembly Bill No. 838  
Assembly Bill No. 877

Assembly Bill No. 1105  
Assembly Bill No. 1211  
Assembly Bill No. 1222  
Assembly Bill No. 1238  
Assembly Bill No. 1242  
Assembly Bill No. 1306  
Assembly Bill No. 1505  
Assembly Bill No. 1511  
Assembly Bill No. 1606

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 57

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.



Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Concurrent Resolution No. 58

Assembly Joint Resolution No. 18

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above resolutions ordered to unfinished business file.

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 920

Senate Bill No. 946

Senate Bill No. 999

Senate Bill No. 1003

Senate Bill No. 1006

Senate Bill No. 1009

Senate Bill No. 1015

Senate Bill No. 1040

Senate Bill No. 1061

Senate Bill No. 1077

Senate Bill No. 1081

Senate Bill No. 1100

Senate Bill No. 1105

Senate Bill No. 1123

Senate Bill No. 1231

Senate Bill No. 1240

Senate Bill No. 1243

Senate Bill No. 1302

Senate Bill No. 1312

Senate Bill No. 1323

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 36

Senate Bill No. 57

Senate Bill No. 62

Senate Bill No. 65

Senate Bill No. 66

Senate Bill No. 70

Senate Bill No. 73

Senate Bill No. 89

Senate Bill No. 124

Senate Bill No. 150

Senate Bill No. 214

Senate Bill No. 219

Senate Bill No. 236

Senate Bill No. 275

Senate Bill No. 296

Senate Bill No. 329

Senate Bill No. 365

Senate Bill No. 402

Senate Bill No. 408

Senate Bill No. 417

Senate Bill No. 451

Senate Bill No. 461

Senate Bill No. 492

Senate Bill No. 514

Senate Bill No. 547

Senate Bill No. 548

Senate Bill No. 558

Senate Bill No. 576

Senate Bill No. 603

Senate Bill No. 609

Senate Bill No. 633

Senate Bill No. 641

Senate Bill No. 695

Senate Bill No. 703

Senate Bill No. 707

Senate Bill No. 716

Senate Bill No. 726

Senate Bill No. 768

Senate Bill No. 883

Senate Bill No. 912

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Senate Chamber, September 8, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Lee and Maddy as a Committee on Conference concerning:

Assembly Bill No. 1430.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Senate Chamber, September 8, 1997

Mr. Speaker I am directed to inform your honorable body that the Senate appointed Senators Rosenthal, Leslie and Watson as a Committee on Conference concerning:

**Senate Bill No. 406.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 8, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 768

And respectfully request the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 8, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1059

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bills were placed on the Special Consent Calendar:

Assembly Bills Nos. 768, 925, 1071, 1518, 51, 59, 293, 320, 459, 482, 874, 1545, 156, 221, 572, 736, 877, 1105, 1211, 1222, 1242, and 1306 and Assembly Joint Resolution No. 18.

**MESSAGES FROM THE GOVERNOR**

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

**Veto Message—Assembly Bill No. 400**

Governor's Office, Sacramento

September 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 400 without my signature:

This bill would revise spousal support provisions. Specifically, the bill would provide that marriages of long duration remain with the Court's discretion and jurisdiction to determine the appropriate spousal support, and these marriages would not be subject to the "one-half the length of marriage" rule. The bill would also eliminate the admonishment the court is required to give recipients of spousal support to make reasonable good faith efforts to become self-supporting.

Current law directs the court to consider specified circumstances in determining spousal support in a dissolution or legal separation action. Among the circumstances under consideration is the goal that

the supported party become self-supporting within a reasonable period of time, which is defined as one-half the length of the marriage.

This bill assumes that those recently enacted provisions (SB 509—Calderon, Ch. 1163, statutes of 1996), require the court to automatically terminate spousal support payments after a certain period of time, thereby creating economic hardships for particular recipients. They do no such thing. The law recognizes that a dissolution of marriage presents an anxious and uncertain period, so the statute specifically grants the court discretion to order support for whatever period of time is necessary. Self-support within a reasonable period of time should be the goal of the supported party, but that is only one factor, among many others, to be considered by the court in ordering spousal support. In every instance the court is required to determine what is equitable based upon the particular circumstances of the case.

Likewise, the admonition required to be given by the court in specific instances is not an ultimatum, but a fair and reasonable advisement of the goal of this state that each party should make sincere efforts to become self-supporting as soon as practicable.

Cordially,

PETE WILSON

#### RECEIPT

I acknowledge receipt this 8th day of September 1997, at 5 p.m., of Assembly Bill No. 400, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

#### **CONSIDERATION OF SENATE BILL NO. 660 BY UNANIMOUS CONSENT**

Assembly Member Wayne was granted unanimous consent to take up Senate Bill No. 660, without reference to file.

#### **Re-reference of Bills to Committee Pursuant to Assembly Rule 77.2**

Upon request of Assembly Member Wayne, pursuant to Assembly Rule 77.2, the Speaker re-referred Senate Bill No. 660 to the Committee on Environmental Safety and Toxic Materials.

#### **Special Committee Meetings**

Assembly Member Wayne was granted unanimous consent that the Committee on Environmental Safety and Toxic Materials be permitted to hold a special meeting tomorrow, at 8:30 a.m., and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 660 for hearing.

**REPORTS OF STANDING COMMITTEES****Committee on Water, Parks and Wildlife**

Date of Hearing: September 8, 1997

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 231

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

MACHADO, Chairman

Above bill re-referred to the Committee on Appropriations.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Migden was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting in 10 minutes, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 231 and 879 for hearing.

**RE-REFERENCE OF BILLS**

Assembly Member Migden was granted unanimous consent that Senate Bill No. 491 be re-referred from the Committee on Appropriations to the Committee on Public Safety.

**ANNOUNCEMENT OF CONFERENCE COMMITTEE MEETING**

Assembly Member Keeley announced that the Conference Committee on Assembly Bill No. 1581 would meet immediately, in Room 126.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 49 (Karnette)**—An act to add Chapter 4.6 (commencing with Section 84600) to Title 9 of the Government Code, relating to the Political Reform Act of 1974, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Cunneen.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—73**

Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Migden	Takasugi
Baldwin	Granlund	Morrissey	Thomson
Battin	Haveice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheney	Leonard	Richter	

**NOES—3**

Ackerman	Miller	Thompson
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The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—73**

Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Migden	Takasugi
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—3**

Ackerman	Miller	Thompson
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Bill ordered transmitted to the Senate.

**SENATE BILL NO. 72 (McPherson)**—An act to amend Section 30620 of the Public Resources Code, relating to coastal resources.

Bill read third time, and presented by Assembly Member Mazzoni.

Bill passed by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Machado	Runner
Alby	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—4**

Leonard	McClintock	Pringle	Thompson
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Bill ordered transmitted to the Senate.

**SENATE BILL NO. 172 (Rainey)**—An act to amend Sections 513, 514, 518, 522, 523, 524, and 525 of, and to add Sections 526 and 527 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Lempert.

Bill passed by the following vote:

**AYES—77**

Ackerman	Escutia	Margett	Runner
Aguiar	Figueroa	Martinez	Scott
Alby	Firestone	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bordonaro	House	Olberg	Vincent
Bowen	Kaloogian	Oller	Washington
Bowler	Keeley	Ortiz	Wayne
Brewer	Knox	Pacheco	Wildman
Brown	Kuehl	Papan	Woods
Campbell	Kuykendall	Perata	Wright
Cardenas	Leach	Poochigian	Mr. Speaker
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Pringle	
Davis	Machado	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 200 and 377**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 445 (Monteith)**—An act to add Section 12803 to the Food and Agricultural Code, relating to agriculture.

Bill read third time, and presented by Assembly Member Richter.  
The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Martinez moved a call of the Assembly.

Motion carried. Time, 6:14 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 6:15 p.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 545 (Rosenthal)**—An act to amend Section 668.1 of, to add Section 658.6 to, and to repeal and add Section 658.5 of, the Harbors and Navigation Code, relating to vessels.

Bill read third time, and presented by Assembly Member Murray

**At 6:34 p.m., Hon. Martha Escutia 50th District, presiding**

Bill passed by the following vote:

**AYES—45**

Alquist	Firestone	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thomson
Baca	Havice	Migden	Torlakson
Bowen	Hertzberg	Murray	Vincent
Brewer	Honda	Napolitano	Washington
Brown	House	Ortiz	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Wright
Davis	Kuehl	Richter	Mr. Speaker
Ducheny	Kuykendall	Scott	
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	

**NOES—30**

Ackerman	Bowler	McClintock	Prenter
Aguiar	Campbell	Miller	Pringle
Alby	Cunneen	Morrissey	Runner
Ashburn	Frusetta	Morrow	Takasugi
Baldwin	Granlund	Olberg	Thompson
Battin	Kaloogian	Oller	Woods
Baugh	Leach	Pacheco	
Bordonaro	Leonard	Poochigian	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 669 (Vasconcellos)**—An act to add Sections 48645.8 and 51220.6 to the Education Code, and to add Sections 885.5, 896.5, 1124.5, and 1857.5 to the Welfare and Institutions Code, relating to parenting education.

Bill read third time, and presented by Assembly Member Mazzoni.

**At 6:39 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**Demand for Previous Question**

Assembly Members Morrissey, Escutia, Sweeney, Washington, and Brewer demanded the previous question.

**Roll Call Demanded**

Assembly Members Woods, Miller, and Leach, demanded a roll call.

The roll was called, and the demand for the previous question was not sustained by the following vote:

**AYES—37**

Alquist	Figueroa	Mazzoni	Torlakson
Aroner	Gallegos	Migden	Villaraigosa
Baca	Havice	Murray	Washington
Bowen	Hertzberg	Ortiz	Wayne
Brown	Honda	Perata	Wildman
Cardenas	Keeley	Scott	Wright
Cardoza	Knox	Shelley	Mr. Speaker
Davis	Kuehl	Strom-Martin	
Ducheny	Lempert	Sweeney	
Escutia	Machado	Thomson	

**NOES—38**

Ackerman	Campbell	Leonard	Poochigian
Aguiar	Cunneen	Margett	Prenter
Alby	Firestone	Martinez	Pringle
Ashburn	Frusetta	McClintock	Richter
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Baugh	House	Morrow	Thompson
Bordonaro	Kaloogian	Olberg	Woods
Bowler	Kuykendall	Oller	
Brewer	Leach	Pacheco	

**Point of Order**

Assembly Member Washington arose to the following point of order:

That Assembly Member Miller limit debate to the merits of Senate Bill No. 669.

**Ruling by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore ruled the point of order well-taken.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Mazzoni moved a call of the Assembly.

Motion carried. Time, 7:14 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS PASSED ON FILE**

Senate Bill No. 67—Passed on file.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 820 (Polanco)**—An act to add Article 3 (commencing with Section 79140) to Chapter 9 of Part 48 of the Education Code, relating to education.

Bill read third time, and presented by Assembly Member Firestone.

Bill passed by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—2**

McClintock      Pringle

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 1035**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1051 (Vasconcellos)**—An act to amend Section 42249 of, and to add Section 42249.8 to, the Education Code, relating to education.

Bill read third time, and presented by Assembly Member Honda.

Bill passed by the following vote:

**AYES—59**

Alby	Escutia	Machado	Shelley
Alquist	Figueroa	Margett	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Baldwin	Gallegos	Migden	Thomson
Battin	Granlund	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Bowler	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Prenter	Wright
Davis	Leach	Runner	Mr. Speaker
Ducheny	Lempert	Scott	

**NOES—14**

Ackerman	Bordonaro	Leonard	Pringle
Aguiar	Brewer	Miller	Thompson
Ashburn	House	Olberg	
Baugh	Kaloogian	Oller	

Bill ordered transmitted to the Senate.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Murray was granted unanimous consent that the Committee on Transportation be permitted to hold a special meeting today, upon adjournment of Floor session, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 45 and Assembly Bill No. 176 for hearing.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wayne announced that the Committee on Environmental Safety and Toxic Materials would meet on September 9, 1997 at 8:30 a.m., in Room 437.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, September 8, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a) (11) as it relates to Senate Bills Nos. 93, 540, 5, and 455.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

**BILLS PASSED ON FILE**

Senate Bill No. 1113—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1179 (Polanco)**—An act to add Section 40059.1 to the Public Resources Code, relating to solid waste.

Bill read third time, and presented by Assembly Member Wayne.

**At 7:33 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

Bill passed by the following vote:

**AYES—62**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Mazzoni	Scott
Aroner	Firestone	McClintock	Shelley
Ashburn	Frusetta	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Hertzberg	Olberg	Torlakson
Baugh	House	Oller	Villaraigosa
Bordonaro	Kaloogian	Ortiz	Washington
Bowler	Keeley	Pacheco	Wayne
Brewer	Knox	Papan	Woods
Campbell	Kuykendall	Perata	Wright
Cardenas	Leach	Poochigian	Mr. Speaker
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Pringle	

**NOES—9**

Alquist	Honda	Morrow
Bowen	Kuehl	Strom-Martin
Brown	Martinez	Sweeney

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 1179: Assembly Members Baugh and Oller, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1270 (Johnston)**—An act to add Section 8169.5 to the Government Code, relating to state property.

Bill read third time, and presented by Assembly Member Ortiz.

Bill passed by the following vote:

**AYES—70**

Ackerman	Escutia	Margett	Scott
Aguiar	Figueroa	Martinez	Shelley
Alby	Firestone	Mazzoni	Strom-Martin
Alquist	Frusetta	Migden	Sweeney
Aroner	Gallegos	Miller	Takasugi
Ashburn	Havice	Morrissey	Thompson
Baca	Hertzberg	Morrow	Thomson
Battin	Honda	Murray	Torlakson
Bordonaro	House	Napolitano	Villaraigosa
Bowen	Kaloogian	Olberg	Vincent
Bowler	Keeley	Oller	Washington
Brewer	Knox	Ortiz	Wayne
Brown	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Woods
Cardoza	Leach	Perata	Wright
Cunneen	Lempert	Poochigian	Mr. Speaker
Davis	Leonard	Prenter	
Ducheny	Machado	Richter	

**NOES—6**

Baldwin	Goldsmith	McClintock
Baugh	Granlund	Pringle

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1306 (Sher)**—An act to repeal, add, and repeal Chapter 6 (commencing with Section 39900) of Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Ducheny.

Bill passed by the following vote:

**AYES—46**

Alquist	Gallegos	Mazzoni	Sweeney
Aroner	Havice	Migden	Thomson
Baca	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Brown	Keeley	Ortiz	Vincent
Cunneen	Knox	Pacheco	Washington
Davis	Kuehl	Papan	Wayne
Ducheny	Kuykendall	Perata	Wildman
Escutia	Leach	Richter	Wright
Figueroa	Lempert	Scott	Mr. Speaker
Firestone	Machado	Shelley	
Frusetta	Martinez	Strom-Martin	

**NOES—29**

Ackerman	Bowler	Margett	Prenter
Aguiar	Brewer	McClintock	Pringle
Alby	Campbell	Miller	Takasugi
Ashburn	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Woods
Battin	House	Olberg	
Baugh	Kaloogian	Oller	
Bordonaro	Leonard	Poochigian	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 1307, 1339, and 1251—Passed on file.**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 916 (Vasconcellos)**—An act to amend Section 1529.2 of the Health and Safety Code, and to add Section 16001.5 to the Welfare and Institutions Code, relating to human services.

Bill read third time, and presented by Assembly Member Strom-Martin.

Bill passed by the following vote:

**AYES—57**

Aguilar	Figueroa	Migden	Sweeney
Alby	Frusetta	Miller	Takasugi
Alquist	Gallegos	Morrissey	Thomson
Aroner	Havice	Murray	Torlakson
Ashburn	Hertzberg	Napolitano	Villaraigosa
Baca	Honda	Ortiz	Vincent
Bordonaro	Keeley	Pacheco	Washington
Bowen	Knox	Papan	Wayne
Brown	Kuehl	Perata	Wildman
Cardenas	Kuykendall	Poochigian	Woods
Cardoza	Leach	Prenter	Wright
Cunneen	Lempert	Richter	Mr. Speaker
Davis	Machado	Scott	
Ducheny	Martinez	Shelley	
Escutia	Mazzoni	Strom-Martin	

**NOES—19**

Ackerman	Campbell	Leonard	Oller
Baldwin	Goldsmith	Margett	Pringle
Battin	Granlund	McClintock	Runner
Baugh	House	Morrow	Thompson
Bowler	Kaloogian	Olberg	

Bill ordered transmitted to the Senate.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Senate Resolution**

**SENATE CONCURRENT RESOLUTION NO. 49 (Hughes)**—Relative to school safety.

Resolution read and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None****Vote Changes**

By unanimous consent, the following vote change was permitted on the Consent Calendar: Assembly Member Pacheco, from "No" to "Aye".

Resolution ordered transmitted to the Senate.

**CONSIDERATION OF SPECIAL CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Special Consent Calendar.

**Consideration of Senate Amendments to Assembly Bills**

**ASSEMBLY BILL NO. 739 (Machado)**—An act to amend Section 12002 of, and to add Section 12003.1 to, the Fish and Game Code, relating to fish and game.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 379 (Alquist)**—An act to add Section 2400.7 to, and to repeal Section 2400.5 of, the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 541 (Ducheny)**—An act to amend Section 13271 of, and to add Sections 13529, 13529.2, and 13529.4 to, the Water Code, relating to water.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 747 (Alby)**—An act to amend Sections 1506.5, 1520.3, 1522, 1534, 1558, 1568.065, 1568.09, 1569.16, 1569.17, 1569.58, 1596.851, 1596.871, and 1596.8897 of, to amend and renumber Section 1568.066 of, to add Sections 1558.1, 1568.093, 1569.59, and 1596.8898 to, and to repeal Section 1568.092 of, the Health and Safety Code, relating to care facilities.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 772 (Margett)**—An act to amend Section 7071.17 of the Business and Professions Code, relating to contractors.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 882 (Wayne)**—An act to amend Section 25124 of the Health and Safety Code, relating to hazardous waste.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 980 (Ashburn)**—An act to add Section 13331 to the Government Code, relating to the State Budget, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1054 (Goldsmith)**—An act to amend Section 1749.5 of the Civil Code, and to amend Section 1520.5 of the Code of Civil Procedure, relating to gift certificates, and making an appropriation therefor.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1061 (Machado)**—An act to amend Section 40727 of, and to add Section 40727.2 to, the Health and Safety Code, relating to air pollution.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1088 (Committee on Judiciary)**—An act to amend Section 1005 of, and to repeal and add Section 199.3 of, the Code of Civil Procedure, and to amend Sections 69601, 69892.1, 69911, 70046.2, 72602.14, 72608, 72609, 72702.5, 72769, 72778, 72782, 72784, 73077, 73084.3, 73084.4, 73084.5, 73089, 73096, 73096.1, 73348, 73350, 73433, 73433.1, 73433.4, 73434, 73435, 73436, 73436.1, 73436.2, 73483, 73487, 73683, 73684, 73691, 73692, 73699.1, 73705, 73710, 73713, 73766, 74344, 74604, 74607, 74610, 74642, 74643, 74663, 74665, 74745, 74803, 74805, 74807, 74808, and 74811, to repeal Sections 73367, 7368, 74644, 74644.3, and 74644.5 of, to add Article 12.2 (commencing with Section 73783.1) and Article 41 (commencing with Section 74993) to Chapter 10 of Title 8 of, and to repeal and add Sections 72776, 73353, 73757, 73759, and 74949.1 of, the Government Code, to amend Section 11205 of the Vehicle Code, and to amend Sections 1430 and 1440 of the Welfare and Institutions Code, relating to courts.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1089 (Miller)**—An act to amend Sections 25244.14, 25244.15, 25244.16, 25244.18, 25244.19, 25244.20, 25244.21, 25244.22, and 25244.23 of, and to repeal Section 25244.24 of, the Health and Safety Code, relating to hazardous waste.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1280 (Bustamante)**—An act to amend Sections 2105, 2106, 2107, 2109, 2112, and 2115 of the Fish and Game Code, relating to endangered and threatened species, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The Assembly adopted the urgency clause and concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1320 (Bordonaro)**—An act to amend Sections 19352, 19352.5, 19352.8, 19353, 19353.5, 19354, 19354.5, 19356.6, and 19806 of the Welfare and Institutions Code, relating to human services.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1399 (Cardenas)**—An act to amend, repeal, and add Section 12741 of the Insurance Code, relating to insurance.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 358 (House)**—An act to amend Section 17052 of the Health and Safety Code, relating to housing.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*



**ASSEMBLY BILL NO. 1209 (Olberg)**—An act to amend, repeal, and add Section 22352 of, and to add and repeal Section 22352.1 of, the Vehicle Code, relating to vehicles.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY CONCURRENT RESOLUTION NO. 12 (Cunneen)**—Relative to State Highway Route 85.

The Assembly concurred in the above Senate amendments; resolution ordered enrolled.

*(For the vote on the above resolution, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY JOINT RESOLUTION NO. 32 (Kuykendall)**—Relative to Allied Hmong-Lao veterans.

The Assembly concurred in the above Senate amendments; resolution ordered enrolled.

*(For the vote on the above resolution, see this day's  
Special Consent Calendar roll call.)*

#### **Special Consent Calendar Roll Call**

The roll was called, and the above bills on the Special Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

#### **AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

#### **NOES—None**

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 233**

At 7:52 p.m., on motion of Assembly Member Migden, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 233 refused passage by the following vote:

**AYES—29**

Aroner	Keeley	Papan	Vincent
Baca	Knox	Perata	Washington
Cardenas	Kuehl	Shelley	Wildman
Escutia	Lempert	Strom-Martin	Wright
Figueroa	Migden	Sweeney	Mr. Speaker
Gallegos	Murray	Thomson	
Havice	Napolitano	Torlakson	
Honda	Ortiz	Villaraigosa	

**NOES—39**

Ackerman	Brown	Leach	Poochigian
Aguiar	Campbell	Leonard	Prenter
Alby	Cunneen	Margett	Pringle
Ashburn	Firestone	McClintock	Richter
Baldwin	Frusetta	Miller	Runner
Battin	Coldsmith	Morrissey	Scott
Baugh	Granlund	Morrow	Takasugi
Bordonaro	House	Olberg	Thompson
Bowler	Kaloogian	Oller	Woods
Brewer	Kuykendall	Pacheco	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 233: Assembly Member Wayne, from "Aye" to "Not Voting".

**Motion to Reconsider Senate Bill No. 233  
on Next Legislative Day**

Assembly Member Migden moved to reconsider on the next legislative day the vote whereby Senate Bill No. 233 was this day refused passage.

Senate Bill No. 233 ordered to the unfinished business file

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1068**

At 7:52 p.m., on motion of Assembly Member Machado, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Machado moved to continue the call of the Assembly.

Motion carried. Time, 7:54 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 202**

At 7:54 p.m., on motion of Assembly Member Knox, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 202 refused passage by the following vote:

**AYES—39**

Alquist	Gallegos	Migden	Thomson
Aroner	Havice	Murray	Torlakson
Baca	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Ortiz	Vincent
Brown	Keeley	Papan	Washington
Cardenas	Knox	Perata	Wayne
Davis	Kuehl	Scott	Wildman
Ducheny	Lempert	Shelley	Wright
Escutia	Martinez	Strom-Martin	Mr. Speaker
Figueroa	Mazzoni	Sweeney	

**NOES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

**Motion to Reconsider Senate Bill No. 202  
on Next Legislative Day**

Assembly Member Knox moved to reconsider on the next legislative day the vote whereby Senate Bill No. 202 was this day refused passage.

Senate Bill No. 202 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 445**

At 7:55 p.m., on motion of Assembly Member Martinez, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 445 passed by the following vote:

**AYES—54**

Ackerman	Cardoza	Leonard	Pringle
Aguiar	Cunneen	Machado	Richter
Alby	Figueroa	Margett	Runner
Ashburn	Firestone	McClintock	Takasugi
Baca	Frusetta	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Torlakson
Battin	Granlund	Morrow	Vincent
Baugh	Hertzberg	Olberg	Washington
Bordonaro	House	Oller	Wayne
Bowen	Kaloogian	Pacheco	Woods
Bowler	Keeley	Papan	Wright
Brewer	Knox	Perata	Mr. Speaker
Campbell	Kuykendall	Poochigian	
Cardenas	Leach	Prenter	

**NOES—17**

Aroner	Honda	Ortiz	Villaraigosa
Brown	Martinez	Shelley	Wildman
Escutia	Mazzoni	Strom-Martin	
Gallegos	Migden	Sweeney	
Havice	Murray	Thomson	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 445: Assembly Member Thomson, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 669**

At 7:56 p.m., on motion of Assembly Member Mazzoni, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 669 passed by the following vote:

**AYES—41**

Alquist	Gallegos	Migden	Torlakson
Aroner	Havice	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)**

**SENATE BILL NO. 842 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Davis was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 842 was passed; and that the bill be passed on file, to retain its place on file.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Perata announced that the Committee on Rules would meet tomorrow in the Tom Bane Rules Committee Room, 15 minutes prior to Floor session.

**NOTICES OF MOTIONS TO WITHDRAW BILLS  
FROM COMMITTEE CONTINUED**

By unanimous consent the notices of motions to withdraw Senate Bills Nos. 638 and 6 from committees were continued until the next legislative day.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

**Senate Bill No. 495**, on request of Assembly Member Sweeney.

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577; and Senate Bills Nos. 682 and 305 were continued until the next legislative day.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1068**

At 7:59 p.m., on motion of Assembly Member Machado, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Thompson moved to continue the call of the Assembly.

Motion carried. Time, 7:59 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**OBJECTION TO VOTE ADDS**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call votes taken on this day on Senate Bills Nos. 233 and 202.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1068**

At 8:03 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under call of the Assembly were dispensed with.

Senate Bill No. 1068 refused passage by the following vote:

**AYES—39**

Alquist	Gallegos	Mazzoni	Torlakson
Aroner	Granlund	Migden	Villaraigosa
Baca	Havice	Murray	Vincent
Brown	Hertzberg	Papan	Washington
Cardenas	Honda	Perata	Wayne
Cardoza	Keeley	Scott	Wildman
Davis	Knox	Shelley	Woods
Ducheny	Kuehl	Strom-Martin	Wright
Escutia	Lempert	Sweeney	Mr. Speaker
Figueroa	Machado	Thomson	

**NOES—37**

Ackerman	Cunneen	Martinez	Poochigian
Aguiar	Firestone	McClintock	Prenter
Alby	Frusetta	Miller	Pringle
Ashburn	Goldsmith	Morrissey	Richter
Baldwin	House	Morrow	Runner
Battin	Kaloogian	Napolitano	Takasugi
Baugh	Kuykendall	Olberg	Thompson
Bordonaro	Leach	Oller	
Brewer	Leonard	Ortiz	
Campbell	Margett	Pacheco	

**Motion to Reconsider Senate Bill No. 1068  
on Next Legislative Day**

Assembly Member Machado moved to reconsider on the next legislative day the vote whereby Senate Bill No. 1068 was this day refused passage.

Senate Bill No. 1068 ordered to the unfinished business file.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 314:** Baugh, Brewer and McClintock—Aye.

**Senate Bill No. 394:** Goldsmith—Aye; Baldwin, Baugh, Brewer, Firestone, McClintock and Miller—No.

**Senate Bill No. 653, Demand for Previous Question:** Bowen—Aye; Baugh and Olberg—No.

**Senate Bill No. 653:** Baugh, Brewer, Firestone, McClintock, and Migden—Aye.

**Senate Bill No. 931:** Ackerman, Baca, Brewer, and Prenter—Aye; Alby, Ashburn, Baugh, Cunneen, Morrissey, and Poochigian—No.

**Senate Bill No. 1220:** Ashburn and Brewer—Aye.

**Senate Bill No. 543 and Urgency:** Brewer—Aye.

**Senate Bill No. 1184:** Bowen, Bowler, and Brewer—Aye.

**Senate Bill No. 657:** Brewer and Wright—Aye.

**Senate Bill No. 826:** Brewer and Olberg—Aye.

**Senate Bill No. 1068, Demand for Previous Question:** Havice—No.

**Senate Bill No. 413 and Urgency:** Ashburn, Baugh, and Goldsmith—Aye; McClintock—No.

**Senate Bill No. 1048:** Prenter—Aye; Baugh and McClintock—No.

**Senate Bill No. 1067:** Honda—Aye; Morrow—No.

**Senate Bill No. 453, Morrow Motion to Refer to Committee:** Martinez—No.

**Senate Bill No. 1102:** Baldwin, Ducheny, and Martinez—Aye.

**Senate Bill No. 525:** Bowen and Runner—Aye; Martinez—No.

**Senate Bill No. 453:** Cardoza—Aye; Baldwin—No.

**Senate Bill No. 1257:** Campbell and Poochigian—Aye; Morrow and Runner—No.

**Senate Bill No. 713:** Runner—Aye.

**Senate Bill No. 1271:** Figueroa and Goldsmith—Aye; Olberg, Runner, and Woods—No.

**Senate Bill No. 772:** Bowen, Martinez, Miller and Woods—Aye.

**Senate Bill No. 280 and Urgency:** Machado and Runner—Aye; Baldwin—No.

**Senate Bill No. 348:** Baldwin, Machado, and Runner—Aye.

**Senate Bill No. 383:** Ducheny—Aye; McClintock—No.

**Senate Bill No. 137:** Cardoza, Cunneen, and McClintock—Aye; Mazzoni—No.

**Senate Bill No. 3 and Urgency:** Baugh and Figueroa—Aye.

**Senate Bill No. 31:** Baugh, McClintock, Villaraigosa, and Vincent—Aye; Sweeney—No.

**Senate Bill No. 49 and Urgency:** Olberg and Richter—Aye.

**Senate Bill No. 72:** Baldwin—Aye.

**Senate Bill No. 172:** McClintock—Aye.

**Senate Bill No. 545:** Gallegos—Aye; Ackerman, Aguiar, Cunneen, Olberg, and Prenter—No.

**Senate Bill No. 820:** Baldwin, Brewer, Mazzoni, and Poochigian—Aye.

**Senate Bill No. 1051:** Margett—Aye; Ashburn and Brewer—No.

**Senate Bill No. 1179:** Escutia and Prenter—Aye; Alquist—No.

**Senate Bill No. 1270:** Olberg—Aye; Goldsmith—No.

**Consent Calendar:** Goldsmith—Aye.

**Special Consent Calendar:** Runner—Aye.

**Senate Bill No. 445:** Shelley—No.

#### **MOTION TO ADJOURN**

At 8:05 p.m., Assembly Member Morrissey moved that the Assembly do now adjourn.

Assembly Member Washington seconded the motion.

#### **REMARKS ON CONDITION OF THE FILE**

Assembly Members Wright and House arose to speak on the condition of the file.

#### **FURTHER CONSIDERATION OF MOTION TO ADJOURN**

the question being on the motion of Assembly Member Morrissey that the Assembly adjourn.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 8:07 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

#### **RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 39**—Thomson and Murray, (Principal coauthors: Battin, Baugh, Leach, and Washington) and Bustamante, (Senators Costa, Johannessen, Kelley, Kopp, Lee Lockyer, and Monteith, coauthors). Relative to the Intermodal Surface Transportation Efficiency Act.

#### **AUTHOR'S AMENDMENTS** **Committee on Appropriations**

September 8, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 5

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 5**—An act to amend Sections 17152, 18042, 18510, 18601, 23732, 23801, 23802, 23806, and 24611 of, and to add Sections 17731.5, 18037.5, 19136.4, 19365, 23800.5, 23804, 23802.5, 23804.5, 23813, 24954, and 24990.4 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.



**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: September 8, 1997

Mr. Speaker: Your Committee on Appropriation reports:

Senate Bill No. 231

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 5, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 521

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**INTRODUCTION OF GUESTS**

Assembly Member Kaloogian, of the 74th Assembly District, introduced Karen Gill, President of the California League of Women Voters, who was accompanied by her son, Sandy Gill, from Solana Beach.

**ADJOURNMENT**

At 8:07 p.m., pursuant to the motion by Assembly Member Morrissey, the Assembly adjourned until 9 a.m., Tuesday, September 9, 1997, out of respect to the memory of Frances Calderon, on motion of Assembly Member Baca; out of respect to the memory of Bill Eade, on motion of Assembly Member Frusetta; out of respect to the memory of Lyle Harlan, on motion of Assembly Member House; and out of respect to the memory of Stephanie Frazier McDowell, on motion of Assembly Member Ortiz.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON SEPTEMBER 8, 1997

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	<b>SB</b>	<b>RN</b>
1218	9722851	812	9722736
		879	9722600
<b>AJR</b>	<b>RN</b>	938	9723071
38	9722663	940	9722778
		1026	9722909
<b>HR</b>	<b>RN</b>	1039	9722860
44	9722604	1054	9722873
		1066	9723001
<b>SB</b>	<b>RN</b>	1092	9722535
5	9723170	1099	9723096
88	9723054	1110	9722830
90	9723046	1161	9722795
93	9723061	1163	9722798
163	9723084	1189	9722796
225	9722849	1195	9722111
247	9722733	1198	9722109
318	9722675	1254	9722624
526	9722684	1268	9722942
540	9722946	1273	9722858
660	9722787	1305	9722665
		1338	9722857

<b>Daily Total:</b>	<b>35</b>
<b>Cumulative Total:</b>	<b>3373</b>

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, September 9, 1997**

**ONE HUNDRED THIRTY-FIFTH SESSION DAY**

**TWO HUNDRED EIGHTY-SECOND CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, September 9, 1997

The Assembly met at 9 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Bustamante moved a quorum call of the Assembly.

Motion carried. Time, 9:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 9:24 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O God, Our Father,* We live and move and have our being in You, and we thank You for another day in service to the people of California. Make us great and strong in the things of the spirit. Grant to us clear minds, warm hearts and the will to obey the guidance of Your Word. Lift all our deliberations into the higher order of Your Kingdom. We pray this in His name Who was servant of all.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Granlund then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Napolitano, seconded by Assembly Member Leach.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

September 9, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am appointing Assemblymember Grace Napolitano to the Select Committee on California-Mexico Affairs.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 9, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am appointing Assemblymember Grace Napolitano to the Select Committee on Veterans Affairs.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

96031

August 27, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by Section 19640.5 of the California Welfare and Institution Code, the Bureau of State Audits presents its audit report concerning the Department of Rehabilitation's (department) administration of the Business Enterprise Program for the Blind (program). This report concludes that poor management practices limit the effectiveness of the program.

Specifically, the department should provide increased opportunities for vendors to operate more profitable vending locations. Also, the department needs to more effectively fulfill its responsibilities in providing vendor advice and assistance through its ongoing training program and consulting services. In addition, the department should improve its administration of program finances by ensuring that the vendors are submitting their monthly reports and fees as required, delinquencies are promptly addressed, and vending machine commissions are collected and used appropriately. Further, to minimize the potential financial risk to both the vendors and the State, the department should work to resolve the issues surrounding the retirement plan as quickly as possible and perform a thorough review of the statutes of the vendors as state employees or independent contractors.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Human Services.

California State Auditor

97122

September 3, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
Room 3196, State Capitol  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the financing and structuring of the proposed merger between the University of California Medical Center at San Francisco and Stanford Health Services.

This report concludes that the merger should make the partners fiscally stronger, although the extent of financial benefits is

potentially overstated. Specifically, we believe the benefits over the first four years of the merger will approximate \$120 million rather than amounts of approximately \$230 million, \$130 million, and \$150 million as reported in prior studies. However, aggressive management of cost-cutting efforts will be critical for the merger's success.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Health.

California State Auditor

97105  
September 4, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the Department of Health Services' Genetic Disease Branch (branch). This report concludes that the branch has weaknesses in fee setting, billing, and collection. As a result, the public may be paying more than necessary for prenatal screening services. Additionally, the branch has written off \$9.7 million in prenatal testing fees since July 1993 and may not collect an additional \$6.5 million. Moreover, branch staff neglected to bill Medi-Cal promptly for another \$1.1 million and these fees may now be uncollectable. Finally, branch regulations no longer warrant emergency status because most of them concern administrative changes rather than true emergencies.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Health.

#### REPORTS

The following reports were presented by the Chief Clerk:

**M/V/DVBE Contract Report, Fiscal Year 1995-96  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Chairman, State Board of Control, Sacramento, dated July 31, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Report, Cal-Vet Insurance Plans  
(Pursuant to AB 4355, Chapter 1170, 1974)**

Above transmitted report, together with letter of transmittal from Leon Tuttle, Deputy Secretary, Department of Veterans Affairs, Sacramento, dated August 4, 1997, referred by the Speaker to the Committee on Governmental Organization.

**Status Report, The Birth Defect Prevention Act of 1984  
(Pursuant to Food and Agricultural Code Section 13127, Subdivision (a))**

Above transmitted report, together with letter of transmittal from James W. Wells, Director, California Environmental Protection Agency, Department of Pesticide Regulation, Sacramento, dated August 11, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Development of the Level of Care Assessment Instrument and Process**

Above transmitted report, together with letter of transmittal from Eloise Anderson, Director, Department of Social Services, Sacramento, dated August 13, 1997, referred by the Speaker to the Committee on Human Services.

**Lead: A Boot Camp and Intensive Parole Program,  
The Final Impact Evaluation  
(Pursuant to Chapter 10 of 1992 (SB 676, Presley))**

Above transmitted report, together with letter of transmittal from Francisco J. Alarcon, Director, Department of the Youth Authority, Sacramento, dated August 18, 1997, referred by the Speaker to the Committee on Public Safety.

**Deer Management Program and Deer Herd  
Management Plan Implementation Program  
Fiscal Years 1993-94, and 1994-95 Activities and 1995-96 Proposed Activities  
(Pursuant to Fish and Game Code Section 456)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated July 18, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**New AFDC-FC Group Home Requirements/Increases in Industry's Costs  
(Pursuant to Welfare and Institutions Code Section 11462(m))**

Above transmitted report, together with letter of transmittal from Eloise Anderson, Director, Department of Social Services, Sacramento, dated March 1997, referred by the Speaker to the Committee on Human Services.

**California Department of Social Services Rate Structure Proposal for  
Children Placed in Out-of-Home Care, Interim Report  
(Pursuant to Welfare and Institutions Code Section 11462.1)**

Above transmitted report, together with letter of transmittal from Eloise Anderson, Director, Department of Social Services, Sacramento, dated May 23, 1997, referred by the Speaker to the Committee on Human Services.

**Final Report to the Legislature on Options for Recovery  
(Pursuant to SB 1050, Chapter 296, Statutes of 1993)**

Above transmitted report, together with letter of transmittal from Eloise Anderson, Director, Department of Social Services, Sacramento, dated November 1994, referred by the Speaker to the Committee on Human Services.



**Legislative Report #10 for 1997-98 Session, Status as of:  
July 21, 1997, Part I (Active)**

Above transmitted report, together with letter of transmittal from Judy Balmain, Director of Legislation, California State Personnel Board, Sacramento, dated August 5, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Bureau of Medi-Cal Fraud—Quarterly Report  
March 1, 1997–June 30, 1997**

Above transmitted report, together with letter of transmittal from Thomas A. Temmerman, Director, Bureau of Medi-Cal Fraud, Department of Justice, Sacramento, dated August 18, 1997, referred by the Speaker to the Committee on Health.

**State Employers' Industrial Disability Cost Report, 1995-96 Fiscal Year  
(Pursuant to Government Code Section 20238)**

Above transmitted report, together with letter of transmittal from William Dale Crist, President, Board of Administration, Sacramento, dated August 25, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Restitution to Crime Victims—Forms and Judicial Education  
(Pursuant to SB 1685, Statutes of 1996, Chapter 629)**

Above transmitted report, together with letter of transmittal from Melissa Johnson, Senior Attorney, San Francisco, dated August 28, 1997, referred by the Speaker to the Committee on Public Safety.

**Report to the Legislature on  
the Implementation of Women, Minority, and Disabled Veterans  
Business Enterprises Program for Public Utilities  
(Pursuant to Public Utilities Code Section 8283)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, San Francisco, dated September 1, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**Strategic Plan, 1997-2000  
(Pursuant to Unemployment Insurance Code Section 10205(a))**

Above transmitted report, together with letter of transmittal from Gerald G. Geismar, Executive Director, Employment Training Panel, Sacramento, dated September 3, 1997, referred by the Speaker to the Committee on Labor and Employment.

**The Status of Rare, Threatened, and Endangered Animals  
and Plants of California  
Annual Report for 1996**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated September 3, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Accounts Receivable Management Act Report  
(SB 1838, Chapter 1224, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Al Lee, Chief Deputy Director, Employment Development Department, Sacramento, dated September 3, 1997, referred by the Speaker to the Committee on Labor and Employment.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 9, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1218

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, September 9, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

House Resolution No. 44

Assembly Joint Resolution No. 38

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to Committee:

*Assembly Joint**Resolution No.*

39

*Committee*

Rls.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

September 9, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61 (a) (10) and (11), as it relates to the following bills be granted:

Senate Bills Nos. 163, 273, 298, and 655.

DON PERATA, Chairman

September 9, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61 (a) (10) and (11), as it relates to the following bill be granted:

Senate Bill No. 368

DON PERATA, Chairman

September 9, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61 (a) (11), as it relates to the following bills be granted:

Senate Bills Nos. 93 and 540.

DON PERATA, Chairman

September 9, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61 (a) (11), as it relates to the following bills be granted:

Senate Bills Nos. 5 and 455.

DON PERATA, Chairman

**ADJOURN IN MEMORY**

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joseph "Scotty" Giampaoli and Eileen Cahill Maloney, of San Francisco.

Assembly Member Takasugi was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Akira Yatabe, of Oxnard.

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Perata returned Assembly Bill No. 1252 to the Senate for further action.

**ADJOURN IN MEMORY**

Assembly Member Olberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his grandmother, Lois Shaw, of Chicago, Illinois, and that the following statement be printed in the Journal:

*In Memory of Lois Shaw, Chicago, Illinois*

Words cannot express the emotions we feel at the loss of our mom, our grandma, our greatgrandmother.

We knew you as family. We knew you as a friend. We knew your passion for life. In the end, we knew you, and that was more than sufficient.

You warmed our hearts and you warmed our home. You offered your beliefs, and you offered your blessing. You offered your opinions, oh yes, but I loved that zeal for life.

Your generosity was exceeded only by your love, and by your example we all will live.

You left us so fast, Grandma, but you left us in peace. Your life was good all the way to the last, but how much better you are today than even a few days ago. And so are we for having known you.

So what are our emotions? Joy, mostly, and deep personal gratitude, for all you were and are. You will be missed, but never forgotten.

Keith and Lisa Olberg,  
Jordan and Lindy

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Resolutions**

**ASSEMBLY CONCURRENT RESOLUTION NO. 21 (Woods)**—Relative to Small School District Week.

Resolution read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Alby moved a call of the Assembly.

Motion carried. Time, 9:34 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS REMOVED FROM CONSENT CALENDAR**

Pursuant to Joint Rule 22.1, Senate Bill No. 965 was removed from the Consent Calendar, and placed on the third reading file.

**RECESS**

By unanimous consent, at 9:35 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Napolitano introduced Mario Obledo, Jr. who received a resolution from Assembly Member Napolitano on behalf of his father, Mario Obledo, commending his exemplary record of service to the State of California.

Mario Obledo, Jr. then addressed the assemblage.

#### **REASSEMBLED**

At 9:38 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

#### **REQUEST TO TAKE UP NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 6 FROM COMMITTEE, OUT OF ORDER**

Assembly Member Goldsmith requested unanimous consent to take up the notice of motion to withdraw Senate Bill No. 6 from the Committee on Appropriations, out of order.

Assembly Member Perata withheld unanimous consent.

#### **Orders of the Day Demanded**

Assembly Member Goldsmith demanded the Orders of the Day.

#### **Objection Withdrawn**

Assembly Member Perata withdrew his objection to the request by Assembly Member Goldsmith.

#### **Demand for Orders of the Day Withdrawn**

Assembly Member Goldsmith withdrew his demand for the Orders of the Day.

#### **NOTICE OF CONSIDERATION OF MOTION TO WITHDRAW SENATE BILL NO. 6 FROM COMMITTEE, OUT OF ORDER**

In compliance with a notice given on a previous day, and by unanimous consent, out of file order, Assembly Member Goldsmith moved that Senate Bill No. 6 be withdrawn from the Committee on Appropriations.

#### **Point of Order**

Assembly Member Villaraigosa arose to the following point of order:

Assembly Member Goldsmith is not limiting debate to the propriety of the motion to withdraw Senate Bill No. 6 from committee.

#### **Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

#### **Point of Order**

Assembly Member Villaraigosa arose to the following point of order:

Assembly Member Goldsmith is not limiting debate to the propriety of the motion to withdraw Senate Bill No. 6 from committee.

#### **Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

**Point of Order**

Assembly Member Escutia arose to the following point of order:

Assembly Member Goldsmith is not limiting debate to the propriety of the motion to withdraw Senate Bill No. 6 from committee.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

**Point of Order**

Assembly Member Villaraigosa arose to the following point of order:

Assembly Member Firestone is not limiting debate to the propriety of the motion to withdraw Senate Bill No. 6 from committee.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

**Point of Order**

Assembly Member Olberg arose to the following point of order:

Assembly Member Baca is not limiting debate to the propriety of the motion to withdraw Senate Bill No. 6 from committee.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

**Point of Order**

Assembly Member Olberg arose to the following point of order:

Assembly Member Baca is not limiting debate to the propriety of the motion to withdraw Senate Bill No. 6 from committee, but rather is discussing the fiscal implications of the bill.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order not well-taken; that Assembly Member Goldsmith's motion is to withdraw the bill from fiscal committee and debate concerning fiscal implications is in order.

**Point of Order**

Assembly Member Wildman arose to the following point of order:

Pursuant to Mason's Sec. 101.5 it is not in order to refer in debate to a bill or other matters not yet reported by a committee.

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that debate must be limited to the merits of the motion to withdraw the bill from committee.

**Point of Order**

Assembly Member Escutia arose to the following point of order:

Assembly Member House is not limiting debate to the propriety of the motion to withdraw Senate Bill No. 6 from committee.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

### Point of Order

Assembly Member Kaloogian arose to the following point of order:

The Chair ruled earlier that it was in order to debate fiscal implication of the motion to withdraw Senate Bill No. 6 from the Committee on Appropriations, and debate by Assembly Member House is therefore in order.

### Ruling by Speaker pro Tempore Kuehl

The Speaker pro Tempore ruled the point of order not well-taken, that Assembly Member House's remarks were not limited to fiscal implications.

### Demand for Previous Question

Assembly Members Shelley, Honda, Havice, Cardenas, and Ducheny demanded the previous question.

### Roll Call Demanded

Assembly Members Leach, Brewer, and Woods, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

### AYES—38

Alquist	Gallegos	Murray	Torlakson
Aroner	Havice	Napolitano	Villaraigosa
Baca	Hertzberg	Ortiz	Vincent
Bowen	Honda	Papan	Washington
Brown	Keeley	Perata	Wayne
Cardenas	Kuehl	Scott	Wildman
Cardoza	Lempert	Shelley	Wright
Ducheny	Machado	Strom-Martin	Mr. Speaker
Escutia	Mazzoni	Sweeney	
Figueroa	Migden	Thomson	

### NOES—36

Ackerman	Brewer	Kuykendall	Olberg
Aguiar	Campbell	Leach	Oller
Alby	Cunneen	Leonard	Pacheco
Ashburn	Firestone	Margett	Poochigian
Baldwin	Frusetta	Martinez	Prenter
Battin	Goldsmith	McClintock	Runner
Baugh	Granlund	Miller	Takasugi
Bordonaro	House	Morrissey	Thompson
Bowler	Kaloogian	Morrow	Woods

### Point of Order

Assembly Member Villaraigosa arose to the following point of order:

Assembly Member Goldsmith is not limiting debate to the propriety of the motion to withdraw Senate Bill No. 6 from committee.

### Ruling by Speaker pro Tempore Kuehl

The Speaker pro Tempore ruled the point of order well-taken.

The question being on the Goldsmith motion to withdraw Senate Bill No. 6 from the Committee on Appropriations.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Firestone moved a call of the Assembly.

Motion carried. Time, 10:11 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 1218**, ordered to third reading.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bills Nos. 247, 526, 812, 1092, 1161, 1195, 1198, 1254, 318, 940, 1039, 1110, 1163, 1189, 1338, 1026, 88, 225, and 1066** ordered to third reading;

**Senate Bill No. 1273**, ordered to the Consent Calendar.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 614**—An act to amend Section 5652 of the Fish and Game Code, relating to pollution, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 231**—An act to add Article 3.5 (commencing with Section 2086) to Chapter 1.5 of Division 3 of the Fish and Game Code, relating to endangered species.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 521**—An act to add Sections 39667.5 and 116366 to the Health and Safety Code, and to add Section 13285 to the Water Code, relating to gasoline, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 969 (Burton)**—An act relating to judges.

Bill read third time, and presented by Assembly Member Perata.

**Parliamentary Inquiry**

Assembly Member Pringle arose to the following parliamentary inquiry:

When was Senate Bill No. 969 last amended?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore deferred to Assembly Member Perata who replied that the amendments of September 5, 1997 conformed the bill to the version reported by the Committee on Public Employees, Retirement and Social Security.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—66**

Ackerman	Davis	Lempert	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Margett	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thomson
Baldwin	Granlund	Morrissey	Torlakson
Battin	Havice	Murray	Villaraigosa
Baugh	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Pringle	

**NOES—9**

Bordonaro	Leonard	Pacheco
Bowler	McClintock	Prenter
House	Morrow	Thompson

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 1037**—Passed on file.



**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 719 (Johnston)**—An act to amend, repeal, and add Section 1373.621 of, to add Article 4.5 (commencing with Section 1366.20) to Chapter 2.2 of Division 2 of the Health and Safety Code, to amend, repeal, and add Section 10116.5 of, and to add Article 1.7 (commencing with Section 10128.50) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to health coverage.

Bill read third time, and presented by Assembly Member Gallegos.

Bill passed by the following vote:

**AYES—74**

Ackerman	Davis	Leonard	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Margett	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	

**NOES—2**

Kaloogian                      McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1347 (Committee on Business and Professions)**—An act to amend Sections 2590, 2591, 2592, 3105.1, and 3135 of, and to add Section 17505.2 to, the Business and Professions Code, relating to healing arts.

Bill read third time, and presented by Assembly Member Thomson.

Bill passed by the following vote:

**AYES—69**

Ackerman	Ducheny	Margett	Scott
Aguiar	Escutia	Martinez	Shelley
Alby	Figueroa	Mazzoni	Strom-Martin
Alquist	Firestone	Migden	Sweeney
Aroner	Frusetta	Miller	Takasugi
Ashburn	Gallegos	Morrissey	Thomson
Baca	Granlund	Morrow	Torlakson
Baldwin	Havice	Murray	Villaraigosa
Battin	Hertzberg	Napolitano	Vincent
Bordonaro	Honda	Olberg	Washington
Bowen	House	Ortiz	Wayne
Bowler	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Machado	Runner	

**NOES—8**

Baugh	Goldsmith	Leonard	Oller
Brewer	Kaloogian	McClintock	Thompson

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 542 (Alpert)**—An act to amend Sections 63.1, 69.5, 255, 255.3, 273, 273.5, 275, 275.5, 276, 430.5, and 1603 of, and to add Sections 401.13 and 5145.5 to, the Revenue and Taxation Code, relating to taxation.

Bill read third time, and presented by Assembly Member Takasugi.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 527 (Rosenthal)**—An act to add Section 10232.2 to, and to add and repeal Section 10232.25 of, the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Gallegos.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—69**

Ackerman	Figueroa	Margett	Shelley
Alby	Firestone	Martinez	Strom-Martin
Alquist	Frusetta	Migden	Sweeney
Aroner	Gallegos	Miller	Takasugi
Ashburn	Granlund	Morrissey	Thompson
Baca	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Oller	Vincent
Bowler	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker
Davis	Lempert	Richter	
Ducheny	Leonard	Runner	
Escutia	Machado	Scott	

**NOES—8**

Aguiar	Baugh	Goldsmith	Olberg
Baldwin	Brewer	McClintock	Pringle

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—69**

Ackerman	Figueroa	Margett	Shelley
Alby	Firestone	Martinez	Strom-Martin
Alquist	Frusetta	Migden	Sweeney
Aroner	Gallegos	Miller	Takasugi
Ashburn	Granlund	Morrissey	Thompson
Baca	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Oller	Vincent
Bowler	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker
Davis	Lempert	Richter	
Ducheny	Leonard	Runner	
Escutia	Machado	Scott	

**NOES—8**

Aguiar	Baugh	Goldsmith	Olberg
Baldwin	Brewer	McClintock	Pringle

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 566 (Thompson)**—An act to add Chapter 8 (commencing with Section 51298) to Part 1 of Division 1 of Title 5 of the Government Code, relating to local government.

Bill read third time, and presented by Assembly Member Lempert.

Bill passed by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Scott
Aguiar	Escutia	Margett	Shelley
Alby	Figueroa	Martinez	Strom-Martin
Alquist	Firestone	Mazzoni	Sweeney
Aroner	Frusetta	Migden	Takasugi
Ashburn	Gallegos	Miller	Thompson
Baca	Goldsmith	Morrissey	Thomson
Baldwin	Granlund	Morrow	Torlakson
Battin	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Pringle	
Davis	Lempert	Runner	

**NOES—2**

Baugh                      McClintock

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 566: Assembly Member Alby, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 857 (Polanco)**—An act to amend Sections 7000.5, 7011, 7057, 7155.5, 7156, 7157, and 7159 of, and to add and repeal Section 7019.1 of, the Business and Professions Code, relating to contractors.

Bill read third time, and presented by Assembly Member Miller.

Bill passed by the following vote:

**AYES—69**

Aguilar	Gallegos	Mazzoni	Shelley
Alquist	Goldsmith	Migden	Strom-Martin
Aroner	Granlund	Miller	Sweeney
Ashburn	Havice	Morrissey	Takasugi
Baca	Hertzberg	Morrow	Thompson
Battin	Honda	Murray	Thomson
Bowen	House	Napolitano	Torlakson
Brewer	Kaloogian	Oller	Villaraigosa
Brown	Keeley	Ortiz	Vincent
Campbell	Knox	Pacheco	Washington
Cardenas	Kuehl	Papan	Wayne
Cardoza	Kuykendall	Perata	Wildman
Cunneen	Leach	Poochigian	Woods
Davis	Lempert	Prenter	Wright
Ducheny	Leonard	Pringle	Mr. Speaker
Escutia	Machado	Richter	
Figueroa	Margett	Runner	
Firestone	Martinez	Scott	

**NOES—8**

Ackerman	Baldwin	Bowler	McClintock
Alby	Baugh	Frusetta	Olberg

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 857: Assembly Member Margett, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 873 (Vasconcellos)**—An act to add Sections 116049.1 and 116064 to the Health and Safety Code, relating to pool safety.

Bill read third time, and presented by Assembly Member Torlakson.

**Demand for Previous Question**

Assembly Members Sweeney, Escutia, Cardoza, Shelley, and Cardenas demanded the previous question. Demand sustained.

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Migden moved a call of the Assembly.

Motion carried. Time, 10:38 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 1052 (Vasconcellos)**—An act to amend Sections 10232.1, 10234.93, and 10237.1 of, to amend and renumber Section 10232.8 of, to add Sections 10232.2, 10232.92, 10232.93, 10232.95, 10232.96, 10234.86, 10234.87, 10235.9, 10235.30, 10235.40, 10235.50, 10235.51, 10235.52, 10235.91, 10237.4, 10237.5, and 10237.6 to, and to repeal and add Section 10234.95 of, the Insurance Code, relating to health insurance, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Gallegos.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—76

Ackerman	Davis	Lempert	Poochigian
Aguiar	Ducheny	Leonard	Prenter
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thompson
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Wright
Cunneen	Leach	Perata	Mr. Speaker

#### NOES—2

Pringle                      Runner

The question being on the passage of the bill.

Bill passed by the following vote:

#### AYES—76

Ackerman	Davis	Lempert	Poochigian
Aguiar	Ducheny	Leonard	Prenter
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thompson
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Wright
Cunneen	Leach	Perata	Mr. Speaker

#### NOES—2

Pringle                      Runner

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1258 (Vasconcellos)**—An act to amend Sections 35560, 35565, 35575, 35707, 35710, 35710.5, and 35753 of, and to add Section 35710.7 to, the Education Code, relating to education.

**At 10:44 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

Bill read third time, and presented by Assembly Member Lempert.

Bill passed by the following vote:

**AYES—69**

Ackerman	Davis	Martinez	Scott
Aguiar	Ducheny	Mazzoni	Shelley
Alby	Escutia	Migden	Strom-Martin
Alquist	Figueroa	Miller	Sweeney
Aroner	Firestone	Morrissey	Takasugi
Ashburn	Frusetta	Morrow	Thompson
Baca	Gallegos	Murray	Thomson
Baldwin	Goldsmith	Napolitano	Torlakson
Battin	Havice	Olberg	Vincent
Bordonaro	Hertzberg	Oller	Washington
Bowen	Honda	Ortiz	Wayne
Bowler	Kaloogian	Pacheco	Wildman
Brewer	Knox	Papan	Woods
Brown	Kuehl	Perata	Wright
Campbell	Leach	Poochigian	Mr. Speaker
Cardenas	Lempert	Prenter	
Cardoza	Machado	Pringle	
Cunneen	Margett	Runner	

**NOES—7**

Baugh	House	Kuykendall	McClintock
Granlund	Keeley	Leonard	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1258: Assembly Member Kuykendall, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1328 (Brulte)**—An act to amend, add, and repeal Sections 1775, 1776, and 1813 of the Labor Code, relating to public works.

Bill read third time, and presented by Assembly Member Mazzoni.

Bill passed by the following vote:

**AYES—74**

Ackerman	Davis	Leonard	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Margett	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Richter	

**NOES—3**

House	McClintock	Oller
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1328: Assembly Member Oller, from "Aye" to "No".

Bill ordered transmitted to the Senate.



**SENATE BILL NO. 628 (Kopp)**—An act to amend Section 1800.3 of the Probate Code, and to amend Sections 15610.07 and 15657.3 of, and to add Sections 15610.06 and 15657.05 to, the Welfare and Institutions Code, relating to elderly and dependent adults.

Bill read third time, and presented by Assembly Member Pacheco.

Bill passed by the following vote:

**AYES—69**

Ackerman	Firestone	Margett	Shelley
Aguiar	Frusetta	Martinez	Strom-Martin
Alquist	Gallegos	Mazzoni	Sweeney
Aroner	Goldsmith	McClintock	Takasugi
Ashburn	Granlund	Migden	Thompson
Baca	Havice	Morrissey	Thomson
Baldwin	Hertzberg	Murray	Torlakson
Battin	Honda	Napolitano	Villaraigosa
Bordonaro	House	Olberg	Vincent
Bowen	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker
Ducheny	Lempert	Prenter	
Escutia	Leonard	Richter	
Figueroa	Machado	Runner	

**NOES—7**

Alby	Bowler	Campbell	Morrow
Baugh	Brewer	Miller	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1334 (Costa)**—An act relating to agriculture.

Bill read third time, and presented by Assembly Member Cardoza.

**Demand for Previous Question**

Assembly Members Sweeney, Washington, Shelley, Honda, and Campbell demanded the previous question.

**Roll Call Demanded**

Assembly Members Woods, Takasugi, and Thompson, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—40**

Alquist	Escutia	Mazzoni	Torlakson
Aroner	Figueroa	Migden	Villaraigosa
Baca	Havice	Murray	Vincent
Bowen	Hertzberg	Napolitano	Washington
Brewer	Honda	Ortiz	Wayne
Brown	Keeley	Papan	Wright
Campbell	Knox	Perata	Mr. Speaker
Cardenas	Kuehl	Scott	
Cardoza	Lempert	Shelley	
Davis	Machado	Strom-Martin	
Ducheny	Martinez	Sweeney	

**NOES—33**

Ackerman	Firestone	Margett	Richter
Aguiar	Frusetta	McClintock	Runner
Alby	Goldsmith	Miller	Takasugi
Ashburn	Granlund	Morrissey	Thompson
Baldwin	House	Olberg	Wildman
Baugh	Kaloogian	Oller	Woods
Bordonaro	Kuykendall	Pacheco	
Bowler	Leach	Poochigian	
Cunneen	Leonard	Prenter	

**Parliamentary Inquiry**

Assembly Member Miller arose to the following parliamentary inquiry:

Is there a rule precluding Members from asking more than one question of the author?

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore replied that questions are permitted of an author on the author's closing time for debate, by unanimous consent of the House.

The question being on passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Cardoza moved a call of the Assembly.

Motion carried. Time, 11:13 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 882 (Schiff)**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill read third time, and presented by Assembly Member Wildman.

Bill passed by the following vote:

**AYES—69**

Ackerman	Davis	Leach	Pringle
Aguiar	Ducheny	Lempert	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Ashburn	Firestone	Martinez	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Wayne
Bowler	Honda	Olberg	Wildman
Brewer	House	Oller	Woods
Brown	Kaloogian	Ortiz	Wright
Campbell	Keeley	Pacheco	Mr. Speaker
Cardenas	Knox	Perata	
Cardoza	Kuehl	Poochigian	
Cunneen	Kuykendall	Prenter	

**NOES—3**

Mazzoni	Migden	Washington
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 882: Assembly Member Villaraigosa, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 494 (Maddy)**—An act to amend Sections 19621.1, 19622.1, 19622.3, and 19622.4 of, and to repeal Section 19622.5 of, the Business and Professions Code, relating to district agricultural associations.

Bill read third time, and presented by Assembly Member Cardoza.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 941 (Leslie)**—An act to add Article 2.5. (commencing with Section 1231) to Chapter 2 of Division 10 of the Evidence Code, relating to evidence.

Bill read third time, and presented by Assembly Member Goldsmith.

Bill passed by the following vote:

**AYES—64**

Ackerman	Cardoza	Knox	Perata
Aguiar	Cunneen	Kuykendall	Poochigian
Alby	Davis	Leach	Prenter
Alquist	Ducheny	Lempert	Richter
Ashburn	Escutia	Leonard	Runner
Baca	Figueroa	Machado	Scott
Baldwin	Firestone	Margett	Sweeney
Battin	Frusetta	McClintock	Takasugi
Baugh	Gallegos	Miller	Thompson
Bordonaro	Goldsmith	Morrissey	Thomson
Bowen	Granlund	Morrow	Torlakson
Bowler	Havice	Napolitano	Vincent
Brewer	Hertzberg	Olberg	Wayne
Brown	House	Oller	Wildman
Campbell	Kaloogian	Ortiz	Woods
Cardenas	Keeley	Pacheco	Mr. Speaker

**NOES—10**

Aroner	Mazzoni	Strom-Martin	Wright
Honda	Migden	Villaraigosa	
Kuehl	Murray	Washington	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 941: Assembly Member Brown, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 283 (Leslie)**—An act to amend Section 1596.792 of the Health and Safety Code, and to amend Section 5056 of the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Bowler.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—72**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—2**

Mazzoni Perata

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—72**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—2**

Mazzoni Perata

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 364 (Sher)**—An act to add and repeal Article 9.7 (commencing with Section 8420) of Chapter 2 of Part 3 of Division 6 of, and to repeal Section 8425 of, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Papan.

Bill passed by the following vote:

**AYES—62**

Ackerman	Cunneen	Lempert	Scott
Alby	Davis	Machado	Shelley
Alquist	Ducheny	Margett	Strom-Martin
Aroner	Escutia	Martinez	Sweeney
Ashburn	Figueroa	Mazzoni	Takasugi
Baca	Firestone	Migden	Thomson
Battin	Gallegos	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Bowler	House	Pacheco	Wayne
Brewer	Keeley	Papan	Wildman
Brown	Knox	Perata	Wright
Campbell	Kuehl	Prenter	Mr. Speaker
Cardenas	Kuykendall	Richter	
Cardoza	Leach	Runner	

**NOES—12**

Aguiar	Granlund	Miller	Oller
Baldwin	Kaloogian	Morrissey	Pringle
Goldsmith	Leonard	Olberg	Thompson

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 364: Assembly Member Bordonaro, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 1351 and 880**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 644 (Polanco)**—An act to amend Sections 11165.12, 11166.9, 11167.5, 11169, 11170, and 11170.5 of the Penal Code, relating to children.

Bill read third time, and presented by Assembly Member Goldsmith.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 320 (Committee on Housing and Land Use)**—An act to amend Sections 8767, 8768, and 8771 of the Business and Professions Code, to amend Sections 8001, 53091, 65040.6, 65460.2, 65460.4, 65588, 66418.2, 66434, 66445, and 66452.5 of, and to amend and renumber Sections 66413.7 and 67575.9 of, the Government Code, to amend Sections 17921.7, 18901, 18922, 18923, 18944.31, 18959, 33331, 50199.50, 50199.52, 50517, and 51058 of, to amend and renumber Sections 33320.5 and 33320.7 of, to amend and renumber Article 7 (commencing with Section 33493.1 of Chapter 4.5 of Part 1 of Division 24 of, to add a heading to Article 1.5 (commencing with Section 33492.40) of Chapter 4.5 of Part 1 of Division 24 of, to repeal Sections 33320.6, 33334.18, 33492.114, 50054, 50150, 50154, 50663, 50667, 50837, 50900, 50900.1, 50901, 50902, 50908, and 51052 of, to repeal Chapter 5.5 (commencing with Section 51260) and Chapter 9 (commencing with Section 51450) of Part 3 of Division 31 of, and to repeal Part 6.1 (commencing with Section 52534) of Division 31 of, the Health and Safety Code, relating to the Housing and Land Use Omnibus Act of 1997.

Bill read third time, and presented by Assembly Member Torlakson.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1107 (Committee on Revenue and Taxation)**—An act to amend Sections 2191.4, 2195, 2503.2, 2605, 2606, 2607, 2611.6, 2910.1, 3691, 4836.5, 4837.5, and 20583 of the Revenue and Taxation Code, and to amend Section 9880 of the Vehicle Code, relating to taxation.

Bill read third time, and presented by Assembly Member Takasugi.

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Keeley	Ortiz	Wayne
Brewer	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—1**

Thompson

Bill ordered transmitted to the Senate.



**SENATE BILL NO. 1346 (Committee on Business and Professions)**—An act to amend Sections 101, 485, 486, 489, 810, 2499.5, 2530.2, 2530.5, 2530.6, 2531, 2531.05, 2531.1, 2531.2, 2531.3, 2531.4, 2531.6, 2531.7, 2531.8, 2531.9, 2531.95, 2532.1, 2532.2, 2532.4, 2533.4, 2534, 2534.1, 2534.2, 2535, 2535.2, 2535.4, 2536, 2539, 2760.1, 2902, 2928, 2929, 2933, 2940, 2941, 2948, 2971, 2980, 2984, 3325, 3328, 3362, 3401, 5029, 5107, 7330, 7335, 7337, 7340, 7404, 7414, 7415, 7417, 7423, and 7860 of, to add Sections 144 and 2531.75 to, to repeal Sections 6529, 6548, 6560, 6625, 6630, 6632, 6633, 6634, 6635, 6635.2, 6636, 7302, 7311, 7312, 7314, 7314.1, 7314.2, 7320, 7322, 7373, 7384, 7390, 7391, 7392, 7393, 7394, 7395, 7412, 7420, 7427, 7431, 7436, 7437, 7437.3, and 7444 of, and to repeal and add Section 2531.5 of, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professions and vocations.

Bill read third time, and presented by Assembly Member Gallegos.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bill No. 255—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 377 (Greene)**—An act to add Sections 42249.6 and 42249.65 to the Education Code, relating to education.

Bill read third time, and presented by Assembly Member Morrow.

Bill passed by the following vote:

**AYES—62**

Aguiar	Davis	Leach	Scott
Alby	Ducheny	Lempert	Shelley
Alquist	Escutia	Machado	Strom-Martin
Aroner	Figueroa	Margett	Sweeney
Ashburn	Firestone	Martinez	Takasugi
Baca	Frusetta	Mazzoni	Thomson
Battin	Gallegos	Migden	Torlakson
Bordonaro	Goldsmith	Morrissey	Villaraigosa
Bowen	Havice	Morrow	Vincent
Bowler	Hertzberg	Murray	Washington
Brewer	Honda	Napolitano	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Wright
Cardenas	Knox	Papan	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cunneen	Kuykendall	Prenter	

**NOES—13**

Ackerman	House	Olberg	Thompson
Baldwin	Leonard	Oller	
Baugh	McClintock	Pringle	
Granlund	Miller	Runner	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 377: Assembly Member Kaloogian, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 673 (Karnette)**—An act to add Section 13396.9 to the Water Code, relating to water, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Bowen.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Bowen moved a call of the Assembly.

Motion carried. Time, 11:34 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 673**

At 11:35 a.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Bowen moved to continue the call of the Assembly.

Motion carried. Time, 11:35 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 721 (Lockyer)**—An act to amend Sections 669, 1170, 1170.1, 1170.13, and 1170.15 of, to add Section 1170.11 to, and to repeal Section 1170.95 of, the Penal Code, relating to sentencing.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 914 (Brulte)**—An act to amend Sections 654 and 976.5 of the Penal Code, relating to criminal procedure.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Leonard	Prenter
Aguiar	Ducheny	Machado	Pringle
Alby	Escutia	Margett	Richter
Alquist	Figueroa	Martinez	Runner
Aroner	Firestone	Mazzoni	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuykendall	Papan	Wildman
Cardoza	Leach	Perata	Woods
Cunneen	Lempert	Poochigian	Mr. Speaker

**NOES—1**

Wright

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 936 (Burton)**—An act to amend Sections 11475.8 and 15200.85 of, to add Sections 15200.75, 15200.81, 15200.92, and 15200.96 to, to repeal Sections 15200.8 and 15200.9 of, and to repeal and add Section 15200.91 of, the Welfare and Institutions Code, relating to human services.

Bill read third time, and presented by Assembly Member Escutia.

Bill passed by the following vote:

**AYES—49**

Alby	Escutia	Lempert	Strom-Martin
Alquist	Figueroa	Machado	Sweeney
Aroner	Firestone	Martinez	Thomson
Baca	Frusetta	Mazzoni	Torlakson
Bordonaro	Gallegos	Migden	Villaraigosa
Bowen	Goldsmith	Morrissey	Vincent
Bowler	Havice	Murray	Washington
Brown	Hertzberg	Napolitano	Wayne
Cardenas	Honda	Ortiz	Wildman
Cardoza	Keeley	Pacheco	Mr. Speaker
Cunneen	Knox	Perata	
Davis	Kuehl	Scott	
Ducheny	Kuykendall	Shelley	

**NOES—19**

Ackerman	Campbell	Miller	Runner
Ashburn	House	Morrow	Takasugi
Baldwin	Leach	Olberg	Thompson
Baugh	Leonard	Oller	Woods
Brewer	Margett	Poochigian	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1035 (Polanco)**—An act relating to human services.

Bill read third time, and presented by Assembly Member Gallegos.

Bill passed by the following vote:

**AYES—48**

Aguiar	Figueroa	Machado	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Gallegos	Mazzoni	Sweeney
Baca	Goldsmith	Migden	Thomson
Battin	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Cardenas	Keeley	Papan	Washington
Cardoza	Knox	Perata	Wayne
Cunneen	Kuehl	Prenter	Wildman
Davis	Kuykendall	Pringle	Wright
Ducheny	Lempert	Scott	Mr. Speaker

**NOES—27**

Ackerman	Brewer	Leonard	Oller
Alby	Campbell	Margett	Poochigian
Ashburn	Frusetta	McClintock	Runner
Baldwin	Granlund	Miller	Takasugi
Baugh	House	Morrissey	Thompson
Bordonaro	Kaloogian	Morrow	Woods
Bowler	Leach	Olberg	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1113 (Solis)**—An act to amend Section 21087 of, and to add Section 21001.2 to, the Public Resources Code, relating to environmental quality.

Bill read third time, and presented by Assembly Member Perata.

**Demand for Previous Question**

Assembly Members Sweeney, Mazzoni, Napolitano, Ortiz, and Honda demanded the previous question.

**Roll Call Demanded**

Assembly Members Woods, Kuykendall, and House, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—39**

Alquist	Callegos	Migden	Thomson
Aroner	Havice	Murray	Torlakson
Baca	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Ortiz	Vincent
Brown	Keeley	Papan	Washington
Cardenas	Knox	Perata	Wayne
Davis	Kuehl	Scott	Wildman
Ducheny	Lempert	Shelley	Wright
Escutia	Martinez	Strom-Martin	Mr. Speaker
Figueroa	Mazzoni	Sweeney	

**NOES—37**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cardoza	Leonard	Prenter
Alby	Cunneen	Margett	Richter
Ashburn	Firestone	McClintock	Runner
Baldwin	Frusetta	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Woods
Bordonaro	House	Olberg	
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Pacheco	

**Vote Changes**

By unanimous consent, the following vote change was permitted on the demand for the previous question on Senate Bill No. 1113: Assembly Member Cardoza, from "Aye" to "No".

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Perata moved a call of the Assembly.

Motion carried. Time, 12:03 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 1135 (O'Connell)**—An act to add Section 25201.15 to the Health and Safety Code, relating to hazardous waste.

Bill read third time, and presented by Assembly Member Wayne.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Leonard	Prenter
Aguiar	Ducheny	Machado	Pringle
Alby	Escutia	Margett	Richter
Alquist	Figueroa	Martinez	Runner
Aroner	Firestone	Mazzoni	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Woods
Cardoza	Leach	Perata	Wright
Cunneen	Lempert	Poochigian	Mr. Speaker

**NOES—1**

Keeley

Bill ordered transmitted to the Senate.

**At 12:03 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**BILLS PASSED ON FILE AND PLACED UPON  
THE INACTIVE FILE**

**Senate Bills Nos. 1339, and 1251**—Passed on file, and placed upon the inactive file pursuant to the Assembly Rules.

**SENATE BILL NO. 1111 (Costa)**—An act to amend Section 1799.111 of the Health and Safety Code, relating to health care.

Bill read third time, and presented by Assembly Member Gallegos.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguilar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 513 (Hayden)**—An act to add Section 12001.1 to the Penal Code, relating to firearms.

Bill read third time, and presented by Assembly Member Aroner.

**Demand for Previous Question**

Assembly Members Sweeney, Baca, Mazzoni, Honda, and Shelley demanded the previous question.



**Roll Call Demanded**

Assembly Members Kuykendall, Oller, and House, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—38**

Alquist	Figueroa	Martinez	Thomson
Aroner	Gallegos	Mazzoni	Torlakson
Baca	Havice	Migden	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	

**NOES—35**

Ackerman	Brewer	Kuykendall	Oller
Aguiar	Campbell	Leach	Pacheco
Alby	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Margett	Prenter
Baldwin	Frusetta	McClintock	Richter
Battin	Goldsmith	Miller	Runner
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Olberg	

The question being on passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Aroner moved a call of the Assembly.

Motion carried. Time, 12:23 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**RESOLUTIONS**

The following resolutions were offered:

**Resolution No. 1 to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(a) (10) and (11) be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bills Nos. 163, 273, 298, and 655 for further action.

Resolution read, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**Resolution No. 3 to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61 be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bills Nos. 93 and 540 for further action.

Resolution read, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**Resolution No. 4 to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(a) (11) be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bills Nos. 5 and 455 for further action.

Resolution read, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**Resolution No. 2 to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(a) (10) (11) be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bill No. 368 for further action.

Resolution read, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Migden was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting 1 hour after recess of Floor session, in Room 4202, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 163, 273, 298, 655, 93, 540, 5, 455, 368, 90, 524, 1054, 1268, and 1305; and Senate Concurrent Resolution No. 26 for hearing.

**CONSIDERATION OF SENATE BILL NO. 231 WITHOUT REFERENCE TO FILE**

Assembly Member Machado was granted unanimous consent to take up Senate Bill No. 231, without reference to file, for purpose of consideration.

**SENATE BILL NO. 231 (Costa)**—An act to add Article 3.5 (commencing with Section 2086) to Chapter 1.5 of Division 3 of the Fish and Game Code, relating to endangered species.

Bill read third time, and presented by Assembly Member Machado.

**Senate Bill No. 231 Passed Temporarily**

By unanimous consent Senate Bill No. 231 was passed temporarily on file.

**CAUCUS ANNOUNCEMENTS**

At 12:37 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 12:38 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

September 9, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Liz Figueroa to replace Assemblymember Diane Martinez on the Assembly Appropriations Committee for today, September 9, 1997, only.

Thank you for your attention to this request.

Sincerely,

**CRUZ M. BUSTAMANTE**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 9, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 318

Assembly Bill No. 712

Assembly Bill No. 323

Assembly Bill No. 996

Assembly Bill No. 467

Assembly Bill No. 1599

Assembly Bill No. 553

And reports the same correctly enrolled, and presented to the Governor at 10:30 a.m., September 9, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 9, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 32

Assembly Concurrent Resolution No. 63

And reports the same correctly enrolled, and presented to the Secretary of State on the 9th day of September, 1997, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

September 9, 1997

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Senate Bill No. 491

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**SENATE BILL NO. 491**—An act to add Chapter 17 (commencing with Section 7440) to Title 7 of Part 3 of the Penal Code, relating to prisons.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

September 9, 1997

Mr. Speaker: The Chair of your Committee on Transportation reports:

Senate Bill No. 55

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**SENATE BILL NO. 55**—An act to add Section 188.5 to the Streets and Highways Code, relating to transportation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 39

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

**Committee on Transportation**

Date of Hearing: September 8, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 176

With the recommendation: That the Senate amendments be concurred in.

MURRAY, Chairman

Above bill ordered to unfinished business.

Date of Hearing: September 8, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 45

With amendments with the recommendation: Amend, and do pass, as amended.

MURRAY, Chairman

Above bill ordered to second reading.

#### **Committee on Appropriations**

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 93

Senate Bill No. 455

Senate Bill No. 163

Senate Bill No. 1268

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1305

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Concurrent Resolution No. 26

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above resolution ordered to Consent Calendar.

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 298

Senate Bill No. 540

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 655

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

#### **MESSAGES FROM THE SENATE**

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 55

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 55**—Relative to Gladys Sargent.

**REASSEMBLED**

At 3:05 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**ADJOURN IN MEMORY**

Assembly Member Scott was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Ben Massey, Sr., of Arcadia.

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Mazzoni returned Assembly Bill No. 55 to the Senate for further action.

**FURTHER CONSIDERATION OF SENATE BILL NO. 231  
BY UNANIMOUS CONSENT**

**SENATE BILL NO. 231 (Costa)**—An act to add Article 3.5 (commencing with Section 2086) to Chapter 1.5 of Division 3 of the Fish and Game Code, relating to endangered species.

**Demand for Previous Question**

Assembly Members Shelley, Firestone, Escutia, Baca, and Mazzoni demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—59**

Ackerman	Cardoza	Leonard	Pringle
Aguiar	Cunneen	Machado	Richter
Alby	Ducheny	Margett	Runner
Alquist	Escutia	Martinez	Scott
Ashburn	Figueroa	Mazzoni	Strom-Martin
Baca	Firestone	McClintock	Takasugi
Baldwin	Frusetta	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Pacheco	Woods
Brown	Kaloogian	Papan	Wright
Campbell	Kuykendall	Poochigian	Mr. Speaker
Cardenas	Leach	Prenter	

**NOES—12**

Aroner	Keeley	Napolitano	Shelley
Bowen	Kuehl	Ortiz	Sweeney
Floyd	Migden	Perata	Wildman

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 231: Assembly Member Perata, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**Request to Transmit to Senate Immediately**

Assembly Member Machado requested unanimous consent that Senate Bill No. 231 be transmitted to the Senate immediately.

Unanimous consent was withheld.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: September 8, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 879

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 879 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Bowen was granted unanimous consent to take up Senate Bill No. 879 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 879**—An act to amend Section 2081 of, and to add Sections 2052.1 and 2081.1 to, the Fish and Game Code, relating to endangered species.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted.

**Further Consideration of Senate Bill No. 879, as Amended,  
By Unanimous Consent**

Assembly Member Bowen was granted unanimous consent to take up Senate Bill No. 879, as amended, without reference to file.

**SENATE BILL NO. 879 (Johnston)**—An act to amend Section 2081 of, and to add Sections 2052.1 and 2081.1 to, the Fish and Game Code, relating to endangered species.

Bill read third time, and presented by Assembly Member Bowen.

Bill passed by the following vote:

**AYES—66**

Ackerman	Cunneen	Lempert	Prenter
Aguiar	Davis	Leonard	Pringle
Alby	Ducheny	Machado	Richter
Alquist	Escutia	Margett	Runner
Ashburn	Figueroa	Martinez	Scott
Baca	Firestone	Mazzoni	Strom-Martin
Baldwin	Frusetta	McClintock	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Vincent
Bowler	Honda	Napolitano	Wayne
Brewer	House	Olberg	Woods
Brown	Kaloogian	Oller	Wright
Campbell	Knox	Ortiz	Mr. Speaker
Cardenas	Kuykendall	Pacheco	
Cardoza	Leach	Poochigian	

**NOES—7**

Aroner	Keeley	Migden	Washington
Floyd	Kuehl	Perata	

Bill ordered transmitted to the Senate.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 560 (Hayden)**—An act to add Part 14.5 (commencing with Section 33001) to Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Hertzberg.

**Demand for Previous Question**

Assemblymembers Sweeney, Napolitano, Shelley, Washington, and Villaraigosa demanded the previous question.

**Roll Call Demanded**

Assembly Members Leonard, Aguiar, and Morrow, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—39**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Torlakson
Baca	Havice	Migden	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Brewer	Honda	Napolitano	Washington
Brown	Keeley	Ortiz	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—35**

Ackerman	Cunneen	Leach	Poochigian
Aguiar	Firestone	Leonard	Prenter
Alby	Floyd	McClintock	Pringle
Ashburn	Frusetta	Miller	Richter
Battin	Goldsmith	Morrissey	Runner
Baugh	Granlund	Morrow	Takasugi
Bordonaro	House	Olberg	Thompson
Bowler	Kaloogian	Oller	Woods
Campbell	Kuykendall	Pacheco	

The question being on passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Hertzberg moved a call of the Assembly.

Motion carried. Time, 4:11 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**POINT OF ORDER**

Assembly Member House raised a point of order that pursuant to the provisions of Assembly Rule 110, Assembly Member Floyd was not on the attendance roll call within 30 minutes of the scheduled start of session.

**Explanation Offered by Assembly Member Floyd**

Assembly Member Floyd then arose to explain his reasons for being late.

**REQUEST TO PRINT SUPPLEMENTAL DAILY FILE**

Assembly Member Villaraigosa was granted unanimous consent that the Chief Clerk be permitted to print a Supplemental Daily File, dated September 10, 1997, for the purpose of receiving any Conference Committee reports that are submitted to the Desk by 12 midnight today.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Lempert was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Senate Bill No. 1258**

September 8, 1997

*E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dotson - I submit the following declaration to clarify the intent of my SB 1258 of 1997 on school district reorganization.

This bill is not intended to impact school district reorganizations that result in the creation of a new district. If a school district reorganization results in the creation of a district that had not previously existed in some form, then the provisions of this bill are not intended to impact either the new district or the old district that generated the new district.

I thank you for the opportunity to clarify for the record the intent of SB 1258 of 1997.

I wish you well.

**SENATOR JOHN VASCONCELLOS**

**ACTION RESCINDED ON SENATE BILL NO. 280**

Assembly Member Granlund was granted unanimous consent to rescind the action whereby the Assembly, on September 8, 1997 (Assembly Journal, page 4201), adopted the urgency clause and passed Senate Bill No. 280, and whereby the bill was ordered transmitted to the Senate.

**BILLS ORDERED TRANSMITTED TO SENATE IMMEDIATELY**

Assembly Member Bowen was granted unanimous consent that Senate Bills Nos. 231 and 879 be transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 825 (Greene)**—An act to amend Sections 7000.5, 7011, 7155.5, 7156, 7157, and 7159 of the Business and Professions Code, relating to contractors.

Bill read third time, and presented by Assembly Member Miller.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Floyd	Migden	Sweeney
Ashburn	Frusetta	Miller	Takasugi
Baca	Gallegos	Morrissey	Thompson
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Murray	Torlakson
Baugh	Havice	Napolitano	Villaraigosa
Bordonaro	Hertzberg	Olberg	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 782 (Costa)**—An act to add Section 14085.57 to the Welfare and Institutions Code, relating to public health.

Bill read third time, and presented by Assembly Member Poochigian.

Bill passed by the following vote:

**AYES—76**

Ackerman	Ducheny	Lempert	Prenter
Aguiar	Escutia	Leonard	Pringle
Alby	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	Migden	Strom-Martin
Battin	Goldsmith	Miller	Sweeney
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	Havice	Morrow	Thompson
Bowen	Hertzberg	Murray	Thomson
Bowler	Honda	Napolitano	Torlakson
Brewer	House	Olberg	Villaraigosa
Brown	Kaloogian	Oller	Vincent
Campbell	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker

**NOES—1**

Baldwin

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 136 (Costa)**—An act to add and repeal Section 4032 of the Penal Code, relating to crime.

Bill read third time, and presented by Assembly Member Machado.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 506 (Committee on Transportation)**—An act to amend Section 719 of the Harbors and Navigation Code, to amend Section 99234 of the Public Utilities Code, to amend Sections 188.8, 2104, 2110, and 2152 of the Streets and Highways Code, and to amend Sections 1653.5, 1808, 1810, 4000.37, 11704.5, and 27314.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Baugh.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 450 (Peace)**—An act to amend Section 138.6 of the Labor Code, relating to workers' compensation.

Bill read third time, and presented by Assembly Member Kuykendall.

Bill passed by the following vote:

**AYES—78**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alby	Firestone	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1238 (Johannessen)**—An act to amend Section 368 of the Penal Code, relating to crime.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 161 (Greene)**—An act to add Sections 17016, 17017.2, 17032.5, 17042, 17042.9, 17047.6, 17150, 17182, 17183, 17199.3, 17215, and 38060 to, to add and repeal Section 17199.4 of, to repeal Sections 17716, 17717.2, 17732.5, 17742, 17742.9, 17747.6, 17850, 17882, 17883, 17899.3, and 17899.4 of, and to add and repeal Sections 15100.5, 15122.5, 15300, 15301, 15303, 15320, 15322, 15323, 15324, 15326, 15327, 15334.5, 15336, 15342, 15349, 15350, 15351, 15352, 15353, 15356, 15357, 15358, 15359, 15359.1, 15359.2, 15380, 15381, 15384, 15390, 15391, 15400, 15401, 15403, 15404, 15405, 15410, 15411, 15412, 15421, 15425, 17001.5, 17042.7, 17224, and 39005 of, the Education Code, relating to schools.

Bill read third time, and presented by Assembly Member Mazzoni.

Bill passed by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 42 (Kopp)**—An act to amend Section 44011 of the Health and Safety Code, and to amend Section 4000.1 of the Vehicle Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Cunneen.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker
Davis	Lempert	Pringle	

**NOES—2**

Keeley                      Murray

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 85 (Peace)**—An act to amend Sections 44579.1, 44579.5, and 48980 of the Education Code, and to amend Section 1 of Chapter 296 of the Statutes of 1997, relating to staff development, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Strom-Martin.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 135 (Alpert)**—An act to amend and repeal Sections 48431.6, 48431.7, 62000.1, and 62000.5 of, to amend, repeal, and add Sections 63000 and 64000 of, to add Part 28.5 (commencing with Section 53008) to, to add and repeal Sections 42926, 44498, 44689.6, 48642, 52091, 52115, 52187, 54669.1, 54686.3, 58410, and 58609 of, to add and repeal Article 4 (commencing with Section 44689.1) of Chapter 3.1 of Part 25 of, and Article 4 (commencing with Section 54146) of Chapter 2 of, and Article 3 (commencing with Section 54349) of Chapter 3 of, Part 29 of, Article 6 (commencing with Section 58070) of Chapter 1 of, and Article 7 (commencing with Section 58930) of Chapter 9 of, Part 31 of, to repeal Article 4 (commencing with Section 44490) of Chapter 3 of Part 25 of, Article 2 (commencing with Section 48630) of Chapter 4 of Part 27 of, Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of, Article 3 (commencing with Section 54660) and Article 4.5 (commencing with Section 54685) of, Chapter 9 of Part 29 of, to repeal Chapter 11.3 (commencing with Section 42920) of Part 24 of, Chapter 3.1 (commencing with Section 44670.1) of, and Chapter 3.15 (commencing with Section 44689.5) of, Part 25 of, Chapter 6.8 (commencing with Section 52080) of, and Chapter 6.9 (commencing with Section 52100) of, Part 28 of, Chapter 2 (commencing with Section 54100) of, and Chapter 3 (commencing with Section 54300) of, Part 29 of, and to repeal Chapter 1 (commencing with Section 58000) of, Chapter 2 (commencing with Section 58400) of, Chapter 4 (commencing with Section 58600) of, and Chapter 9 (commencing with Section 58900) of, Part 31 of, the Education Code, relating to education.

Bill read third time, and presented by Assembly Member Baldwin.



Bill passed by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 291 (Committee on Appropriations)**—An act relating to the payment of judgments and settlement claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Migden.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—73**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cunneen	Kuykendall	Poochigian	
Davis	Lempert	Prenter	
Ducheny	Leonard	Richter	

**NOES—4**

Baldwin	Leach	Pringle	Thompson
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The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—73**

Ackerman	Escutia	Machado	Runner
Aguiar	Figuerola	Margett	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cunneen	Kuykendall	Poochigian	
Davis	Lempert	Prenter	
Ducheny	Leonard	Richter	

**NOES—4**

Baldwin	Leach	Pringle	Thompson
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Bill ordered transmitted to the Senate.

(NOTE: For explanation of vote by Assembly Member Richter relative to Senate Bill No. 291, see Assembly Journal for December 2, 1997, page 4914.)

**SENATE BILL NO. 300 (Greene)**—An act to add and repeal Article 6 (commencing with Section 35790) of Chapter 4 of Part 21 of the Education Code, and to repeal Sections 1 and 2 of Chapter 1229 of the Statutes of 1988, relating to school districts, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Ortiz.

Bill passed by the following vote:

**AYES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figuerola	Martinez	Sweeney	

**NOES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 345 (Polanco)**—An act to amend Sections 33370, 33381, and 62000.14 of, to repeal Sections 33371 and 33372 of, the Education Code, relating to Indian education centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Torlakson.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—76

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Floyd	Mazzoni	Strom-Martin
Baca	Frusetta	McClintock	Sweeney
Baldwin	Gallegos	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

#### NOES—2

House Oller

The question being on the passage of the bill.  
Bill passed by the following vote:

#### AYES—76

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Floyd	Mazzoni	Strom-Martin
Baca	Frusetta	McClintock	Sweeney
Baldwin	Gallegos	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

#### NOES—2

House Oller

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 458 (Peace)**—An act to add Section 11019.7 to the Government Code, relating to state agencies.

Bill read third time, and presented by Assembly Member Cardenas.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 463 (Thompson)**—An act to amend Sections 12002.6, 12002.8, 12006.6, 12009, and 13100 of, to amend and renumber Sections 8306.7, 8311, 8313, and 8314 of, to add Sections 5520, 5521, 5521.5, 5522, 7149.8, and 7149.9 to, to add Article 7 (commencing with Section 7400) to Chapter 2 of Part 2 of Division 6 of, and to repeal Sections 8300, 8300.1, 8300.2, 8301, 8302, 8303, 8304, 8305, 8305.5, 8305.8, 8305.9, 8305.10, 8305.11, 8306, 8306.1, 8306.2, 8306.3, 8306.6, 8306.9, 8308, 8309, and 8310 of, the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Keeley.

Bill passed by the following vote:

**AYES—44**

Alquist	Figueroa	Margett	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Bowen	Gallegos	Mazzoni	Thomson
Bowler	Havice	Migden	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Cunneen	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Richter	Wright
Escutia	Machado	Shelley	Mr. Speaker

**NOES—32**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Firestone	Leonard	Prenter
Ashburn	Frusetta	Miller	Pringle
Baldwin	Goldsmith	Morrissey	Runner
Battin	Granlund	Morrow	Takasugi
Baugh	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	Woods

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 550**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 623 (O'Connell)**—An act to add Section 89009 to the Education Code, and to augment Item 6610-301-0658 of Section 2.00 of the Budget Act of 1997, relating to postsecondary education, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Firestone.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 624 (Costa)**—An act to add Section 71051 to the Education Code, relating to postsecondary education.

Bill read third time, and presented by Assembly Member Scott.

Bill passed by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—2**

Baldwin                      McClintock

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 702**, on request of Assembly Member Davis.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 828 (Greene)**—An act to amend Sections 6710, 6714, and 8710 of the Business and Professions Code, relating to professional engineers.

Bill read third time, and presented by Assembly Member Cunneen.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Cunneen moved a call of the Assembly.

Motion carried. Time, 4:46 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 824 (Greene)**—An act to add and repeal Article 4 (commencing with Section 90530) of Chapter 11 of Part 55 of the Education Code, relating to teacher recruitment, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Villaraigosa.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—58**

Ackerman	Ducheny	Machado	Shelley
Aguiar	Escutia	Margett	Strom-Martin
Alquist	Figueroa	Martinez	Sweeney
Aroner	Firestone	Mazzoni	Thomson
Ashburn	Floyd	Migden	Torlakson
Baca	Frusetta	Miller	Villaraigosa
Battin	Gallegos	Morrissey	Vincent
Bordonaro	Havice	Murray	Washington
Bowen	Hertzberg	Napolitano	Wayne
Brown	Honda	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Scott	

**NOES—20**

Alby	Goldsmith	McClintock	Pringle
Baldwin	Granlund	Morrow	Richter
Baugh	House	Olberg	Runner
Bowler	Kaloogian	Oller	Takasugi
Brewer	Leonard	Poochigian	Thompson

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—58**

Ackerman	Ducheny	Machado	Shelley
Aguiar	Escutia	Margett	Strom-Martin
Alquist	Figueroa	Martinez	Sweeney
Aroner	Firestone	Mazzoni	Thomson
Ashburn	Floyd	Migden	Torlakson
Baca	Frusetta	Miller	Villaraigosa
Battin	Gallegos	Morrissey	Vincent
Bordonaro	Havice	Murray	Washington
Bowen	Hertzberg	Napolitano	Wayne
Brown	Honda	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Scott	

**NOES—20**

Alby	Goldsmith	McClintock	Pringle
Baldwin	Granlund	Morrow	Richter
Baugh	House	Olberg	Runner
Bowler	Kaloogian	Oller	Takasugi
Brewer	Leonard	Poochigian	Thompson

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bill No. 853—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1106 (Committee on Revenue and Taxation)**—An act to amend Section 30 of the Business and Professions Code, to amend Section 1666.5 of the Insurance Code, to amend Section 1203.1d of the Penal Code, to amend Sections 17053.49, 17062, 17220, 17276.2, 17502, 17570, 17935, 18633, 18633.5, 19021, 19024, 19141.6, 19280, 19282, 19283, 19340, 23183.1, 23183.2, 23221, 23332, 23332.5, 23455, 23649, 23802, 23809, 23811, 24416.2, 24602, 24710, and 24918 of, to amend and renumber Section 19532 of, to amend and renumber the heading of Article 6 (commencing with Section 19280) of Chapter 5 of Part 10.2 of Division 2 of, to add Sections 17936, 23114, and 24954 to, and to repeal Sections 23184, 23184.5, 23185, 23185a, 23185b, and 24903 of, the Revenue and Taxation Code, to amend Section 1088.5 of the Unemployment Insurance Code, and to amend Section 56 of Chapter 952 of the Statutes of 1996, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Takasugi.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.



**SENATE BILL NO. 1130 (Thompson)**—An act relating to human services.

Bill read third time, and presented by Assembly Member Ducheny.

Bill passed by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 303 (Burton)**—An act to amend Section 41204.1 of the Education Code, and to amend Sections 97.2 and 97.3 of the Revenue and Taxation Code, relating to local government finance.

Bill read third time, and presented by Assembly Member Mazzoni.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bill No. 495—Passed on file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
THE CONSENT CALENDAR**

At 4:55 p.m., on motion of Assembly Member Alby, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The following measures on the Consent Calendar were read:

**ASSEMBLY CONCURRENT RESOLUTION NO. 21 (Woods)**—Relative to Small School District Week.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY CONCURRENT RESOLUTION NO. 76 (Wayne)**—Relative to breast cancer.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY JOINT RESOLUTION NO. 37 (Ortiz)**—Relative to ovarian cancer research.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**Consent Calendar—Senate Resolutions**

**SENATE CONCURRENT RESOLUTION NO. 52 (O'Connell)**—Relative to National Lymphoma Awareness Week.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 53 (Watson)**—Relative to Dr. George Washington Carver Day.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above resolutions on the Consent Calendar adopted, by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
GOLDSMITH MOTION TO WITHDRAW  
SENATE BILL NO. 6 FROM COMMITTEE**

At 4:55 p.m., on motion of Assembly Member Firestone, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Brewer moved to continue the call of the Assembly.

Motion carried. Time, 4:56 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 873**

At 4:56 p.m., on motion of Assembly Member Migden, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 873 passed by the following vote:

**AYES—43**

Alquist	Frusetta	Mazzoni	Sweeney
Aroner	Callegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	

**NOES—35**

Ackerman	Brewer	Leach	Poochigian
Aguiar	Campbell	Leonard	Prenter
Alby	Cunneen	Margett	Pringle
Ashburn	Firestone	McClintock	Richter
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrow	Takasugi
Baugh	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	Woods
Bowler	Kuykendall	Pacheco	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1334**

At 4:57 p.m., on motion of Assembly Member Cardoza, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Battin moved to continue the call of the Assembly.

Motion carried. Time, 4:57 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 673**

At 4:57 p.m., on motion of Assembly Member Bowen, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Bowen moved to continue the call of the Assembly.

Motion carried. Time, 4:57 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1113**

At 4:58 p.m., on motion of Assembly Member Perata, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1113 passed by the following vote:

**AYES—42**

Alquist	Frusetta	Migden	Thomson
Aroner	Callegos	Morrissey	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Davis	Knox	Perata	Wildman
Ducheny	Kuehl	Scott	Wright
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	
Floyd	Mazzoni	Sweeney	

**NOES—36**

Ackerman	Brewer	Kuykendall	Oller
Aguiar	Campbell	Leach	Pacheco
Alby	Cardoza	Leonard	Poochigian
Ashburn	Cunneen	Machado	Pringle
Baldwin	Firestone	Margett	Richter
Battin	Goldsmith	McClintock	Runner
Baugh	Granlund	Miller	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Olberg	Woods

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 513**

At 4:58 p.m., on motion of Assembly Member Aroner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 513 refused passage by the following vote:

**AYES—27**

Alquist	Honda	Murray	Sweeney
Aroner	Keeley	Napolitano	Thomson
Bowen	Knox	Ortiz	Torlakson
Escutia	Kuehl	Perata	Villaraigosa
Figueroa	Lempert	Scott	Washington
Callegos	Martinez	Shelley	Wildman
Hertzberg	Migden	Strom-Martin	

**NOES—47**

Ackerman	Campbell	Kuykendall	Pacheco
Aguiar	Cardoza	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Davis	Machado	Pringle
Baca	Ducheny	Margett	Richter
Baldwin	Firestone	Mazzoni	Runner
Battin	Frusetta	McClintock	Takasugi
Baugh	Goldsmith	Miller	Thompson
Bordonaro	Granlund	Morrissey	Vincent
Bowler	Havice	Morrow	Woods
Brewer	House	Olberg	Wright
Brown	Kaloogian	Oller	

**Motion to Reconsider Senate Bill No. 513  
on Next Legislative Day**

Assembly Member Aroner moved to reconsider on the next legislative day the vote whereby Senate Bill No. 513 was this day refused passage.

Senate Bill No. 513 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 560**

At 4:59 p.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 560 refused passage by the following vote:

**AYES—39**

Alquist	Callegos	Morrissey	Sweeney
Aroner	Hertzberg	Murray	Thomson
Baca	Honda	Napolitano	Torlakson
Bowen	Keeley	Ortiz	Villaraigosa
Cardenas	Knox	Pacheco	Vincent
Cunneen	Kuehl	Papan	Washington
Ducheny	Kuykendall	Perata	Wayne
Escutia	Lempert	Richter	Wildman
Figueroa	Martinez	Shelley	Mr. Speaker
Firestone	Mazzoni	Strom-Martin	

**NOES—35**

Ackerman	Campbell	Leach	Oller
Alby	Cardoza	Leonard	Poochigian
Ashburn	Floyd	Machado	Pringle
Baldwin	Frusetta	Margett	Runner
Battin	Goldsmith	McClintock	Takasugi
Baugh	Granlund	Migden	Thompson
Bordonaro	Havice	Miller	Woods
Bowler	House	Morrow	Wright
Brewer	Kaloogian	Olberg	

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 828**

At 4:59 p.m., on motion of Assembly Member Cunneen, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Cardenas moved to continue the call of the Assembly.

Motion carried. Time, 4:59 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 654**, on request of Assembly Member Knox.

**At 5:03 p.m., Hon. Martha Escutia, 50th District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1350 (Burton)**—An act to add Chapter 6 (commencing with Section 101860) to Part 4 of Division 101 of the Health and Safety Code, relating to health care.

Bill read third time, and presented by Assembly Member Shelley.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 230 (Alpert)**—An act to amend Section 41712 of the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Wayne.

Bill passed by the following vote:

**AYES—68**

Ackerman	Cunneen	Kuykendall	Perata
Aguiar	Davis	Leach	Poochigian
Alby	Ducheny	Lempert	Prenter
Alquist	Escutia	Leonard	Pringle
Aroner	Figueroa	Machado	Runner
Ashburn	Firestone	Martinez	Scott
Baca	Floyd	Mazzoni	Shelley
Baldwin	Frusetta	Migden	Strom-Martin
Battin	Gallegos	Miller	Sweeney
Baugh	Goldsmith	Morrissey	Thomson
Bordonaro	Granlund	Morrow	Torlakson
Bowen	Havice	Murray	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brown	Honda	Olberg	Wayne
Campbell	House	Oller	Wildman
Cardenas	Kaloogian	Ortiz	Wright
Cardoza	Keeley	Pacheco	Mr. Speaker

**NOES—6**

Knox	McClintock	Thompson
Kuehl	Richter	Woods

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 230: Assembly Member Kuehl, from "Aye" to "No"; Assembly Member Baugh, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 842 (Hayden)**—An act to amend Section 23221 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and presented by Assembly Member Davis.

**Parliamentary Inquiry**

Assembly Member Wildman arose to the following parliamentary inquiry:

Pursuant to Joint Rule 37.4(b), any bill requiring action by the Bureau of State Audits shall contain an appropriation for the cost of any study or audit. Has a letter been received at the Desk as it relates to Senate Bill No. 842?

**Reply by Acting Speaker Escutia**

The Acting Speaker replied that a letter has been received at the Desk.

**Request for Unanimous Consent to Print in Journal**

Assembly Member Wildman requested unanimous consent that a letter relative to Joint Rule 37.5(b) as it relates to Senate Bill No. 842 be printed in the Journal.

Assembly Member Thompson withheld unanimous consent to the request by Assembly Member Wildman.

**Senate Bill No. 842 Passed Temporarily**

By unanimous consent Senate Bill No. 842 was passed temporarily on file.

**SENATE BILL NO. 235 (Solis)**—An act to amend Section 12926 of the Government Code, relating to employment.

Bill read third time, and presented by Assembly Member Kuehl.

**Senate Bill No. 235 Passed Temporarily**

By unanimous consent Senate Bill No. 235 was passed temporarily on file.

**At 5:12 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**



**FURTHER CONSIDERATION OF SENATE BILL NO. 842  
BY UNANIMOUS CONSENT**

**SENATE BILL NO. 842 (Hayden)**—An act to amend Section 23221 of the Revenue and Taxation Code, relating to taxation.

Bill passed by the following vote:

**AYES—48**

Alquist	Figueroa	Martinez	Scott
Aroner	Gallegos	Mazzoni	Shelley
Baca	Goldsmith	McClintock	Strom-Martin
Baugh	Havice	Migden	Sweeney
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Brown	Keeley	Napolitano	Villaraigosa
Cardenas	Knox	Ortiz	Vincent
Cardoza	Kuehl	Pacheco	Washington
Davis	Leach	Papan	Wayne
Ducheny	Lempert	Perata	Wildman
Escutia	Machado	Pringle	Mr. Speaker

**NOES—27**

Ackerman	Brewer	Kuykendall	Prenter
Aguiar	Campbell	Leonard	Richter
Alby	Cunneen	Margett	Runner
Ashburn	Firestone	Miller	Takasugi
Baldwin	Frusetta	Morrissey	Thompson
Battin	Granlund	Olberg	Woods
Bowler	House	Poochigian	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 842: Assembly Member Bordonaro, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**Request for Unanimous Consent to Print in Journal**

Assembly Member Wildman was granted unanimous consent that the following communication be printed in the Journal:

September 5, 1997

*E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

*Gregory Schmidt  
Secretary of the Senate  
State Capitol, Room 400  
Sacramento, California*

*Bion Gregory  
Legislative Counsel  
State Capitol, Room 3021  
Sacramento, California*

Gentlemen: Pursuant to Joint Rule 37.5, this serves as written notification that the provisions of subdivision (b) of Joint Rule 37.4 are hereby waived as it relates to SB 842 (Hayden—amended September 2, 1997). We have received a cost estimate of between \$75,000 and \$100,000 from the Bureau of State Audits to perform the study called for in SB 842.

If you have any questions, please do not hesitate to contact me at #445-8364.

Sincerely,

SCOTT WILDMAN

Chair,

Joint Legislative Audit Committee

KEN MADDY

Vice-Chair,

Joint Legislative Audit Committee

**FURTHER CONSIDERATION OF SENATE BILL NO. 235  
BY UNANIMOUS CONSENT**

**SENATE BILL NO. 235 (Solis)**—An act to amend Section 12926 of the Government Code, relating to employment.

The question being on the passage of the bill.

**Bill passed by the following vote:****AYES—43**

Alquist	Floyd	McClintock	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Brown	Keeley	Ortiz	Vincent
Cardenas	Knox	Pacheco	Washington
Cardoza	Kuehl	Papan	Wayne
Davis	Lempert	Perata	Wildman
Ducheny	Machado	Scott	Wright
Escutia	Martinez	Shelley	Mr. Speaker
Figueroa	Mazzoni	Strom Martin	

**NOES—33**

Ackerman	Brewer	Leach	Prenter
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Margett	Runner
Ashburn	Frusetta	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Woods
Baugh	House	Olberg	
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Poehigian	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 235: Assembly Member Havice, from "No" to "Not Voting".

**Bill ordered transmitted to the Senate.**

(NOTE: On July 2, 1998, the action was rescinded whereby Senate Bill No. 235 was passed, and whereby the bill was ordered transmitted to the Senate. See page 7731.)

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1348 (Committee on Business and Professions)**—An act to amend Sections 11302, 11315, 11360, 11410, 17550.43, 17550.44, 17550.47, 17550.49, 22433.1, 22447, and 22958 of, and to add Sections 11316, 11317, 11318, and 11409 to, the Business and Professions Code, and to amend Section 719 of the Harbors and Navigation Code, relating to professionals.

Bill read third time, and presented by Assembly Member Davis.

Bill passed by the following vote:

**AYES—65**

Ackerman	Figueroa	Leonard	Scott
Aguiar	Firestone	Machado	Shelley
Alquist	Floyd	Margett	Strom-Martin
Aroner	Gallegos	Martinez	Sweeney
Ashburn	Goldsmith	Mazzoni	Takasugi
Baca	Granlund	Migden	Thompson
Battin	Havice	Miller	Thomson
Bordonaro	Hertzberg	Morrissey	Torlakson
Bowen	Honda	Murray	Villaraigosa
Brown	House	Napolitano	Vincent
Campbell	Kaloogian	Olberg	Wayne
Cardenas	Keeley	Ortiz	Wildman
Cardoza	Knox	Pacheco	Wright
Cunneen	Kuehl	Papan	Mr. Speaker
Davis	Kuykendall	Perata	
Ducheny	Leach	Poehigian	
Escutia	Lempert	Prenter	

**NOES—6**

Alby	Bowler	Morrow
Baugh	McClintock	Runner

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

Senate Bill No. 776—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1332 (Vasconcellos)**—An act to add Sections 19507 and 19806.1 to the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Aroner.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—77**

Ackerman	Escutia	Margett	Runner
Aguiar	Figueroa	Martinez	Scott
Alby	Firestone	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bordonaro	House	Olberg	Vincent
Bowen	Kaloogian	Oller	Washington
Bowler	Keeley	Ortiz	Wayne
Brewer	Knox	Pacheco	Wildman
Brown	Kuehl	Papan	Woods
Campbell	Kuykendall	Perata	Wright
Cardenas	Leach	Poochigian	Mr. Speaker
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Pringle	
Davis	Machado	Richter	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—77**

Ackerman	Escutia	Margett	Runner
Aguiar	Figueroa	Martinez	Scott
Alby	Firestone	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bordonaro	House	Olberg	Vincent
Bowen	Kaloogian	Oller	Washington
Bowler	Keeley	Ortiz	Wayne
Brewer	Knox	Pacheco	Wildman
Brown	Kuehl	Papan	Woods
Campbell	Kuykendall	Perata	Wright
Cardenas	Leach	Poochigian	Mr. Speaker
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Pringle	
Davis	Machado	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 987 (Sher)**—An act to amend Section 41712 of the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Olberg.

Bill passed by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 319 (Burton)**—An act to add Sections 1057.61, 1057.62, and 1057.63 to the Civil Code, and to add Sections 12340.12 and 12340.13 to the Insurance Code, relating to title insurance.

Bill read third time, and presented by Assembly Member Hertzberg.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Hertzberg moved a call of the Assembly.

Motion carried. Time, 5:43 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 1050 (Alpert)**—An act to add Section 601.5 to the Welfare and Institutions Code, relating to youths, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ANNOUNCEMENT OF CONFERENCE COMMITTEE MEETING**

Assembly Member Figueroa announced that the Conference Committee on Health Care would meet today, at 6 p.m., in Room 4203.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 980 (Hayden)**—An act to add and repeal Chapter 3.6 (commencing with Section 13827) of Title 6 of Part 4 of the Penal Code, relating to crime prevention.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—50**

Aguiar	Figueroa	Martinez	Strom-Martin
Alquist	Frusetta	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Goldsmith	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Bowler	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	House	Pacheco	Wayne
Cardoza	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Wright
Davis	Kuehl	Prenter	Mr. Speaker
Ducheny	Lempert	Scott	
Escutia	Machado	Shelley	

**NOES—25**

Ackerman	Brewer	McClintock	Runner
Alby	Campbell	Miller	Takasugi
Ashburn	Granlund	Morrow	Thompson
Baldwin	Kaloogian	Olberg	Woods
Battin	Leach	Oller	
Baugh	Leonard	Poochigian	
Bordonaro	Margett	Pringle	

Bill ordered transmitted to the Senate.

**ADJOURN IN MEMORY**

**Moment of Silence**

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gladys Bates, of Modesto, mother of former Member of the Assembly Tom Bates, and that the Assembly observe a moment of silence in her honor.

**BILL RETURNED TO SENATE**

Assembly Member Villaraigosa was granted unanimous consent that Assembly Bill No. 29 be returned to the Senate for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 499 (Alpert)**—An act to add Chapter 10 (commencing with Section 66406) to Division 1 of Title 7 of the Government Code, to add Sections 21083.10, 30012.5, and 30412.1 to the Public Resources Code, and to add Section 13167.1 to, and to add Chapter 5.4 (commencing with Section 13367) to Division 7 of, the Water Code, relating to water.

Bill read third time, and presented by Assembly Member Wayne.

Bill passed by the following vote:

**AYES—51**

Alquist	Firestone	Lempert	Strom-Martin
Aroner	Floyd	Machado	Sweeney
Baca	Frusetta	Martinez	Thompson
Bordonaro	Gallegos	Mazzoni	Thomson
Bowen	Goldsmith	Migden	Torlakson
Brown	Havice	Napolitano	Villaraigosa
Cardenas	Hertzberg	Ortiz	Vincent
Cardoza	Honda	Pacheco	Washington
Cunneen	Keeley	Papan	Wayne
Davis	Knox	Perata	Wildman
Ducheny	Kuehl	Prenter	Wright
Escutia	Kuykendall	Scott	Mr. Speaker
Figueroa	Leach	Shelley	

**NOES—25**

Ackerman	Brewer	McClintock	Pringle
Aguiar	Campbell	Miller	Runner
Alby	Granlund	Morrissey	Takasugi
Ashburn	House	Morrow	Woods
Baldwin	Kaloogian	Olberg	
Baugh	Leonard	Oller	
Bowler	Margett	Poochigian	

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Senate Bill No. 535**—Passed on file.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1034 (Maddy)**—An act to amend Sections 1226, 117670, 117680, 117690, 117705, 117755, 117760, and 129885 of, to add Sections 117672, 117776, 117777, 117778, and 118005 to, and to add Chapter 9.5 (commencing with Section 118321) to Part 14 of Division 104 of, the Health and Safety Code, relating to health services.

Bill read third time, and presented by Assembly Member Poochigian.

Bill passed by the following vote:

**AYES—73**

Ackerman	Figueroa	Margett	Scott
Aguiar	Floyd	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	
Escutia	Machado	Runner	

**NOES—5**

Alby	Firestone	Morrow
Baldwin	McClintock	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1307 (Costa)**—An act to amend Sections 116275, 116285, 116290, 116325, 116390, 116425, 116540, 116565, 116580, 116585, 116650, and 116880 of, to amend and renumber Section 116300 of, to add Sections 116286 and 116287 to, to add Chapter 4.5 (commencing with Section 116760) to Part 12 of Division 104 of, and to repeal and add Section 116875 of, the Health and Safety Code, and to add Section 13169 to the Water Code, relating to drinking water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Wayne.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—79

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

#### NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

#### AYES—79

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

#### NOES—None

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1031 (Hayden)**—An act to add and repeal Article 3.6 (commencing with Section 35746) of Chapter 4 of Part 21 of the Education Code, relating to education.

Bill read third time, and presented by Assembly Member Villaraigosa.

Bill passed by the following vote:

**AYES—47**

Alquist	Gallegos	Mazzoni	Strom-Martin
Aroner	Goldsmith	McClintock	Sweeney
Baca	Havice	Migden	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Brown	Honda	Murray	Villaraigosa
Cardenas	House	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Davis	Knox	Pacheco	Wayne
Ducheny	Kuehl	Papan	Wildman
Escutia	Lempert	Perata	Wright
Figueroa	Machado	Scott	Mr. Speaker
Firestone	Martinez	Shelley	

**NOES—30**

Ackerman	Bowler	Leach	Prenter
Aguiar	Brewer	Leonard	Pringle
Alby	Campbell	Margett	Runner
Ashburn	Cunneen	Miller	Takasugi
Baldwin	Frusetta	Morrissey	Thompson
Battin	Granlund	Olberg	Woods
Baugh	Kaloogian	Oller	
Bordonaro	Kuykendall	Poochigian	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1031: Assembly Member Kuykendall, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 512 (Rosenthal)**—An act relating to insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Keeley.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**ANNOUNCEMENT OF CONFERENCE COMMITTEE MEETING**

Assembly Member Hertzberg announced that the Conference Committee on Senate Bill No. 1088 would meet at this time, in Room 3191.

**BILLS REMOVED FROM SPECIAL CONSENT CALENDAR  
AND PLACED UPON THE INACTIVE FILE**

The following bill was removed from the Special Consent Calendar, pursuant to Joint Rule 22.2 and placed upon the inactive file pursuant to Assembly Rule 78:

**Assembly Bill No. 1211**, on request of Assembly Member Hertzberg.

**At 6:20 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 246 (Lempert)**—An act to amend Sections 116.220 and 116.231 of, and to add Section 116.350 to, the Code of Civil Procedure, relating to small claims court.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—69**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alby	Firestone	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—3**

Baugh	Floyd	Pacheco
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 226 (Scott)**—An act to amend Section 41203.1 of, and to add Sections 84750.5, and 84755.5 to, the Education Code, relating to school finance.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 304 (Scott)**—An act to amend Section 12025 of the Penal Code, relating to firearms.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Cunneen	Kuehl	Poochigian
Aguiar	Davis	Kuykendall	Prenter
Alby	Ducheny	Leach	Richter
Alquist	Escutia	Lempert	Runner
Aroner	Figueroa	Machado	Scott
Ashburn	Firestone	Margett	Shelley
Baca	Floyd	Martinez	Strom-Martin
Baldwin	Frusetta	Mazzoni	Sweeney
Battin	Gallegos	Migden	Takasugi
Baugh	Goldsmith	Miller	Thompson
Bordonaro	Granlund	Morrissey	Thomson
Bowen	Havice	Murray	Torlakson
Bowler	Hertzberg	Napolitano	Vincent
Brewer	Honda	Olberg	Washington
Brown	House	Ortiz	Wayne
Campbell	Kaloogian	Pacheco	Wildman
Cardenas	Keeley	Papan	Wright
Cardoza	Knox	Perata	Mr. Speaker

**NOES—2**

McClintock      Morrow

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 304: Assembly Member Baugh, from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 397 (Kuykendall)**—An act to add Chapter 7 (commencing with Section 66500) to Part 40 of, and to add Chapter 1 (commencing with Section 69400) to Part 42 of, the Education Code, relating to postsecondary education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—68

Ackerman	Escutia	Margett	Scott
Aguiar	Figueroa	Martinez	Shelley
Alby	Firestone	McClintock	Strom-Martin
Alquist	Frusetta	Miller	Sweeney
Ashburn	Gallegos	Morrissey	Takasugi
Baca	Goldsmith	Morrow	Thompson
Baldwin	Granlund	Murray	Thomson
Battin	Havice	Napolitano	Torlakson
Baugh	Hertzberg	Olberg	Villaraigosa
Bordonaro	House	Oller	Vincent
Bowler	Kaloogian	Pacheco	Wayne
Brewer	Keeley	Papan	Wildman
Brown	Knox	Perata	Woods
Campbell	Kuykendall	Poochigian	Mr. Speaker
Cardenas	Leach	Prenter	
Cardoza	Lempert	Pringle	
Cunneen	Leonard	Richter	
Davis	Machado	Runner	

#### NOES—9

Aroner	Kuehl	Ortiz
Bowen	Mazzoni	Washington
Honda	Migden	Wright

#### Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 397: Assembly Members Mazzoni and Ortiz, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 441 (Richter)**—An act to amend Section 1644.5 of the Health and Safety Code, relating to health.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:



**AYES—75**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Napolitano	Torlakson
Bordonaro	Hertzberg	Olberg	Villaraigosa
Bowen	Honda	Oller	Vincent
Bowler	House	Ortiz	Washington
Brewer	Kaloogian	Pacheco	Wayne
Brown	Keeley	Papan	Wildman
Campbell	Knox	Perata	Woods
Cardenas	Kuehl	Poochigian	Wright
Cardoza	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Pringle	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 590 (Ashburn)**—An act to add Sections 3332.1 and 4051.1 to the Food and Agricultural Code, and to add Section 25909 to the Government Code, relating to fairs.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—1**

Thompson

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 731 (Keeley)**—An act to amend Section 14502 of the Government Code and to amend Section 164.53 of the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—72

Ackerman	Cunneen	Kuykendall	Poochigian
Aguiar	Davis	Leach	Prenter
Alby	Ducheny	Lempert	Richter
Alquist	Escutia	Machado	Runner
Aroner	Figueroa	Margett	Scott
Ashburn	Firestone	Martinez	Shelley
Baca	Floyd	Mazzoni	Strom-Martin
Baldwin	Frusetta	Migden	Sweeney
Battin	Gallegos	Miller	Takasugi
Baugh	Goldsmith	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker

#### NOES—6

Granlund	McClintock	Thompson
Leonard	Pringle	Woods

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—72

Ackerman	Cunneen	Kuykendall	Poochigian
Aguiar	Davis	Leach	Prenter
Alby	Ducheny	Lempert	Richter
Alquist	Escutia	Machado	Runner
Aroner	Figueroa	Margett	Scott
Ashburn	Firestone	Martinez	Shelley
Baca	Floyd	Mazzoni	Strom-Martin
Baldwin	Frusetta	Migden	Sweeney
Battin	Gallegos	Miller	Takasugi
Baugh	Goldsmith	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker

#### NOES—6

Granlund	McClintock	Thompson
Leonard	Pringle	Woods

Above bill ordered enrolled.

At 6:30 p.m., Hon. Fred Keeley, 27th District, presiding

**ASSEMBLY BILL NO. 917 (Strom-Martin)**—An act to add and repeal Section 3522 of the Government Code, relating to state employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—46**

Alquist	Floyd	Martinez	Sweeney
Aroner	Frusetta	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Granlund	Morrissey	Villaraigosa
Bowler	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Scott	Mr. Speaker
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	

**NOES—30**

Ackerman	Brewer	Leonard	Poochigian
Aguilar	Campbell	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Goldsmith	Miller	Runner
Baldwin	House	Morrow	Takasugi
Battin	Kaloogian	Olberg	Thompson
Baugh	Kuykendall	Oller	
Bordonaro	Leach	Pacheco	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1186 (Knox)**—An act to amend Section 13260 of the Water Code, relating to water.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—60**

Aguiar	Ducheny	Margett	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Mazzoni	Strom-Martin
Aroner	Firestone	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Morrissey	Thomson
Baldwin	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Ortiz	Vincent
Bowler	Keeley	Pacheco	Washington
Brown	Knox	Papan	Wayne
Cardenas	Kuehl	Perata	Wildman
Cardoza	Kuykendall	Prenter	Woods
Cunneen	Lempert	Richter	Wright
Davis	Machado	Runner	Mr. Speaker

**NOES—18**

Ackerman	Floyd	Leonard	Poochigian
Battin	Granlund	Miller	Pringle
Baugh	House	Morrow	Thompson
Brewer	Kaloogian	Olberg	
Campbell	Leach	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 355 (Morrissey)**—An act to amend Sections 20588 and 31657 of the Government Code, relating to county employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	Havice	Murray	Thomson
Bowen	Hertzberg	Napolitano	Torlakson
Bowler	Honda	Olberg	Villaraigosa
Brewer	House	Oller	Vincent
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 450 (Torlakson)**—An act to amend Sections 7260, 7262.5, and 7264 of the Government Code, relating to housing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Figueroa	Margett	Runner
Aguiar	Firestone	Martinez	Scott
Alby	Floyd	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bordonaro	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	
Escutia	Machado	Richter	

**NOES—1**

Bowen

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 475 (Pringle)**—An act to add Sections 15338.5 and 15338.6 to, and to repeal Sections 15399.57 and 15399.58 of, the Government Code, relating to state government.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 186 (Brown)**—An act to add Chapter 7 (commencing with Section 119300) to Part 15 of Division 104 of the Health and Safety Code, relating to health.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—64**

Aguiar	Ducheny	Margett	Runner
Alquist	Escutia	Martinez	Scott
Aroner	Figueroa	Mazzoni	Shelley
Ashburn	Firestone	Miller	Strom-Martin
Baca	Gallegos	Morrissey	Sweeney
Battin	Granlund	Morrow	Takasugi
Baugh	Havice	Murray	Thomson
Bowen	Hertzberg	Napolitano	Torlakson
Bowler	Honda	Olberg	Villaraigosa
Brewer	Keeley	Ortiz	Vincent
Brown	Knox	Pacheco	Washington
Campbell	Kuehl	Papan	Wayne
Cardenas	Kuykendall	Perata	Wildman
Cardoza	Leach	Poochigian	Woods
Cunneen	Lempert	Prenter	Wright
Davis	Machado	Richter	Mr. Speaker

**NOES—11**

Ackerman	Bordonaro	Leonard	Pringle
Alby	House	McClintock	Thompson
Baldwin	Kaloogian	Oller	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 202 (Scott)**—An act to amend Sections 12020 and 12020.5 of the Penal Code, relating to destructive devices.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Callegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 504 (Wildman)**—An act to add Sections 56136.5, 56136.7, and 56136.8 to the Education Code, relating to special education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—60**

Aguiar	Davis	Kuykendall	Prenter
Alby	Ducheny	Leach	Scott
Alquist	Escutia	Lempert	Shelley
Aroner	Figueroa	Machado	Strom-Martin
Ashburn	Firestone	Martinez	Sweeney
Baca	Floyd	Mazzoni	Takasugi
Battin	Frusetta	Migden	Thomson
Bordonaro	Gallegos	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Campbell	House	Pacheco	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Wright
Cunneen	Kuehl	Poochigian	Mr. Speaker

**NOES—18**

Ackerman	Granlund	Miller	Richter
Baldwin	Kaloogian	Morrow	Thompson
Baugh	Leonard	Olberg	Woods
Bowler	Margett	Oller	
Goldsmith	McClintock	Pringle	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 520 (Brown)**—An act to add Section 6035.5 to the Penal Code, relating to correctional personnel.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—66**

Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Baca	Floyd	Mazzoni	Sweeney
Baldwin	Frusetta	Migden	Takasugi
Battin	Gallegos	Miller	Thomson
Bordonaro	Granlund	Morrissey	Torlakson
Bowen	Havice	Morrow	Villaraigosa
Bowler	Hertzberg	Murray	Vincent
Brewer	Honda	Napolitano	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Richter	

**NOES—10**

Ackerman	Goldsmith	McClintock	Thompson
Ashburn	House	Olberg	
Baugh	Kaloogian	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 568 (Lempert)**—An act to add Section 35258 to the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—77

Ackerman	Ducheny	Margett	Runner
Aguiar	Escutia	Martinez	Scott
Alby	Figueroa	Mazzoni	Shelley
Alquist	Firestone	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bordonaro	House	Olberg	Vincent
Bowen	Kaloogian	Oller	Washington
Bowler	Keeley	Ortiz	Wayne
Brewer	Knox	Pacheco	Wildman
Brown	Kuehl	Papan	Woods
Campbell	Kuykendall	Perata	Wright
Cardenas	Leach	Poochigian	Mr. Speaker
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Pringle	
Davis	Machado	Richter	

#### NOES—None

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 620 (Baugh)**—An act to add Section 11105.6 to the Penal Code, relating to criminal records.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—48

Ackerman	Cardenas	Keeley	Pacheco
Aguiar	Cardoza	Kuykendall	Poochigian
Alby	Cunneen	Leach	Prenter
Ashburn	Figueroa	Leonard	Pringle
Baldwin	Firestone	Margett	Richter
Battin	Frusetta	McClintock	Runner
Baugh	Goldsmith	Miller	Takasugi
Bordonaro	Granlund	Morrissey	Thompson
Bowler	Hertzberg	Morrow	Thomson
Brewer	Honda	Murray	Vincent
Brown	House	Olberg	Wright
Campbell	Kaloogian	Oller	Mr. Speaker

#### NOES—21

Alquist	Knox	Ortiz	Washington
Aroner	Kuehl	Perata	Wayne
Bowen	Lempert	Scott	Wildman
Davis	Mazzoni	Shelley	
Escutia	Migden	Strom-Martin	
Havice	Napolitano	Torlakson	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 870 (Hertzberg)**—An act to add Section 13515 to the Penal Code, relating to crime prevention.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Aguiar	Figueroa	Leonard	Richter
Alby	Firestone	Machado	Runner
Alquist	Floyd	Margett	Scott
Aroner	Frusetta	Martinez	Shelley
Ashburn	Gallegos	Mazzoni	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Davis	Kuykendall	Perata	Wright
Ducheny	Leach	Poochigian	Mr. Speaker
Escutia	Lempert	Prenter	

**NOES—4**

Ackerman	Baldwin	Baugh	McClintock
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1144 (Murray)**—An act to add Section 14105 to the Government Code, relating to transportation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—43**

Alquist	Floyd	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	

**NOES—35**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Pringle
Ashburn	Firestone	Margett	Richter
Baldwin	Frusetta	McClintock	Runner
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1189 (Shelley)**—An act to add Section 46190.3 to the Education Code, relating to adult education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—42**

Alquist	Figueroa	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cunneen	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	

**NOES—33**

Ackerman	Brewer	Margett	Pringle
Aguiar	Campbell	McClintock	Richter
Alby	Firestone	Miller	Runner
Ashburn	Goldsmith	Morrissey	Takasugi
Baldwin	Granlund	Morrow	Thompson
Battin	House	Olberg	Woods
Baugh	Kaloogian	Oller	
Bordonaro	Kuykendall	Pacheco	
Bowler	Leonard	Poochigian	

Above bill ordered enrolled.

**At 6:46 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 1458 (Papan)**—An act to add Section 5408.7 to the Business and Professions Code, and to amend Section 40518 of, and to add Section 40520 to, the Vehicle Code, relating to highways.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—75

Ackerman	Davis	Leonard	Prenter
Aguiar	Ducheny	Machado	Pringle
Alby	Escutia	Margett	Richter
Alquist	Figueroa	Martinez	Runner
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Bowler	Kaloojian	Olberg	Vincent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Woods
Cardoza	Leach	Perata	Mr. Speaker
Cunneen	Lempert	Poochigian	

#### NOES—1

Floyd

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1458: Assembly Member Baldwin, from "No" to "Aye".

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 42 (Murray)**—An act to amend sections 166 and 273.6 of the Penal Code, relating to protective orders.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Leach	Poochigian
Aguiar	Ducheny	Lempert	Prenter
Alby	Escutia	Leonard	Pringle
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Olberg	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Mr. Speaker

**NOES—1**

Richter

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 193 (Murray)**—An act to amend Sections 14089, 14089.05, and 14450 of, and to amend and renumber Section 14087.305 of, the Welfare and Institutions Code, relating to Medi-Cal.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Ackerman	Davis	Leonard	Scott
Aguiar	Ducheny	Machado	Shelley
Alby	Escutia	Margett	Strom-Martin
Alquist	Figueroa	Martinez	Sweeney
Aroner	Firestone	Mazzoni	Takasugi
Ashburn	Floyd	Migden	Thompson
Baca	Frusetta	Miller	Thomson
Baldwin	Gallegos	Morrissey	Torlakson
Battin	Goldsmith	Morrow	Villaraigosa
Baugh	Granlund	Murray	Vincent
Bordonaro	Havice	Napolitano	Washington
Bowen	Hertzberg	Ortiz	Wayne
Bowler	Honda	Pacheco	Wildman
Brewer	House	Papan	Woods
Brown	Keeley	Perata	Wright
Campbell	Kuehl	Poochigian	Mr. Speaker
Cardenas	Kuykendall	Prenter	
Cardoza	Leach	Richter	
Cunneen	Lempert	Runner	

**NOES—3**

Kaloogian	McClintock	Oller
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**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 193: Assembly Member Baldwin, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 446 (Pacheco)**—An act to amend Section 190 of the Penal Code, relating to crimes.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—1**

Wright

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 839 (Thomson)**—An act to amend Sections 4801, 4802, 4804, 4806, 4826, 4831, 4846, 4848, 4850, 4852, 4853, 4856, 4883, and 4905 of, and to amend, repeal, and add Sections 4832, 4833, 4834, 4835, and 4842.2 of, the Business and Professions Code, relating to veterinary medicine, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—75

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker
Davis	Lempert	Pringle	

#### NOES—3

Baldwin	Kaloogian	McClintock
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 865 (Pringle)**—An act to amend Section 17285 of the Education Code, relating to school facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thompson
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 875 (Takasugi)**—An act to amend Section 6250 of, and to add Section 6250.5 to, the Penal Code, relating to corrections.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Machado	Pringle
Aguiar	Escutia	Margett	Richter
Alby	Figueroa	Martinez	Runner
Alquist	Firestone	Mazzoni	Scott
Ashburn	Fruetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuykendall	Papan	Wildman
Cardoza	Leach	Perata	Woods
Cunneen	Lempert	Poochigian	Wright
Davis	Leonard	Prenter	Mr. Speaker

**NOES—2**

Aroner                      Floyd

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 995 (Pacheco)**—An act to add and repeal Section 4501.1 of the Penal Code, relating to battery.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Ashburn	Firestone	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Callegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	Havice	Murray	Thomson
Bowen	Hertzberg	Napolitano	Torlakson
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—3**

Floyd	Migden	Wright
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1303 (Miller)**—An act to amend Sections 266h, 266i, and 290 of, and to add and repeal Section 290.9 of, the Penal Code, and to amend Section 5328.2 of the Welfare and Institutions Code, relating to sex offenders.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Pacheco	Wayne
Brown	Keeley	Papan	Wildman
Campbell	Knox	Perata	Woods
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—1**

Migden

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1341 (Alquist)**—An act to add Sections 100237, 100238, and 100239 to the Health and Safety Code, relating to health research.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Aguiar	Escutia	Lempert	Pringle
Alby	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	Migden	Strom-Martin
Battin	Goldsmith	Miller	Sweeney
Bordonaro	Granlund	Morrissey	Takasugi
Bowen	Havice	Morrow	Torlakson
Bowler	Hertzberg	Murray	Villaraigosa
Brewer	Honda	Napolitano	Vincent
Brown	House	Olberg	Washington
Campbell	Kaloogian	Ortiz	Wayne
Cardenas	Keeley	Pacheco	Wildman
Cardoza	Knox	Papan	Woods
Cunneen	Kuehl	Perata	Wright
Davis	Kuykendall	Poochigian	Mr. Speaker
Ducheny	Leach	Prenter	

**NOES—6**

Ackerman	Baugh	McClintock
Baldwin	Leonard	Thompson

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1611 (Ortiz)**—An act to add Section 12523.6 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Davis	Leach	Poochigian
Aguiar	Ducheny	Lempert	Prenter
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Olberg	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker

**NOES—5**

Baugh	Pringle	Woods
Leonard	Thompson	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 989 (Perata)**—An act to amend Sections 5070.5 and 5132 of, and to add Section 5079 to, the Business and Professions Code, relating to accountancy.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—3**

Leonard	McClintock	Thompson
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 640 (Aguiar)**—An act to add and repeal Section 46101 of, and to add and repeal Part 26.4 (commencing with Section 46800) of, the Education Code, and to add and repeal Article 18.9 (commencing with Section 749.5) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to juveniles.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alby	Firestone	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1127 (Knox)**—An act to amend Sections 502.8 and 537e of the Penal Code, relating to crimes.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 584** (Villaraigosa)—An act to amend Sections 130051, 130051.5, 130051.9, 130051.17, and 130051.18 of, to add Section 130051.28 to, and to add Chapter 6 (commencing with Section 130600) to Division 12 of, the Public Utilities Code, relating to transportation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Poochigian
Aguiar	Ducheny	Leonard	Prenter
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Wright
Cunneen	Leach	Perata	Mr. Speaker

**NOES—2**

Pringle Thompson

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
GOLDSMITH MOTION TO WITHDRAW  
SENATE BILL NO. 6 FROM COMMITTEE**

At 7:06 p.m., on motion of Assembly Member Brewer, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Goldsmith motion to withdraw Senate Bill No. 6 from the Committee on Appropriations lost by the following vote:

**AYES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

**NOES—35**

Alquist	Figueroa	Migden	Thomson
Aroner	Gallegos	Murray	Torlakson
Baca	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Ortiz	Vincent
Brown	Keeley	Papan	Washington
Cardenas	Knox	Perata	Wildman
Davis	Kuehl	Shelley	Wright
Ducheny	Martinez	Strom-Martin	Mr. Speaker
Escutia	Mazzoni	Sweeney	

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Goldsmith motion to withdraw Senate Bill No. 6 from committee.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1334**

At 7:06 p.m., on motion of Assembly Member Battin, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Thompson moved to continue the call of the Assembly.

Motion carried. Time, 7:07 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 673**

At 7:07 p.m., on motion of Assembly Member Bowen, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 673 passed by the following vote:

**AYES—55**

Alquist	Frusetta	Martinez	Shelley
Aroner	Gallegos	Mazzoni	Strom-Martin
Baugh	Granlund	Migden	Sweeney
Bordonaro	Havice	Miller	Takasugi
Bowen	Hertzberg	Morrissey	Thomson
Brewer	House	Murray	Villaraigosa
Campbell	Kaloogian	Napolitano	Vincent
Cardenas	Keeley	Oller	Washington
Cunneen	Knox	Ortiz	Wayne
Davis	Kuehl	Pacheco	Wildman
Ducheny	Kuykendall	Prenter	Woods
Escutia	Leach	Richter	Wright
Figueroa	Lempert	Runner	Mr. Speaker
Firestone	Margett	Scott	

**NOES—14**

Ackerman	Baldwin	McClintock	Thompson
Aguiar	Bowler	Morrow	Torlakson
Alby	Goldsmith	Olberg	
Ashburn	Leonard	Poochigian	

**Bill ordered transmitted to the Senate.**

(NOTE: Later this day a motion to reconsider the above vote on Senate Bill No. 673 was offered by Assembly Member Papan.)

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 828**

At 7:08 p.m., on motion of Assembly Member Cardenas, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 828 refused passage by the following vote:

**AYES—26**

Baca	Escutia	Napolitano	Vincent
Brown	Floyd	Ortiz	Washington
Campbell	Gallegos	Papan	Wildman
Cardenas	Hertzberg	Prenter	Wright
Cardoza	Machado	Thomson	Mr. Speaker
Davis	Mazzoni	Torlakson	
Ducheny	Migden	Villaraigosa	

**NOES—49**

Ackerman	Cunneen	Lempert	Richter
Aguiar	Figueroa	Leonard	Runner
Alby	Firestone	Margett	Scott
Alquist	Frusetta	McClintock	Shelley
Aroner	Goldsmith	Miller	Strom-Martin
Ashburn	Granlund	Morrissey	Sweeney
Baldwin	Havice	Morrow	Takasugi
Battin	Honda	Olberg	Thompson
Baugh	House	Oller	Wayne
Bordonaro	Kaloogian	Pacheco	Woods
Bowen	Keeley	Perata	
Bowler	Kuykendall	Poochigian	
Brewer	Leach	Pringle	



**Motion to Reconsider Senate Bill No. 828  
on Next Legislative Day**

Assembly Member Cardenas moved to reconsider on the next legislative day the vote whereby Senate Bill No. 828 was this day refused passage.

Senate Bill No. 828 ordered to the unfinished business file.

**MOTION TO RECONSIDER SENATE BILL NO. 673  
ON NEXT LEGISLATIVE DAY**

Assembly Member Papan moved to reconsider on the next legislative day the vote whereby Senate Bill No. 673 was this day passed.

Senate Bill No. 673 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 319**

At 7:10 p.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 319 refused passage by the following vote:

**AYES—33**

Alquist	Gallegos	Mazzoni	Thompson
Aroner	Havice	Migden	Torlakson
Baca	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Papan	Vincent
Cardenas	Keeley	Perata	Wayne
Ducheny	Knox	Richter	Wildman
Escutia	Kuehl	Scott	
Figueroa	Lempert	Shelley	
Floyd	Leonard	Strom-Martin	

**NOES—31**

Ackerman	Bowler	Leach	Poochigian
Aguiar	Brewer	Machado	Pringle
Alby	Campbell	Margett	Runner
Ashburn	Firestone	McClintock	Takasugi
Baldwin	Frusetta	Miller	Thomson
Battin	Granlund	Morrissey	Washington
Baugh	House	Morrow	Woods
Bordonaro	Kuykendall	Oller	

**Motion to Reconsider Senate Bill No. 319  
on Next Legislative Day**

Assembly Member Hertzberg moved to reconsider on the next legislative day the vote whereby Senate Bill No. 319 was this day refused passage.

Senate Bill No. 319 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1334**

At 7:12 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1334 refused passage by the following vote:

**AYES—37**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cardoza	Leonard	Prenter
Alby	Cunneen	Machado	Pringle
Ashburn	Firestone	Margett	Runner
Baldwin	Frusetta	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Woods
Bordonaro	House	Olberg	
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Pacheco	

**NOES—37**

Alquist	Floyd	Migden	Sweeney
Aroner	Gallegos	Murray	Thomson
Baca	Havice	Napolitano	Torlakson
Bowen	Honda	Ortiz	Villaraigosa
Brown	Knox	Papan	Washington
Cardenas	Kuehl	Perata	Wayne
Davis	Lempert	Richter	Wildman
Ducheny	Martinez	Scott	
Escutia	Mazzoni	Shelley	
Figueroa	McClintock	Strom-Martin	

**Motion to Reconsider Senate Bill No. 1334  
on Next Legislative Day**

Assembly Member Cardoza moved to reconsider on the next legislative day the vote whereby Senate Bill No. 1334 was this day refused passage.

Senate Bill No. 1334 ordered to the unfinished business file.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO  
ASSEMBLY RULE 77.2**

Upon request of Assembly Member Davis, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 1230 to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Davis was granted unanimous consent that the Committee on Consumer Protection, Governmental Efficiency and Economic Development be permitted to hold a special meeting on September 10, 1997, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1230 for hearing.

**ADJOURN IN MEMORY**

Assembly Member Machado was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ethel Carter, of Stockton.

**NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 638  
FROM COMMITTEE CONTINUED**

By unanimous consent the notice of motion to withdraw Senate Bill No. 638 from the Committee on Natural Resources was continued until the next legislative day.

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577; and Senate Bills Nos. 682, 305, 233, 202, and 1068 were continued until the next legislative day.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

**Senate Bill No. 867**, on request of Assembly Member Aroner;

**Senate Bill No. 818**, on request of Assembly Member Hertzberg;

**Senate Bill No. 1329**, on request of Assembly Member Murray.

**NOTICE OF INTENTION TO REMOVED BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Battin announced his intention to request that Assembly Concurrent Resolution No. 70 be removed from the inactive file.

**ANNOUNCEMENT**

**DEADLINE TO SUBMIT CONFERENCE COMMITTEE REPORTS**

Speaker pro Tempore Kuehl announced that under the Rules, today is the last day to submit Conference Committee Reports to the Desk. The Assembly Desk will remain open until 12 midnight to receive Conference Committee Reports.

**MOTION TO ADJOURN**

At 7:17 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Napolitano seconded the motion.

**REMARKS ON CONDITION OF THE FILE**

Assembly Member House arose to speak on the condition of the file.

**FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Washington that the Assembly adjourn.

Motion carried.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 6, Demand for Previous Question on Motion to Withdraw:** Bordonaro, Cunneen, and Martinez—No.

**Senate Bill No. 969:** Bowen, Cardoza, Cunneen, Ducheny, Hertzberg, Keeley, Knox, Margett, Martinez, Miller, and Wildman—Aye; Bordonaro—No.

**Senate Bill No. 719:** Bordonaro, Bowen, Cunneen, Ducheny, Hertzberg, Knox, Martinez, Pacheco, and Wildman—Aye.

**Senate Bill No. 1347:** Bordonaro, Bowen, Cunneen, Ducheny, Knox, Martinez, and Olberg—Aye; Goldsmith—No.

**Senate Bill No. 542:** Bordonaro, Cunneen, Ducheny, Knox, and Martinez—Aye.

**Senate Bill No. 527 and Urgency:** Bordonaro, Cunneen, Ducheny, Knox, Kuykendall, and Martinez—Aye; Goldsmith—No.

**Senate Bill No. 566:** Bordonaro, Cunneen, Ducheny, Honda, Knox, Martinez, Murray, and Pacheco—Aye.

**Senate Bill No. 857:** Cunneen, Ducheny, Figueroa, Goldsmith, Knox, Martinez, and Murray—Aye.

**Senate Bill No. 1052 and Urgency:** Bordonaro, Bowen, and Martinez—Aye.

**Senate Bill No. 1258:** Cunneen, Ducheny, Havice, Machado, Margett, Martinez, and Wildman—Aye.

**Senate Bill No. 1328:** Hertzberg, Martinez, and Wildman—Aye; McClintock—No.

**Senate Bill No. 628:** Battin, Cunneen, Ducheny, Knox, Martinez, and Olberg—Aye.

**Senate Bill No. 1334, Demand for Previous Question:** Wildman—No.

**Senate Bill No. 882:** Cardenas, Lempert, Machado, Poochigian, Pringle, and Wayne—Aye.

**Senate Bill No. 494:** Baldwin, Machado, Poochigian, and Pringle—Aye.

**Senate Bill No. 941:** Baldwin, Bowen, Cardenas, Cunneen, Davis, Hertzberg, Machado, Morrow, Poochigian, and Wildman—Aye; Honda, Murray, and Villaraigosa—No.

**Senate Bill No. 283 and Urgency:** Baldwin, Battin, Bordonaro, Cardenas, Cunneen, Machado, and Pringle—Aye.

**Senate Bill No. 364:** Cunneen—Aye; Morrissey and Pringle—No.

**Senate Bill No. 644:** Bowen, Poochigian, and Pringle—Aye.

**Senate Bill No. 320:** Cardoza, Keeley, and Pringle—Aye.

**Senate Bill No. 1107:** Cardoza, Keeley, Mazzoni, Poochigian, and Pringle—Aye.

**Senate Bill No. 1346:** Honda, Murray, and Pringle—Aye.

**Senate Bill No. 377:** Pringle—No.

**Senate Bill No. 721:** Ducheny, Mazzoni, Pringle, and Sweeney—Aye.

**Senate Bill No. 914:** Pringle—Aye.

**Senate Bill No. 936:** Bordonaro, Goldsmith, and Machado—Aye; Poochigian and Runner—No.

**Senate Bill No. 1035:** Pringle—Aye; Runner—No.

**Senate Bill No. 1113, Demand for Previous Question:** Leach—No.

**Senate Bill No. 1135:** Aguiar, Baugh, Mazzoni, McClintock, Pringle, and Wildman—Aye.

**Senate Bill No. 1111:** Aguiar, McClintock, Pringle, and Runner—Aye.

**Senate Bill No. 513, Demand for Previous Question:** McClintock, Miller, and Olberg—No.

**Senate Bill No. 231:** Cunneen, Martinez, Miller, Papan, and Woods—Aye; Sweeney—No.

**Senate Bill No. 879:** Martinez, Olberg, and Strom-Martin—Aye.

**Senate Bill No. 560, Demand for Previous Question:** Hertzberg—Aye; Baugh and Cunneen—No.

**Senate Bill No. 825:** Baugh, Bowen, Cunneen, Davis, Ducheny, Kaloogian, Morrow, and Oller—Aye.

**Senate Bill No. 782:** Hertzberg—Aye; Baldwin—No.

**Senate Bill No. 136:** Mazzoni—Aye.

**Senate Bill No. 506:** Ducheny and McClintock—Aye.

**Senate Bill No. 450:** Ducheny, Machado, McClintock, and Poochigian—Aye.

**Senate Bill No. 1238:** Baugh, McClintock, and Poochigian—Aye.

**Senate Bill No. 161:** McClintock, Olberg, and Poochigian—Aye.

**Senate Bill No. 42:** Baugh, McClintock, and Poochigian—Aye.

**Senate Bill No. 85 and Urgency:** Baugh, Campbell, Cunneen, McClintock, and Poochigian—Aye.

**Senate Bill No. 135:** Baugh, McClintock, and Poochigian—Aye.

**Senate Bill No. 291 and Urgency:** Alby, Baugh, and Runner—Aye; Baldwin and Pringle—No.

**Senate Bill No. 300:** Baugh, Cunneen, Leach, Prenter, and Runner—No.

**Senate Bill No. 345 and Urgency:** Baugh, Brown, Gallegos, and Runner—Aye.

**Senate Bill No. 458:** Baugh, Hertzberg, and Runner—Aye.

**Senate Bill No. 463:** Cunneen and Lempert—Aye; Baldwin, Baugh, Prenter, and Runner—No.

**Senate Bill No. 623:** Baca, Baugh, Cunneen, and Runner—Aye.

**Senate Bill No. 624:** Baca, Baugh, Cardoza, Cunneen, Keeley, and Runner—Aye; Baldwin—No.

**Senate Bill No. 824 and Urgency:** Ducheny—Aye; Baugh, Goldsmith, Morrow, and Runner—No.

**Senate Bill No. 1106:** Cardoza, Keeley, and Runner—Aye.

**Senate Bill No. 1130:** Runner—Aye.

**Senate Bill No. 303:** Runner—Aye.

**Senate Bill No. 873:** Bordonaro and Cunneen—No.

**Senate Bill No. 1113:** Machado—No.

**Senate Bill No. 560:** Sweeney—Aye.

**Senate Bill No. 1350:** Baldwin, Brown, Cardoza, Cunneen, Goldsmith, Havice, Keeley, McClintock, Pringle, and Runner—Aye.

**Senate Bill No. 230:** Ashburn, Baca, Bowen, Cardoza, Frusetta, Keeley, Murray, Runner, and Shelley—Aye.

**Senate Bill No. 842:** Cardoza, Gallegos, Keeley, Morrow, Murray, and Wildman—Aye; Baldwin and Prenter—No.

**Senate Bill No. 235:** McClintock—Aye; Prenter, Pringle, and Runner—No.

**Senate Bill No. 1348:** Ackerman, Battin, and Prenter—Aye; McClintock and Runner—No.

**Senate Bill No. 1332 and Urgency:** Martinez and McClintock—Aye.

**Senate Bill No. 987:** Bowen, Havice, Martinez, McClintock, Morrow, and Shelley—Aye.

**Senate Bill No. 1050:** Baugh, Bowen, Cardoza, Leach, Pacheco, and Poochigian—Aye.

**Senate Bill No. 980:** Aguiar, Cardenas, Cunneen, Keeley, and Machado—Aye; Baugh, Campbell, and Morrow—No.

**Senate Bill No. 499:** Campbell, Morrow, Poochigian, and Pringle—No.

**Senate Bill No. 1034:** Baugh, Campbell, Cunneen, and Pringle—Aye; Morrow—No.

**Senate Bill No. 1307 and Urgency:** Campbell—Aye.

**Senate Bill No. 1031:** Campbell and Cunneen—No.

**Senate Bill No. 512 and Urgency:** Gallegos—Aye.

**Assembly Bill No. 246, Concurrence:** Aguiar, Alby, Bordonaro, Cunneen, Firestone, Goldsmith, Kuykendall, Leach, McClintock, and Olberg—Aye; Pacheco—No.

**Assembly Bill No. 226, Concurrence:** Aguiar, Bordonaro, Cunneen, Morrow, Pacheco, and Runner—Aye.

**Assembly Bill No. 304, Concurrence:** Aguiar, Baca, Bordonaro, Cardoza, Cunneen, Pacheco, and Shelley—Aye; McClintock and Morrow—No.

**Assembly Bill No. 397, Concurrence:** Aguiar, Cunneen, Morrow, and Pacheco—Aye.

**Assembly Bill No. 441, Concurrence:** Aguiar, Cardenas, Mazzoni, Olberg, and Pacheco—Aye.

**Assembly Bill No. 590, Concurrence:** Aguiar and Pacheco—Aye.

**Assembly Bill No. 731, Urgency and Concurrence:** Aguiar, Goldsmith, and Poochigian—Aye.

**Assembly Bill No. 917, Concurrence:** Aguiar, Bordonaro, Olberg, Pacheco, and Runner—No.

**Assembly Bill No. 1186, Concurrence:** Aguiar, Bordonaro, Ducheny, Goldsmith, and Pacheco—Aye; Morrow and Olberg—No.

**Assembly Bill No. 355, Concurrence:** Aguiar, Cardoza, Ducheny, and Strom-Martin—Aye.

**Assembly Bill No. 450, Concurrence:** Aguiar—Aye.

**Assembly Bill No. 475, Concurrence:** Aguiar and Baca—Aye.

**Assembly Bill No. 186, Concurrence:** Aguiar, Pacheco, and Woods—Aye; Bordonaro—No.

**Assembly Bill No. 202, Concurrence:** Aguiar and Runner—Aye.

**Assembly Bill No. 504, Concurrence:** Aguiar, Bordonaro, Pacheco, and Poochigian—Aye.

**Assembly Bill No. 520, Concurrence:** Aguiar, Bordonaro, Morrow, and Pacheco—Aye.

**Assembly Bill No. 568, Concurrence:** Aguiar, Bordonaro, and Runner—Aye.

**Assembly Bill No. 620, Concurrence:** Aguiar and Bordonaro—Aye; Davis and Shelley—No.

**Assembly Bill No. 870, Concurrence:** Aguiar, Bordonaro, and Pacheco—Aye.

**Assembly Bill No. 1144, Concurrence:** Ducheny—Aye; Aguiar, Bordonaro, Cunneen, and Pacheco—No.

**Assembly Bill No. 1189, Concurrence:** Cunneen—Aye; Aguiar and Pacheco—No.

**Assembly Bill No. 1458, Concurrence:** Aguiar, Bordonaro, Bowen, Cunneen, Ducheny, and Pacheco—Aye.

**Assembly Bill No. 42, Concurrence:** Aguiar and Ducheny—Aye.

**Assembly Bill No. 193, Concurrence:** Aguiar, Bordonaro, and Ducheny—Aye.

**Assembly Bill No. 446, Concurrence:** Aguiar and Prenter—Aye.

**Assembly Bill No. 839, Concurrence:** Aguiar, Bordonaro, Ducheny, and Wildman—Aye.

**Assembly Bill No. 865, Concurrence:** Aguiar and Figueroa—Aye.

**Assembly Bill No. 875, Concurrence:** Aguiar—Aye; Aroner—No.

**Assembly Bill No. 1303, Concurrence:** Ducheny and Torlakson—Aye.

**Assembly Bill No. 1341, Concurrence:** Campbell, Ducheny, Kaloogian, Olberg, and Pacheco—Aye.

**Assembly Bill No. 989, Concurrence:** Cunneen—Aye.

**Assembly Bill No. 640, Concurrence:** Woods—Aye.

**Assembly Bill No. 1127, Concurrence:** Pacheco and Strom-Martin—Aye.

**Assembly Bill No. 828:** Cardoza—Aye.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 7:18 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

#### **RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 77—Thomson and Perata.** Relative to Mental Health Awareness Week.

**HOUSE RESOLUTION NO. 45—Committee on Rules (Perata (Chair), Baca, Battin, Bustamante, Granlund, Honda, Olberg, Ortiz, and Washington) (Coauthors: Kuykendall and Strom-Martin).** Relative to the California Veteran's Week.

**HOUSE RESOLUTION NO. 46—Committee on Rules (Perata (Chair), Baca, Bustamante, Granlund, Honda, Olberg, Ortiz, and Washington) (Coauthors: Kuykendall and Strom-Martin).** Relative to women veterans.

**HOUSE RESOLUTION NO. 47—Bowler.** Relative to Mother Teresa.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Appropriations**

September 9, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 1155

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 1155**—An act to add Section 42285.3 to the Education Code, relating to education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

### REPORTS OF STANDING COMMITTEES

#### Committee on Environmental Safety and Toxic Materials

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports: Senate Bill No. 660

With amendments with the recommendation: Amend, and do pass, as amended.

WAYNE, Chairman

Above bill ordered to second reading.

### MESSAGES FROM THE SENATE

September 9, 1997

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: The Senate this day rescinded the action whereby it concurred in Assembly amendments to Senate Bill 66. The Senate then ordered the bill returned to the Assembly.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

Senate Chamber, September 8, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 11  
Assembly Bill No. 39  
Assembly Bill No. 45  
Assembly Bill No. 62  
Assembly Bill No. 122  
Assembly Bill No. 134  
Assembly Bill No. 149  
Assembly Bill No. 167  
Assembly Bill No. 195  
Assembly Bill No. 321  
Assembly Bill No. 351  
Assembly Bill No. 365  
Assembly Bill No. 381  
Assembly Bill No. 411  
Assembly Bill No. 428

Assembly Bill No. 494  
Assembly Bill No. 549  
Assembly Bill No. 563  
Assembly Bill No. 629  
Assembly Bill No. 641  
Assembly Bill No. 701  
Assembly Bill No. 705  
Assembly Bill No. 748  
Assembly Bill No. 776  
Assembly Bill No. 807  
Assembly Bill No. 846  
Assembly Bill No. 853  
Assembly Bill No. 861  
Assembly Bill No. 904  
Assembly Bill No. 991

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.



Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 67

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 125

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

### **BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bills were placed on the Special Consent Calendar:

Assembly Bills Nos. 122, 195, 381, and 563.

### **MESSAGES FROM THE GOVERNOR**

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

#### **Veto Message—Assembly Bill No. 1124**

Governor's Office, Sacramento

September 9, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1124 without my signature:

This bill would require a person licensed to sell a firearm to provide each purchaser or transferee of a firearm with a trigger lock or similar device designed to prevent the unintentional discharge of the firearm. This bill would also require the pamphlet that is provided upon purchase of the firearm to include a statement of the penalties for improper storage of a firearm and statistics for firearms used in suicides and accidental shootings. Violation of these provisions would be a misdemeanor.

AB 1124 is materially the same as SB 134 (Kopp, Vetoed, 1991) and suffers the same deficiencies.

I have signed legislation mandating instruction for gun purchases, which emphasizes the safe use and storage of firearms, including methods of child proofing those firearms. In addition, I signed the law which imposes penalties for the criminal storage of firearms. These laws encourage the use of firearm safes, trigger locks, and other safety devices.

In contrast this bill, like SB 134, would impose a mandate, indeed a criminal penalty, on legitimate firearm sales when there are more effective and less intrusive ways to encourage gun safety.

While Smith and Wesson recently announced its intent to package its firearms with trigger locks, at least one popular handgun is factory

equipped with a safety device which could be disabled by a trigger lock.

One alternative is incorporated in Federal Legislation (S 10, Hatch) which would require firearm sellers to *offer* trigger locks but would not presume that they are universally appropriate or mandate their sale.

Cordially,

PETE WILSON

#### RECEIPT

I acknowledge receipt this 9th day of September 1997, at 4:15 p.m., of Assembly Bill No. 1124, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

ARVETTA M. DOWNS

Acting Chief Clerk of the Assembly

#### CONFERENCE COMMITTEE REPORTS RECEIVED

Assembly Chamber, Received at Desk: September 9, 1997

Mr. Speaker: The Committee on Conference has met concerning:

**Assembly Bill No. 252**, as amended in Senate June 30, 1997, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

LEROY F. GREENE

KERRY MAZZONI

JACK O'CONNELL

ANTONIO R. VILLARAIGOSA

Senate Committee on Conference      Assembly Committee on Conference

The undersigned Members dissenting to the report:

JAMES L. BRULTE

TOM J. BORDONARO, JR.

Senate Committee on Conference      Assembly Committee on Conference

Above bill ordered reprinted, as proposed by the Conference Committee.

Assembly Chamber, Received at Desk: September 9, 1997

Mr. Speaker: The Committee on Conference has met concerning:

**Assembly Bill No. 755**, as amended in Senate June 2, 1997, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

LEROY F. GREENE

KERRY MAZZONI

JACK O'CONNELL

ANTONIO R. VILLARAIGOSA

Senate Committee on Conference      Assembly Committee on Conference

The undersigned Members dissenting to the report:

JAMES L. BRULTE

TOM J. BORDONARO, JR.

Senate Committee on Conference      Assembly Committee on Conference

Above bill ordered reprinted, as proposed by the Conference Committee.

Assembly Chamber, Received at Desk: September 9, 1997

Mr. Speaker: The Committee on Conference has met concerning:

**Assembly Bill No. 1126**, as amended in Senate July 18, 1997, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

PATRICK JOHNSTON

LIZ FIGUEROA

BARBARA LEE

ANTONIO R. VILLARAIGOSA

KEN MADDY

FRED AGUIAR

Senate Committee on Conference      Assembly Committee on Conference

Above bill ordered reprinted, as proposed by the Conference Committee.

Assembly Chamber, Received at Desk: September 9, 1997

Mr. Speaker: The Committee on Conference has met concerning:

**Assembly Bill No. 1581**, as amended in Senate August 11, 1997, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

DEIRDRE ALPERT

FRED KEELEY

BRUCE McPHERSON

DEBRA BOWEN

TOM HAYDEN

TOM J. BORDONARO, JR.

Senate Committee on Conference      Assembly Committee on Conference

Above bill ordered reprinted, as proposed by the Conference Committee.

Assembly Chamber, September 9, 1997

Mr. Speaker: The Committee on Conference has met concerning:

**Senate Bill No. 250**, as amended in Assembly on June 3, 1997 and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

LEROY F. GREENE

KERRY MAZZONI

JACK O'CONNELL

ANTONIO R. VILLARAIGOSA

Senate Committee on Conference      Assembly Committee on Conference

The undersigned Members dissenting to the report:

JAMES L. BRULTE

TOM J. BORDONARO, JR.

Senate Committee on Conference      Assembly Committee on Conference

Assembly Chamber, September 9, 1997

Mr. Speaker: The Committee on Conference has met concerning:

**Senate Bill No. 903**, as amended in Assembly on July 28, 1997, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

PATRICK JOHNSTON

LIZ FIGUEROA

BARBARA LEE

ANTONIO R. VILLARAIGOSA

KEN MADDY

Senate Committee on Conference      Assembly Committee on Conference

Assembly Chamber, September 9, 1997

Mr. Speaker: The Committee on Conference has met concerning:

**Senate Bill No. 1088**, as amended in Assembly on August 29, 1997, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

**BILL LOCKYER**

**ROBERT M. HERTZBERG**

**KEN MADDY**

**HOWARD WAYNE**

**JOHN VASCONCELLOS**

**BILL MORROW**

Senate Committee on Conference

Assembly Committee on Conference

### **ADJOURNMENT**

At 10:05 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 9 a.m., Wednesday, September 10, 1997, out of respect to the memory of Joseph "Scotty" Giampaoli and Eileen Cahill Maloney, on motion of Assembly Member Shelley; out of respect to the memory of Dr. Ben Massey, Sr., on motion of Assembly Member Scott; out of respect to the memory of Lois Shaw, on motion of Assembly Member Olberg; out of respect to the memory of Gladys Bates, on motion of Assembly Member Aroner; out of respect to the memory of Ethel Carter, on motion of Assembly Member Machado; and out of respect to the memory of Akira Yatabe, on motion of Assembly Member Takasugi.

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**CRUZ M. BUSTAMANTE**, Speaker

**PAM CAVILEER**, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON SEPTEMBER 9, 1997

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The following measures were amended in the Assembly on this day:

AB	RN
252 (Conf.)	9723447
755 (Conf.)	9723209
1126 (Conf.)	9723345
1581 (Conf.)	9723995
SB	RN
55	9722596
231	9723160
250 (Conf.)	9723205
491	9723097
521	9723122
879	9723198
903 (Conf.)	9723420
1088 (Conf.)	9723499
1155	9723168
<b>Daily Total:</b>	<b>6</b>
<b>Cumulative Total:</b>	<b>3379</b>

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, September 10, 1997**

**ONE HUNDRED THIRTY-SIXTH SESSION DAY**

**TWO HUNDRED EIGHTY-THIRD CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, September 10, 1997

The Assembly met at 9 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Woods moved a quorum call of the Assembly.

Motion carried. Time, 9:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 9:30 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*Lord God, You have taught us that "Those who wait upon the Lord shall renew their strength." (Isaiah 40:31). Renew us with Your grace and wisdom. Today as we pause to pray together, teach us to pray every day, to pray at work as well as at worship, to pray alone and with others, to pray at all times and in all places, to live in the spirit of prayer and always to be in harmony with Your will.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Cardenas then led the Assembly in the pledge of allegiance to the Flag.

**At 9:33 a.m., Hon. Fred Keeley, 27th District, presiding**

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Havice, seconded by Assembly Member Mazzoni.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 10, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Joint Resolution No. 39

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 74  
Senate Bill No. 95  
Senate Bill No. 193  
Senate Bill No. 316  
Senate Bill No. 367  
Senate Bill No. 392  
Senate Bill No. 472  
Senate Bill No. 589  
Senate Bill No. 675

Senate Bill No. 827  
Senate Bill No. 945  
Senate Bill No. 1094  
Senate Bill No. 1144  
Senate Bill No. 1221  
Senate Bill No. 1234  
Senate Concurrent Resolution No. 23  
Senate Concurrent Resolution No. 54

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 48  
Senate Bill No. 500  
Senate Bill No. 795

Senate Bill No. 1141  
Senate Bill No. 1145  
Senate Concurrent Resolution No. 43

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary



**ADJOURN IN MEMORY**

Assembly Member Frusetta was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eddie Martin, of Hollister.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Juanita Hill Schurman, of San Francisco.

**CONSIDERATION OF DAILY FILE  
SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 521**, ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 45**—An act to amend Sections 14523, 14524, 14525, 14526, 14527, 14530.1, 14531, 14536, 65081.1, 65082, 65083, and 65086 of, to add Sections 14529.1, 14529.8, 14529.12, and 14529.15 to, to repeal and add Sections 14520.3, 14529, 65080, and 65086.4 of, and to repeal Sections 14524.5, 14529.01, 14529.2, 14529.6, 14530.5, 14555, 65071, and 65081 of, the Government Code, to amend Sections 99310, 99312, and 99315 of, and to repeal Sections 99315.5, 99315.6, 99318, and 99318.2 of, the Public Utilities Code, and to amend Sections 164.3, 167, 188, and 188.8 of, to amend and repeal Sections 2601, 2602, and 2602.1 of, to add Sections 164.6 and 188.10 to, to repeal and add Sections 163, 164, and 182.5 of, and to repeal Sections 164.2, 164.4, 164.35, 164.50, 164.51, 164.52, 164.55, 164.57, 168, 182.4, 182.8, 188.9, 199, 199.1, 199.2, 199.3, 199.4, 199.6, 199.7, 199.8, 199.9, 199.10, 199.11, and 2600 of, the Streets and Highways Code, relating to transportation.

Bill read second time; amendments proposed the Committee on Transportation read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 93**—An act to amend Sections 1760.8 and 1798 of, and to add Sections 1798.1 and 1798.2 to, the Welfare and Institutions Code, relating to youthful offenders.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 163**—An act to amend Sections 18250, 18251, 18252, 18253, 18254, 18255, 18256, and 18257 of, to amend the heading of Chapter 4 (commencing with Section 18250) of Part 6 of Division 9 of, and to add Sections 18253.5 and 18256.5 to, the Welfare and Institutions Code, relating to public social services.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 455**—An act to amend Sections 17008.5, 17020.6, 17024.5, 17041, 17052.12, 17054, 17062, 17063, 17072, 17077, 17085, 17088, 17139, 17250, 17273, 17279, 17507, 17561, 17750, 17860, 18037, 18180, 18601, 18624, 18645, 19144, 19164, 19184, 23038.5, 23045, 23453, 23456, 23457, 23609, 23732, 23801, 23802, 23806, 24326, 24343.3, 24349, 24355, 24355.5, 24357, 24443, 24692, 24870, 24916, and 24993 of, to amend the heading of Chapter 14.5 (commencing with Section 24870) of Part 11 of, to add Sections 17088.3, 17132.5, 17154, 17215, 17250.5, 17251.5, 17270.5, 17275.5, 17278.5, 17731.5, 18044, 18152, 18648.5, 19136.2, 19136.3, 19141.2, 19182.5, 19365, 23800.5, 23813, 24272.5, 24343.7, 24429, 24875, 24949.5, 24954, and 24956 to, to repeal Sections 17131.5, 17132, 17137, 17138.5, 17141.5, 17150, 17201.5, 17210, 17213, 17249, 17267, 17283, 17748, 18035, 18040, 18060, 18166, 18173, 24371.5, 24966.3, 24971, 24990.8, and 24990.9 of, and to repeal and add Sections 17255, 17271, 23701h, 24372.5, and 24947 of, the Revenue and Taxation Code, and to amend Sections 928.5 and 934 of the Unemployment Insurance Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1268**—An act to amend Section 10061 of, and to add Chapter 2.5 (commencing with Section 2718) to Division 2 of, the Public Utilities Code, relating to water corporations.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1305**—An act to add Article 14 (commencing with Section 398.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 298**—An act to amend Section 41204 of the Education Code, relating to school finance.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 540**—An act to add and repeal Section 42250.2 of the Education Code, relating to school facilities.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 655**—An act to amend Section 10201 of the Unemployment Insurance Code, relating to employment.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 660**—An act to amend Sections 25143, 25160.5, 25165, 25166, 25166.5, 25174, 25174.1, 25174.2, 25174.6, 25178.1, 25187, 25192, 25201.6, 25201.9, 25204.7, 25205.4, 25205.5, 25205.6, 25205.7, 25205.12, 25205.14, 25205.15, 25205.16, 25205.18, 25205.19, 25207.12, 25209.7, 25221, 25324, 25330, 25330.4, 25336, 25337, 25343, 25351.1, 25354.5, 25360, 25404.5, and 25416 of, to add Sections 25173.6 and 25173.7 to, to add Article 9.2 (commencing with Section 25206.1) to Chapter 6.5 of Division 20 of, and to repeal Sections 25167, 25187.9, 25205.8, 25205.9, 25340, 25341, 25345, and 25351 of, the Health and Safety Code, and to amend Sections 43053, 43054, and 43101 of, and to repeal Section 43055 of, the Revenue and Taxation Code, relating to hazardous waste and substances, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted, bill ordered reprinted and to be returned to the second reading file.

**At 9:34 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

### THIRD READING OF SENATE BILLS

**SENATE BILL NO. 110 (Dills)**—An act to amend Section 7056 of, to add Section 7051.3 to, to add a chapter heading to, and to add Chapter 2 (commencing with Section 7221) to, Part 1.5 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time, and presented by Assembly Member Kuykendall.

The roll was opened.

### Call of the Assembly

Pending the announcement of the vote, Assembly Member Kuykendall moved a call of the Assembly.

Motion carried. Time, 9:44 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 200 (Kelley)**—An act to add Section 7073.8 to the Government Code, and to amend Sections 17053.74 and 23622.7 of, to add Sections 17053.47 and 23622.8 to, and to repeal and amend Sections 17053.70, 17053.75, 17235, 23612.2, and 24384.5 of, the Revenue and Taxation Code, relating to economic development.

Bill read third time.

#### Motion to Amend

Without objection, Assembly Member Napolitano moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

(NOTE: Pursuant to the leadership announcement on August 28, 1997 (Assembly Journal, page 3894), September 5, 1997 was the last day to amend bills on third reading in the Assembly.)

**At 9:47 a.m., Hon. Fred Keeley, 27th District, presiding**

**SENATE BILL NO. 853 (Schiff)**—An act to add and repeal Title 5.5 (commencing with Section 13760) of Part 4 of the Penal Code, relating to firearms, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Pacheco.

Bill passed by the following vote:

#### AYES—72

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheney	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Baca	Frusetta	Migden	Strom-Martin
Baldwin	Gallegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Murray	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

#### NOES—2

House                      Morrow

Bill ordered transmitted to the Senate.

#### BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

**Senate Bill No. 495**, on request of Assembly Member Sweeney.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 247 (Lockyer)**—An act to amend Section 19272 of, and to amend and renumber Section 19532 of, the Revenue and Taxation Code, and to amend Section 11475.1 of the Welfare and Institutions Code, relating to support.

Bill read third time, and presented by Assembly Member Escutia.

Bill passed by the following vote:

**AYES—50**

Alquist	Floyd	Machado	Shelley
Aroner	Frusetta	Martinez	Strom-Martin
Baca	Gallegos	Mazzoni	Sweeney
Bowen	Goldsmith	McClintock	Thomson
Brown	Havice	Migden	Torlakson
Cardenas	Hertzberg	Morrissey	Villaraigosa
Cardoza	Honda	Murray	Vincent
Cunneen	House	Napolitano	Washington
Davis	Keeley	Ortiz	Wayne
Ducheny	Knox	Pacheco	Wildman
Escutia	Kuehl	Papan	Mr. Speaker
Figueroa	Kuykendall	Perata	
Firestone	Lempert	Scott	

**NOES—28**

Ackerman	Bordonaro	Leonard	Pringle
Aguiar	Bowler	Margett	Richter
Alby	Brewer	Miller	Runner
Ashburn	Campbell	Morrow	Takasugi
Baldwin	Granlund	Olberg	Thompson
Battin	Kalোগian	Oller	Woods
Baugh	Leach	Poochigian	Wright

Bill ordered transmitted to the Senate.

(NOTE: On September 11, 1997, the action was rescinded whereby Senate Bill No. 247 was passed, and whereby the Bill was ordered transmitted to the Senate. See page 4605.)

**SENATE BILL NO. 812 (Hayden)**—An act to amend Section 10789 of the Revenue and Taxation Code, and to amend Section 9107 of the Vehicle Code, relating to vehicles.

Bill read third time, and presented by Assembly Member Sweeney.

Bill passed by the following vote:

**AYES—74**

Ackerman	Escutia	Margett	Runner
Aguiar	Figueroa	Martinez	Scott
Alby	Firestone	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kalোগian	Ortiz	Washington
Brewer	Knox	Pacheco	Wayne
Brown	Kuehl	Papan	Wildman
Campbell	Kuykendall	Perata	Woods
Cardenas	Leach	Poochigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker
Davis	Leonard	Pringle	
Ducheny	Machado	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**At 9:57 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**SENATE BILL NO. 965 (Costa)**—An act to add Section 7089 to the Government Code, and to amend Sections 17053.17, 17053.74, 17256, 17260, 23036, 23622.7, 23623.5, 24345, 24349.1, 24356.5, 24422, and 24916 of, to repeal Sections 17053.70, 17053.73, 17053.8, 17235, 17267, 23612.2, 23622, 23622.5, 24356.7, and 24384.5 of, and to repeal and amend Section 17053.75 of, the Revenue and Taxation Code, relating to economic development, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Honda.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—1**

Pringle

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1195 (Schiff)**—An act to amend Sections 656.2 and 707 of the Welfare and Institutions Code, relating to minors.

Bill read third time, and presented by Assembly Member Keeley.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 318 (Thompson)**—An act to amend Sections 41865, 44535, and 44537.5 of, and to add Chapter 4.5 (commencing with Section 39750) to Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Woods.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—1**

Thomson.

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 940 (Leslie)**—An act to amend Sections 136.1 and 186.22 of the Penal Code, relating to crimes.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Leonard	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Knox	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1039 (Thompson)**—An act to amend Sections 4500.5, 4501, 4508, 4512, 4590, 4593, 4595, 4598, 4629, 4646, 4646.5, 4647, 4648, 4660, 4661, 4664, 4666, 4677, 4701.6, 4705, 4710.8, 4791, and 4803 of, to amend, repeal, and add Sections 4622 and 4625 of, and to add Sections 4414, 4418.3, 4434, 4519.5, 4542, 4602, 4640.8, and 4731 to, the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Aroner.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.



**SENATE BILL NO. 1110 (Leslie)**—An act to amend Section 51201.5 of, and to add Sections 51554 and 51555 to, the Education Code, relating to education.

Bill read third time, and presented by Assembly Member Battin.

Bill passed by the following vote:

**AYES—73**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Baugh	Hertzberg	Murray	Thomson
Bordonaro	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—2**

Floyd

Migden

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1110: Assembly Member Migden, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1338 (Johannessen)**—An act relating to state purchases, and declaring the urgency thereof, to take effect immediately.

**Bill read third time, and presented by Assembly Member Alquist.**

**Urgency Clause**

**Urgency clause read, and adopted by the following vote:**

**AYES—78**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alby	Firestone	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordenaro	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vineent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poehigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—1**

Bowen

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—78**

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alby	Firestone	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordenaro	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vineent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poehigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—1**

Bowen

**Bill ordered transmitted to the Senate.**

(NOTE: Later this day, the action was rescinded whereby the urgency clause to Senate Bill No. 1338 was adopted and the bill was passed, and whereby the bill was ordered transmitted to the Senate. See page 4459.)

**RECESS**

By unanimous consent, at 10:15 a.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Olberg introduced Ian White-Thomson, Chairman and C.E.O. of U.S. Borax, whereupon he presented a resolution to him commending the 125th anniversary of U.S. Borax and its commitment to excellence in meeting customer needs worldwide, and upon being named California Manufacturer of the Year.

Mr. Ian White-Thomson then addressed the assemblage.

**REASSEMBLED**

At 10:19 a.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 10, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 446

And reports the same correctly enrolled, and presented to the Governor at 9:45 a.m., September 10, 1997.

E. DOTSON WILSON, Chief Clerk

**SENATE BILL NO. 1273 REMOVED FROM CONSENT  
CALENDAR AND TAKEN UP**

Assembly Member Alquist was granted unanimous consent that Senate Bill No. 1273 be removed from the Consent Calendar, and to take the bill up at this time, without reference to file, for purpose of amendment.

**SENATE BILL NO. 1273 (Hurt)**—An act to add Section 11104.5 to the Government Code, relating to state agencies.

Bill read third time.

**Motion to Amend**

Without objection, Assembly Member Alquist moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

(NOTE: Pursuant to the leadership announcement on August 28, 1997 (Assembly Journal, page 3894), September 5, 1997 was the last day to amend bills on third reading in the Assembly.)

**BILLS PASSED ON FILE**

**Senate Bill No. 1026**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 88 (McPherson)**—An act to amend Section 8686.1 of the Government Code, relating to natural disaster assistance.

Bill read third time, and presented by Assembly Member Keeley.

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Poochigian	Wright
Cardoza	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	

**NOES—2**

McClintock                      Perata

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 88: Assembly Member Perata, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 225 (Kopp)**—An act to repeal and add Section 12900 of the Insurance Code, relating to insurance.

Bill read third time, and presented by Assembly Member Papan.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Papan moved a call of the Assembly.

Motion carried. Time, 10:35 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 1066 (Sher)**—An act to amend Sections 40001, 41821, 41850, 42000, 42005, and 42010 of, to amend and repeal Sections 41785 and 41820 of, to add Sections 40900.1, 41821.6, 42024, and 42241.5 to, and to repeal Section 42242 of, the Public Resources Code, relating to solid waste.

Bill read third time, and presented by Assembly Member Honda.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Machado	Pringle
Aguiar	Ducheny	Margett	Richter
Alby	Figueroa	Martinez	Runner
Alquist	Firestone	Mazzoni	Scott
Aroner	Frusetta	McClintock	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Baugh	Hertzberg	Murray	Thomson
Bordonaro	Honda	Napolitano	Torlakson
Bowen	House	Olberg	Villaraigosa
Bowler	Keeley	Oller	Vincent
Brewer	Knox	Ortiz	Washington
Brown	Kuehl	Pacheco	Wayne
Campbell	Kuykendall	Papan	Wildman
Cardenas	Leach	Perata	Woods
Cardoza	Lempert	Poochigian	Wright
Cunneen	Leonard	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 614 (Thompson)**—An act to amend Section 5652 of the Fish and Game Code, relating to pollution, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Papan.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	Migden	Strom-Martin
Baca	Frusetta	Miller	Sweeney
Baldwin	Gallegos	Morrissey	Takasugi
Battin	Goldsmith	Morrow	Thompson
Baugh	Granlund	Murray	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	House	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	Migden	Strom-Martin
Baca	Frusetta	Miller	Sweeney
Baldwin	Gallegos	Morrissey	Takasugi
Battin	Goldsmith	Morrow	Thompson
Baugh	Granlund	Murray	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	House	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 818 (Polanco)**—An act to amend Sections 2933, 3057, and 6250 of, to add Section 1170.96 to, to add an article heading to Chapter 9.5 (commencing with Section 6250) of Title 7 of Part 3 of, and to add Article 2 (commencing with Section 6259) to Chapter 9.5 of Title 7 of Part 3 of, the Penal Code, relating to prisons.

Bill read third time, and presented by Assembly Member Hertzberg.

**Request for Use of Visual Aids**

Assembly Member Battin was granted unanimous consent to use visual aids on the Floor to assist in debate.

**Demand for Previous Question**

Assembly Members Sweeney, Shelley, Villaraigosa, House, and Morrissey demanded the previous question.

**Roll Call Demanded**

Assembly Members Kuykendall, Leach, and Pringle, demanded a roll call.

The roll was called, and the demand for the previous question lost by the following vote:

**AYES—38**

Alquist	Figueroa	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Cardenas	Keeley	Papan	Washington
Cardoza	Knox	Perata	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	

**NOES—38**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cunneen	Leonard	Prenter
Alby	Firestone	Margett	Pringle
Ashburn	Floyd	McClintock	Runner
Baldwin	Frusetta	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Wayne
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Pacheco	

**CAUCUS ANNOUNCEMENTS**

At 11:10 a.m., Assembly Member Villaraigosa was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**RECESS**

By unanimous consent, at 11:10 a.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed.

**REASSEMBLED**

At 11:30 a.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

**FURTHER CONSIDERATION OF SENATE BILL NO. 818**

**SENATE BILL NO. 818 (Polanco)**—An act to amend Sections 2933, 3057, and 6250 of, to add Section 1170.96 to, to add an article heading to Chapter 9.5 (commencing with Section 6250) of Title 7 of Part 3 of, and to add Article 2 (commencing with Section 6259) to Chapter 9.5 of Title 7 of Part 3 of, the Penal Code, relating to prisons.

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Hertzberg moved a call of the Assembly.

Motion carried. Time, 12:01 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

At 12:02 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1329 (Leslie)**—An act to amend Section 51226.6 of the Education Code, and to amend Sections 12507.1, 12509, 12514, 12660, and 12814.6 of, and to repeal Sections 12507 and 12512 of, the Vehicle Code, relating to vehicles.

**Motion to Amend by Assembly Member Floyd**

**Objection Raised**

Assembly Member Murray objected to the presentation of amendments by Assembly Member Floyd, after the September 5, 1997 deadline to amend bills on the Assembly Floor

**Parliamentary Inquiry**

Assembly Member Battin arose to the following parliamentary inquiry:

Pursuant to Assembly Rule 69(e) no motion to amend a bill on the third reading file is in order on the last two days preceding the scheduled commencement of the interim study recess. By what rule was September 5, 1997 the last day to amend bills on the third reading file in the Assembly?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that the last day to amend bills on third reading in the Assembly was September 5, 1997 pursuant to a leadership agreement; and that Assembly Member Floyd's amendments are in order under the Assembly Rules.

**Further Consideration of Amendments Offered by  
Assembly Member Floyd**

Assembly Member Floyd moved the adoption of amendments.  
Amendments read.

**Motion to Table Floyd Amendments  
to Senate Bill No. 1329**

Assembly Member Battin moved that the amendments offered by Assembly Member Floyd to Senate Bill No. 1329 be laid upon the table.

Assembly Member Kuykendall seconded the motion.



Motion carried by the following vote:

**AYES—49**

Ackerman	Campbell	Keeley	Poochigian
Aguiar	Cardoza	Kuykendall	Prenter
Alby	Cunneen	Leonard	Pringle
Alquist	Escutia	Margett	Runner
Ashburn	Firestone	Mazzoni	Scott
Baca	Frusetta	Miller	Sweeney
Baldwin	Goldsmith	Morrow	Takasugi
Battin	Granlund	Murray	Torlakson
Baugh	Havice	Napolitano	Wayne
Bordonaro	Hertzberg	Olberg	Woods
Bowen	Honda	Oller	
Bowler	House	Pacheco	
Brown	Kaloogian	Perata	

**NOES—15**

Aroner	Leach	Morrissey	Thomson
Floyd	Lempert	Papan	Villaraigosa
Callegos	Martinez	Strom-Martin	Wildman
Kuehl	Migden	Thompson	

**Demand for Previous Question**

Assembly Members Shelley, Honda, Martinez, Scott, and Sweeney demanded the previous question.

**Roll Call Demanded**

Assembly Members Morrissey, Kuykendall, and Leonard, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—41**

Alquist	Callegos	Migden	Torlakson
Aroner	Havice	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brewer	House	Papan	Wayne
Brown	Keeley	Perata	Wildman
Cardenas	Kuehl	Scott	Wright
Cardoza	Lempert	Shelley	Mr. Speaker
Davis	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—32**

Ackerman	Bowler	Kuykendall	Olberg
Aguiar	Campbell	Leach	Pacheco
Alby	Cunneen	Leonard	Poochigian
Ashburn	Firestone	Margett	Prenter
Baldwin	Floyd	McClintock	Pringle
Battin	Frusetta	Miller	Runner
Baugh	Goldsmith	Morrissey	Thompson
Bordonaro	Granlund	Morrow	Woods

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—47**

Ackerman	Escutia	Kuykendall	Shelley
Aguiar	Figueroa	Machado	Sweeney
Alquist	Firestone	Martinez	Takasugi
Baca	Frusetta	Mazzoni	Thomson
Battin	Gallegos	Miller	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowler	Hertzberg	Napolitano	Vincent
Brewer	Honda	Pacheco	Wayne
Brown	House	Perata	Wildman
Cardenas	Kaloogian	Prenter	Woods
Cardoza	Keeley	Runner	Mr. Speaker
Davis	Knox	Scott	

**NOES—25**

Alby	Cunneen	Leonard	Poochigian
Aroner	Floyd	Margett	Pringle
Ashburn	Goldsmith	McClintock	Richter
Baldwin	Granlund	Migden	Thompson
Baugh	Kuehl	Morrissey	
Bowen	Leach	Morrow	
Campbell	Lempert	Olberg	

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 1037**, on request of Assembly Member Migden.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1062 (Peace)**—An act to add Section 1374.17 to the Health and Safety Code, relating to health care service plans.

Bill read third time, and presented by Assembly Member Woods.

Bill passed by the following vote:

**AYES—69**

Aguilar	Ducheny	Machado	Shelley
Alby	Escutia	Margett	Strom-Martin
Alquist	Figueroa	Martinez	Sweeney
Aroner	Firestone	Mazzoni	Takasugi
Ashburn	Floyd	Migden	Thompson
Baca	Frusetta	Miller	Thomson
Baldwin	Gallegos	Morrissey	Torlakson
Battin	Granlund	Morrow	Villaraigosa
Baugh	Havice	Murray	Vincent
Bordonaro	Hertzberg	Napolitano	Washington
Bowen	Honda	Oller	Wayne
Bowler	House	Ortiz	Wildman
Brewer	Kaloogian	Pacheco	Woods
Brown	Keeley	Papan	Wright
Cardenas	Knox	Perata	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cunneen	Kuykendall	Prenter	
Davis	Lempert	Scott	

**NOES—6**

Ackerman	Goldsmith	McClintock
Campbell	Leach	Runner

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 1062: Assembly Members Alby, Baldwin, Bowler, and Takasugi, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 255 (Leslie)**—An act to amend Section 15301 of, to add Section 15301.6 to, to repeal Section 15301.7 of, and to repeal and add Section 15301.5 of, the Government Code, relating to armories, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Honda.

**Urgency Clause**

Urgency clause read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Honda moved a call of the Assembly.

Motion carried. Time, 12:34 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 802 (Costa)**—An act relating to independent study, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Bustamante.

Bill passed by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 526 (Hayden)**—An act to add Article 12 (commencing with Section 1915) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to the Youth Authority, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read and adopted.

**Senate Bill No. 526 Passed Temporarily**

By unanimous consent Senate Bill No. 526 was passed temporarily on file.

**BILLS PASSED ON FILE**

**Senate Bill No. 1092**—Passed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1198 (Costa)**—An act to amend Sections 226, 55403, 55435.5, 55483, 55485, 55523, 55525, 55721, 55722, 55741, 55742, 55743, 55744, 55861, 56109, 56133.5, 56161, 56186, 56273.1, 56381, 56382, and 56571 of, to amend and renumber Sections 55751, 56252, and 56451 of, to amend and repeal Sections 55861.7 and 56571.7 of, to add Sections 55462, 55484.5, 55484.75, 55485.5, 55485.75, 55524.5, 55524.75, 55525.75, 55722.5, 56134.5, 56134.75, 56183.5, 56185.5, 56185.75, 56186.5, 56186.75, 56382.5, 56701.5, and 56717 to, to repeal Sections 55486, 55487, 55489, 55490, 55526, 55527, 55528.5, 55529, 55529.5, 55745, 55745.5, 55746, 55747, 55748, 55749, 55750, 56187, 56188, 56191, 56191.5, 56192, 56192.5, 56446, 56448, 56449, 56450, and 56452 of, to repeal Article 13 (commencing with Section 55781) and Article 15 (commencing with Section 55841) of Chapter 6 of, and Article 14 (commencing with Section 56471) and Article 16 (commencing with Section 56531) of Chapter 7 of, and Chapter 7.5 (commencing with Section 56701) of, Division 20 of, and to repeal and add Sections 55484, 55488, 55524, 55528, 56185, 56190, 56443, 56444, 56445, and 56447 of, the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Cardoza.

Bill passed by the following vote:

**AYES—75**

Ackerman	Figueroa	Margett	Richter
Aguiar	Firestone	Martinez	Runner
Alby	Frusetta	Mazzoni	Scott
Alquist	Gallegos	McClintock	Shelley
Aroner	Goldsmith	Migden	Strom-Martin
Baca	Granlund	Miller	Sweeney
Baldwin	Havice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thompson
Baugh	Honda	Murray	Thomson
Bordonaro	House	Napolitano	Torlakson
Bowler	Kaloogian	Olberg	Villaraigosa
Brewer	Keeley	Oller	Vincent
Brown	Knox	Ortiz	Washington
Campbell	Kuehl	Pacheco	Wayne
Cardoza	Kuykendall	Papan	Wildman
Cunneen	Leach	Perata	Woods
Davis	Lempert	Poochigian	Wright
Ducheny	Leonard	Prenter	Mr. Speaker
Escutia	Machado	Pringle	

**NOES—2**

Bowen

Cardenas

Bill ordered transmitted to the Senate.

**At 12:43 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**SENATE BILL NO. 1163 (Greene)**—An act to add Section 42247.5 to the Education Code, relating to school desegregation.

Bill read third time, and presented by Assembly Member Ortiz.

Bill passed by the following vote:

**AYES—44**

Alby	Escutia	Machado	Strom-Martin
Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Callegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Bowler	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker

**NOES—35**

Ackerman	Cunneen	Leonard	Poochigian
Aguiar	Firestone	Margett	Prenter
Ashburn	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Richter
Battin	Granlund	Morrissey	Runner
Baugh	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Brewer	Kuykendall	Oller	Woods
Campbell	Leach	Pacheco	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1189 (Hayden)**—An act to add Article 12 (commencing with Section 25299.97) and Article 13 (commencing with Section 25299.99) to Chapter 6.75 of Division 20 of, and to add Article 7.5 (commencing with Section 116610) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, and to add Section 13272.1 to the Water Code, relating to drinking water, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Kuehl.

Bill passed by the following vote:

**AYES—76**

Aguiar	Escutia	Leonard	Pringle
Alby	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	Migden	Strom-Martin
Battin	Goldsmith	Miller	Sweeney
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	Havice	Morrow	Thompson
Bowen	Hertzberg	Murray	Thomson
Bowler	Honda	Napolitano	Torlakson
Brewer	House	Olberg	Villaraigosa
Brown	Kaloogian	Oller	Vincent
Campbell	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Wildman
Cunneen	Kuykendall	Perata	Woods
Davis	Leach	Poochigian	Wright
Ducheny	Lempert	Prenter	Mr. Speaker

**NOES—1**

Ackerman

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1189: Assembly Member Oller, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**At 1:05 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**SENATE BILL NO. 867 (Lee)**—An act to amend Section 96.31 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

**Motion to Amend by Assembly Member Goldsmith—Set 1**

Assembly Member Goldsmith moved the adoption of amendments—Set 1.

Amendments read.

**Request for Use of Visual Aids**

Assembly Member Goldsmith was granted unanimous consent to use visual aids on the Floor to assist in debate.

**Motion to Table Goldsmith Amendments  
to Senate Bill No. 867—Set 1**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Goldsmith to Senate Bill No. 867—Set 1 be laid upon the table.

Assembly Member Shelley seconded the motion.

Motion carried by the following vote:

**AYES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—35**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	Margett	Pringle
Baldwin	Frusetta	McClintock	Runner
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	House	Morrow	Woods
Bowler	Kaloogian	Oller	

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Villaraigosa motion to table Goldsmith amendments to Senate Bill No. 867—Set 1.

**Motion to Amend by Assembly Member Goldsmith—Set 2**

Assembly Member Goldsmith moved the adoption of amendments.

Amendments read.

**Request for Use of Visual Aids**

Assembly Member Goldsmith was granted unanimous consent to use visual aids on the Floor to assist in debate.

**Motion to Table Goldsmith Amendments  
to Senate Bill No. 867—Set 2**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Goldsmith to Senate Bill No. 867—Set 2 be laid upon the table.

Assembly Member Shelley seconded the motion.



Motion carried by the following vote:

**AYES—40**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Shelley	Wright
Escutia	Machado	Strom-Martin	Mr. Speaker

**NOES—35**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	Margett	Pringle
Baldwin	Frusetta	McClintock	Runner
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	House	Morrow	Woods
Bowler	Kaloogian	Oller	

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Villaraigosa motion to table Goldsmith amendments to Senate Bill No. 867—Set 2.

**Further Consideration of Senate Bill No. 867**

Bill presented by Assembly Member Aroner.

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Aroner moved a call of the Assembly.

Motion carried. Time, 1:06 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 110**

At 1:07 p.m., on motion of Assembly Member Kuykendall, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 110 passed by the following vote:

**AYES—48**

Aguilar	Figueroa	Lempert	Shelley
Alquist	Firestone	Machado	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Gallegos	Migden	Thomson
Bowen	Goldsmith	Morrissey	Torlakson
Brown	Havice	Murray	Villaraigosa
Cardenas	Hertzberg	Napolitano	Vincent
Cardoza	Honda	Ortiz	Washington
Cunneen	Keeley	Papan	Wayne
Davis	Knox	Perata	Wildman
Ducheny	Kuehl	Prenter	Wright
Escutia	Kuykendall	Scott	Mr. Speaker

**NOES—25**

Ackerman	Brewer	McClintock	Runner
Alby	Campbell	Miller	Takasugi
Baldwin	Frusetta	Morrow	Thompson
Battin	Granlund	Olberg	Woods
Baugh	House	Oller	
Bordonaro	Leach	Poochigian	
Bowler	Margett	Pringle	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 225**

At 1:08 p.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Papan moved to continue the call of the Assembly.

Motion carried. Time, 1:08 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 225**

At 1:10 p.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 225 refused passage by the following vote:

**AYES—35**

Aguiar	Cardenas	Leach	Shelley
Alby	Cunneen	Lempert	Thompson
Alquist	Ducheny	Leonard	Thomson
Baugh	Firestone	Mazzoni	Torlakson
Bordonaro	Floyd	McClintock	Vincent
Bowen	Hertzberg	Morrow	Washington
Bowler	Kaloogian	Oller	Wright
Brewer	Knox	Papan	Mr. Speaker
Campbell	Kuykendall	Poochigian	

**NOES—36**

Ackerman	Callegos	Migden	Prenter
Aroner	Goldsmith	Miller	Pringle
Ashburn	Granlund	Morrissey	Runner
Baca	Havice	Murray	Strom-Martin
Baldwin	Honda	Napolitano	Sweeney
Battin	House	Olberg	Takasugi
Davis	Keeley	Ortiz	Wayne
Figueroa	Kuehl	Pacheco	Wildman
Frusetta	Margett	Perata	Woods

**Senate Bill No. 225 Reconsidered Immediately**

Assembly Member Papan was granted unanimous consent that the vote be immediately reconsidered whereby Senate Bill No. 225 was this day refused passage and that the bill be passed temporarily on file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 818**

At 1:12 p.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Hertzberg moved to continue the call of the Assembly.

Motion carried. Time, 1:14 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 255**

At 1:14 p.m., on motion of Assembly Member Honda, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Honda moved to continue the call of the Assembly.

Motion carried. Time, 1:15 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ADJOURN IN MEMORY**

Assembly Member Scott was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tuskegee Airman Robert W. Williams, of Pasadena.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Sweeney announced his intention to request that Senate Bill No. 495 be removed from the inactive file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 255**

At 1:18 p.m. on motion of Assembly Member Honda, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Sweeney moved to continue the call of the Assembly.

Motion carried. Time, 1:19 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Ducheny announced her intention to request that Senate Bill No. 227 be removed from the inactive file.

**REQUEST TO EXPUNGE RECORD AND RESCIND ACTION**

Assembly Member Napolitano requested unanimous consent that the record be expunged and the action rescinded whereby a roll call vote was taken on this day on Senate Bill No. 1338.

Assembly Member Leonard withheld unanimous consent.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Vincent announced his intention to request that Senate Bill No. 990 be removed from the inactive file.

**CAUCUS ANNOUNCEMENTS**

At 1:21 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 1:21 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 3:36 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1269

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 8, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 52

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 8, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 513

Assembly Bill No. 1106

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, September 8, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 939  
 Assembly Bill No. 1033  
 Assembly Bill No. 1190  
 Assembly Bill No. 1193  
 Assembly Bill No. 1194  
 Assembly Bill No. 1198  
 Assembly Bill No. 1210  
 Assembly Bill No. 1214  
 Assembly Bill No. 1266  
 Assembly Bill No. 1277  
 Assembly Bill No. 1346

Assembly Bill No. 1357  
 Assembly Bill No. 1362  
 Assembly Bill No. 1378  
 Assembly Bill No. 1394  
 Assembly Bill No. 1425  
 Assembly Bill No. 1456  
 Assembly Bill No. 1483  
 Assembly Bill No. 1556  
 Assembly Bill No. 1568  
 Assembly Bill No. 1597

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 21

GREG P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 10  
 Assembly Bill No. 49  
 Assembly Bill No. 127  
 Assembly Bill No. 152  
 Assembly Bill No. 177  
 Assembly Bill No. 219  
 Assembly Bill No. 290  
 Assembly Bill No. 437  
 Assembly Bill No. 605  
 Assembly Bill No. 627  
 Assembly Bill No. 713  
 Assembly Bill No. 749  
 Assembly Bill No. 781  
 Assembly Bill No. 792

Assembly Bill No. 931  
 Assembly Bill No. 963  
 Assembly Bill No. 994  
 Assembly Bill No. 1065  
 Assembly Bill No. 1082  
 Assembly Bill No. 1159  
 Assembly Bill No. 1345  
 Assembly Bill No. 1391  
 Assembly Bill No. 1480  
 Assembly Bill No. 1555  
 Assembly Bill No. 1558  
 Assembly Bill No. 1575  
 Assembly Bill No. 1601

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 58  
Assembly Bill No. 76  
Assembly Bill No. 140  
Assembly Bill No. 178  
Assembly Bill No. 501  
Assembly Bill No. 764  
Assembly Bill No. 794  
Assembly Bill No. 827  
Assembly Bill No. 940

Assembly Bill No. 1099  
Assembly Bill No. 1172  
Assembly Bill No. 1224  
Assembly Bill No. 1293  
Assembly Bill No. 1302  
Assembly Bill No. 1429  
Assembly Bill No. 1551  
Assembly Bill No. 1553

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Joint Resolution No. 4

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 74

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 36

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 2

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

September 10, 1997

*Hon. E. Dotson Wilson  
Chief Clerk of the Assembly  
Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill 810 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 187  
Senate Bill No. 314  
Senate Bill No. 381  
Senate Bill No. 383  
Senate Bill No. 394  
Senate Bill No. 413  
Senate Bill No. 434  
Senate Bill No. 438  
Senate Bill No. 483  
Senate Bill No. 617  
Senate Bill No. 657  
Senate Bill No. 712  
Senate Bill No. 713  
Senate Bill No. 720  
Senate Bill No. 772

Senate Bill No. 807  
Senate Bill No. 826  
Senate Bill No. 921  
Senate Bill No. 951  
Senate Bill No. 1007  
Senate Bill No. 1014  
Senate Bill No. 1078  
Senate Bill No. 1121  
Senate Bill No. 1245  
Senate Bill No. 1291  
Senate Bill No. 1325  
Senate Bill No. 1330  
Senate Bill No. 1344  
Senate Bill No. 1349

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 3  
Senate Bill No. 253  
Senate Bill No. 525  
Senate Bill No. 931  
Senate Bill No. 1048  
Senate Bill No. 1067

Senate Bill No. 1102  
Senate Bill No. 1184  
Senate Bill No. 1220  
Senate Bill No. 1257  
Senate Bill No. 1271  
Senate Concurrent Resolution No. 49

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Constitutional Amendment No. 12

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

# **FIRST READING OF SENATE BILLS**

The following resolution was read the first time:

**SENATE CONSTITUTIONAL AMENDMENT NO. 12**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII A thereof, and by amending Section 18 of Article XVI thereof, relating to school facilities financing.



**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1191 (Shelley)**—An act to add Section 1463.11 of the Penal Code, and to amend Section 42001 of, and to add Sections 42001.15 and 42007.3 to, the Vehicle Code, relating to vehicles.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—53**

Aguilar	Escutia	Lempert	Strom-Martin
Alquist	Figueroa	Machado	Sweeney
Aroner	Firestone	Martinez	Thomson
Baca	Floyd	Mazzoni	Torlakson
Battin	Frusetta	Migden	Villaraigosa
Bordonaro	Gallegos	Morrissey	Vincent
Bowen	Havice	Murray	Washington
Brewer	Hertzberg	Napolitano	Wayne
Brown	Honda	Ortiz	Wildman
Cardenas	Keeley	Papan	Wright
Cardoza	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Prenter	
Davis	Kuykendall	Scott	
Ducheny	Leach	Shelley	

**NOES—26**

Ackerman	Goldsmith	Miller	Richter
Alby	Granlund	Morrow	Runner
Ashburn	House	Olberg	Takasugi
Baldwin	Kaloogian	Oller	Thompson
Baugh	Leonard	Pacheco	Woods
Bowler	Margett	Poochigian	
Campbell	McClintock	Pringle	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1472 (Thomson)**—An act to add Chapter 2.93 (commencing with Section 7286.52) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—42

Alquist	Gallegos	Mazzoni	Thomson
Aroner	Havice	Migden	Torlakson
Baca	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Kuykendall	Scott	Wright
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Machado	Strom-Martin	
Floyd	Martinez	Sweeney	

#### NOES—35

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	Margett	Prenter
Alby	Cunneen	McClintock	Pringle
Ashburn	Frusetta	Miller	Richter
Baldwin	Goldsmith	Morrissey	Runner
Battin	Granlund	Morrow	Takasugi
Baugh	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	Woods
Bowler	Leach	Pacheco	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 491 (Keeley)**—An act to amend Sections 12035 and 12071 of, and to add Section 12036 to, the Penal Code, relating to firearms.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Keeley moved a call of the Assembly.

Motion carried. Time, 3:53 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 595 (Brown)**—An act to add Chapter 12 (commencing with Section 8500) to Part 2 of Division 2 of the Revenue and Taxation Code, relating to transportation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—44**

Alquist	Figueroa	Lempert	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Baca	Floyd	Mazzoni	Thomson
Bowen	Gallegos	Migden	Torlakson
Brown	Havice	Murray	Villaraigosa
Cardenas	Hertzberg	Napolitano	Vincent
Cardoza	Honda	Ortiz	Washington
Cunneen	Keeley	Papan	Wayne
Davis	Knox	Perata	Wildman
Ducheny	Kuehl	Scott	Wright
Escutia	Kuykendall	Shelley	Mr. Speaker

**NOES—34**

Ackerman	Brewer	Margett	Prenter
Aguiar	Campbell	McClintock	Pringle
Alby	Frusetta	Miller	Richter
Ashburn	Goldsmith	Morrissey	Runner
Baldwin	Granlund	Morrow	Takasugi
Battin	House	Olberg	Thompson
Baugh	Kaloogian	Oller	Woods
Bordonaro	Leach	Pacheco	
Bowler	Leonard	Poochigian	

Above bill ordered enrolled.

**At 3:54 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**ASSEMBLY BILL NO. 1537 (Machado)**—An act to amend Section 17311 of the Education Code, relating to school facilities, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—50**

Alquist	Frusetta	Martinez	Strom-Martin
Aroner	Gallegos	Mazzoni	Sweeney
Baca	Havice	Migden	Thomson
Battin	Hertzberg	Morrissey	Torlakson
Bowen	Honda	Murray	Villaraigosa
Brown	Keeley	Napolitano	Vincent
Cardenas	Knox	Ortiz	Washington
Cardoza	Kuehl	Pacheco	Wayne
Davis	Kuykendall	Papan	Wildman
Ducheny	Leach	Perata	Wright
Escutia	Lempert	Prenter	Mr. Speaker
Figueroa	Machado	Scott	
Floyd	Margett	Shelley	

**NOES—28**

Ackerman	Bowler	Kaloogian	Poochigian
Aguiar	Brewer	Leonard	Pringle
Alby	Campbell	McClintock	Richter
Ashburn	Cunneen	Miller	Runner
Baldwin	Goldsmith	Morrow	Takasugi
Baugh	Granlund	Olberg	Thompson
Bordonaro	House	Oller	Woods

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 248 (Honda)**—An act to add Chapter 12.5 (commencing with Section 52920) to Part 28 of the Education Code, relating to education, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Richter	
Ducheny	Machado	Runner	

**NOES—4**

Ackerman	Baldwin	House	McClintock
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 405 (Kuehl)**—An act to add Section 1250.05 to the Health and Safety Code, relating to health facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—64**

Alby	Ducheny	Lempert	Runner
Alquist	Escutia	Machado	Scott
Aroner	Figueroa	Margett	Shelley
Ashburn	Firestone	Martinez	Strom-Martin
Baca	Floyd	Mazzoni	Sweeney
Battin	Frusetta	Migden	Takasugi
Bordonaro	Gallegos	Miller	Thomson
Bowen	Goldsmith	Morrissey	Torlakson
Bowler	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Campbell	House	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	Mr. Speaker

**NOES—12**

Ackerman	Baugh	Leonard	Olberg
Aguiar	Granlund	McClintock	Oller
Baldwin	Kaloogian	Morrow	Thompson

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 405: Assembly Member Miller, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 536 (Gallegos)**—An act to amend Section 1363.5 of the Health and Safety Code, relating to health care coverage.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—51**

Aguiar	Figueroa	Lempert	Strom-Martin
Alquist	Firestone	Machado	Sweeney
Aroner	Floyd	Martinez	Thomson
Baca	Frusetta	Mazzoni	Torlakson
Bordonaro	Gallegos	Migden	Villaraigosa
Bowen	Goldsmith	Morrissey	Vincent
Brown	Havice	Murray	Washington
Cardenas	Hertzberg	Napolitano	Wayne
Cardoza	Honda	Ortiz	Wildman
Cunneen	Keeley	Papan	Woods
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Scott	Mr. Speaker
Escutia	Kuykendall	Shelley	

**NOES—28**

Ackerman	Brewer	Margett	Poochigian
Alby	Campbell	McClintock	Prenter
Ashburn	Granlund	Miller	Pringle
Baldwin	House	Morrow	Richter
Battin	Kaloogian	Olberg	Runner
Baugh	Leach	Oller	Takasugi
Bowler	Leonard	Pacheco	Thompson

**Motion to Reconsider Assembly Bill No. 536  
on Next Legislative Day**

Assembly Member Thompson moved to reconsider on the next legislative day the vote whereby Senate amendments to Assembly Bill No. 536 were this day concurred in.

Assembly Bill No. 536 ordered to the unfinished business file.

**ASSEMBLY BILL NO. 589 (Figueroa)**—An act relating to health care service plans.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

~~The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:~~

**AYES—4**

Figueroa	Gallegos	Martinez	Wright
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**NOES—72**

Ackerman	Cunneen	Leonard	Prenter
Aguiar	Davis	Machado	Pringle
Alby	Ducheny	Margett	Runner
Alquist	Escutia	Mazzoni	Scott
Aroner	Firestone	McClintock	Shelley
Ashburn	Goldsmith	Migden	Strom-Martin
Baca	Granlund	Miller	Sweeney
Baldwin	Havice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thompson
Baugh	Honda	Murray	Thomson
Bordonaro	House	Napolitano	Torlakson
Bowen	Kaloogian	Olberg	Villaraigosa
Bowler	Keeley	Oller	Vincent
Brewer	Knox	Ortiz	Washington
Brown	Kuehl	Pacheco	Wayne
Campbell	Kuykendall	Papan	Wildman
Cardenas	Leach	Perata	Woods
Cardoza	Lempert	Poochigian	Mr. Speaker

(NOTE: On July 2, 1998, the action was rescinded whereby the Assembly refused to concur in Senate amendments to Assembly Bill No. 589. See page 7731.)

**ASSEMBLY BILL NO. 690 (Morrow)**—An act to add and repeal Section 1596.7925 of the Health and Safety Code, relating to child day care facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—59**

Ackerman	Cardoza	Lempert	Richter
Aguiar	Cunneen	Leonard	Runner
Alby	Ducheny	Machado	Scott
Alquist	Firestone	Margett	Strom-Martin
Aroner	Frusetta	McClintock	Takasugi
Ashburn	Gallegos	Miller	Thompson
Baca	Goldsmith	Morrissey	Thomson
Baldwin	Granlund	Morrow	Torlakson
Battin	Hertzberg	Olberg	Vincent
Baugh	Honda	Oller	Washington
Bordonaro	House	Ortiz	Wildman
Bowler	Kaloogian	Pacheco	Woods
Brewer	Keeley	Poochigian	Wright
Campbell	Kuykendall	Prenter	Mr. Speaker
Cardenas	Leach	Pringle	

**NOES—14**

Bowen	Havice	Mazzoni	Sweeney
Brown	Knox	Migden	Villaraigosa
Escutia	Kuehl	Napolitano	
Figueroa	Martinez	Perata	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 699 (Migden)**—An act to amend Section 33492.5 of the Health and Safety Code, and to add Section 2.1 to Chapter 1333 of the Statutes of 1968, relating to redevelopment.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—46**

Alquist	Floyd	Mazzoni	Takasugi
Aroner	Gallegos	Migden	Thomson
Baca	Granlund	Morrow	Torlakson
Bowler	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Campbell	Honda	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—29**

Ackerman	Brewer	Margett	Pringle
Aguiar	Firestone	McClintock	Richter
Alby	Frusetta	Miller	Runner
Ashburn	Goldsmith	Morrissey	Thompson
Baldwin	House	Olberg	Woods
Battin	Kaloogian	Oller	
Baugh	Leach	Poochigian	
Bordonaro	Leonard	Prenter	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 699: Assembly Member Scott, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 847 (Wayne)**—An act to add Article 10.1 (commencing with Section 25211) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to amend Sections 42167 and 42175 of, and to add Section 42175.1 to, the Public Resources Code, relating to hazardous materials.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—47

Alquist	Firestone	Machado	Strom-Martin
Aroner	Gallegos	Martinez	Sweeney
Baca	Goldsmith	Mazzoni	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	House	Ortiz	Washington
Cunneen	Keeley	Pacheco	Wayne
Davis	Knox	Papan	Wildman
Ducheny	Kuehl	Perata	Wright
Escutia	Kuykendall	Scott	Mr. Speaker
Figueroa	Lempert	Shelley	

#### NOES—32

Ackerman	Bowler	Leonard	Poochigian
Aguiar	Brewer	Margett	Prenter
Alby	Campbell	McClintock	Pringle
Ashburn	Floyd	Miller	Richter
Baldwin	Frusetta	Morrissey	Runner
Battin	Granlund	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	Woods

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence to Senate amendments to Assembly Bill No. 847: Assembly Member House, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 968 (Knox)**—An act to add Sections 39619 and 39619.5 to the Health and Safety Code, relating to air pollution.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—57**

Aguiar	Escutia	Leach	Shelley
Alby	Figueroa	Lempert	Strom-Martin
Alquist	Firestone	Machado	Sweeney
Aroner	Floyd	Martinez	Thomson
Baca	Gallegos	Mazzoni	Torlakson
Bordonaro	Goldsmith	Migden	Villaraigosa
Bowen	Granlund	Miller	Vincent
Bowler	Havice	Morrissey	Washington
Brown	Hertzberg	Murray	Wayne
Campbell	Honda	Napolitano	Wildman
Cardenas	House	Ortiz	Wright
Cardoza	Keeley	Pacheco	Mr. Speaker
Cunneen	Knox	Papan	
Davis	Kuehl	Perata	
Ducheny	Kuykendall	Scott	

**NOES—18**

Ackerman	Brewer	Morrow	Pringle
Ashburn	Kaloogian	Olberg	Runner
Baldwin	Leonard	Oller	Thompson
Battin	Margett	Poochigian	
Baugh	McClintock	Prenter	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1022 (Lempert)**—An act to amend Section 30324 of the Public Resources Code, relating to coastal resources.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1040 (Caldera)**—An act to amend Section 30 of the Business and Professions Code, to amend Section 1666.5 of the Insurance Code, to amend Sections 17052.15, 17053.45, 17053.46, 17220, 18402, 18604, 18606, 18621.5, 18637, 18638, 18639, 18645, 18662, 18670, 19009, 19011, 19021, 19023, 19024, 19058, 19132.5, 19141.5, 19141.6, 19147, 19164, 19192, 19254, 19263, 19301, 19340, 19392, 19411, 19542, 19563, 19701, 19705, 19706, 19719, 23037, 23038, 23040.1, 23095, 23098, 23151, 23151.1, 23151.2, 23153, 23183.1, 23183.2, 23186, 23303, 23305.2, 23332, 23332.5, 23334, 23455, 23501, 23610.5, 23612.6, 23623.5, 23625, 23645, 23646, 23731, 23802, 23809, 23811, 24346, 24356.4, 24356.8, 24357, 24358, 24359, 24402, 24407, 24408, 24409, 24411, 24416, 24416.2, 24677, 24678, 24901, 24912, 24916, 24917, 24942, 25105, 25110, 25111, 25112, and 25128 of, and to repeal Sections 23184, 23184.5, 23185, 23185a, 23185b, 23186.1, 23186.2, and 23186.5 of, the Revenue and Taxation Code, and to amend Section 56 of Chapter 952 of the Statutes of 1996, relating to taxation.

Bill presented by Assembly Member Knox.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—45

Alquist	Gallegos	Mazzoni	Thomson
Aroner	Havice	Migden	Torlakson
Baca	Hertzberg	Morrissey	Villaraigosa
Bowen	Honda	Murray	Vincent
Brown	Keeley	Napolitano	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Papan	Wildman
Davis	Kuykendall	Perata	Wright
Ducheny	Lempert	Scott	Mr. Speaker
Escutia	Machado	Shelley	
Figueroa	Margett	Strom-Martin	
Floyd	Martinez	Sweeney	

#### NOES—30

Ackerman	Bowler	Leonard	Prenter
Aguiar	Brewer	McClintock	Pringle
Alby	Campbell	Miller	Runner
Ashburn	Cunneen	Morrow	Takasugi
Baldwin	Granlund	Olberg	Thompson
Battin	House	Oller	Woods
Baugh	Kaloogian	Pacheco	
Bordonaro	Leach	Poochigian	

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1040: Assembly Member Takasugi, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1104 (Knox)**—An act to add Section 13081 to the Financial Code, relating to financial transactions.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Figueroa	Margett	Runner
Aguiar	Firestone	Martinez	Scott
Alby	Floyd	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	
Escutia	Machado	Richter	

**NOES—1**

Bordonaro

Above bill ordered enrolled.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1298**, on request of Assembly Member Villaraigosa.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1337 (Shelley)**—An act to add Section 14087.329 to the Welfare and Institutions Code, relating to health facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Davis	Leach	Prenter
Aguiar	Ducheny	Lempert	Richter
Alby	Escutia	Leonard	Runner
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Margett	Shelley
Ashburn	Floyd	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Baldwin	Gallegos	McClintock	Takasugi
Battin	Goldsmith	Migden	Thompson
Bordonaro	Granlund	Morrissey	Thomson
Bowen	Havice	Morrow	Torlakson
Bowler	Hertzberg	Murray	Villaraigosa
Brewer	Honda	Napolitano	Vincent
Brown	House	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker

**NOES—6**

Baugh	Miller	Oller
Kaloogian	Olberg	Pringle

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1460 (Bordonaro)**—An act to amend Section 115825 of, and to add Section 115841 to, the Health and Safety Code, relating to water.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman  
Aguiar  
Alby  
Alquist  
Aroner  
Ashburn  
Baca  
Baldwin  
Battin  
Baugh  
Bordonaro  
Bowler  
Brewer  
Brown  
Campbell  
Cardenas  
Cardoza  
Cunneen  
Davis  
Ducheny

Escutia  
Figueroa  
Firestone  
Floyd  
Frusetta  
Gallegos  
Goldsmith  
Granlund  
Havice  
Hertzberg  
Honda  
House  
Kaloogian  
Keeley  
Knox  
Kuehl  
Kuykendall  
Leach  
Lempert  
Leonard

Machado  
Margett  
Mazzoni  
McClintock  
Migden  
Miller  
Morrissey  
Morrow  
Murray  
Napolitano  
Olberg  
Oller  
Ortiz  
Pacheco  
Papan  
Perata  
Poochigian  
Prenter  
Pringle  
Richter

Runner  
Scott  
Shelley  
Strom-Martin  
Sweeney  
Takasugi  
Thompson  
Thomson  
Torlakson  
Villaraigosa  
Vincent  
Washington  
Wayne  
Wildman  
Woods  
Wright  
Mr. Speaker

**NOES—2**

Bowen

Martinez

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1468 (Runner)**—An act to amend Section 12050 of the Penal Code, relating to concealed weapons.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Davis	Leach	Prenter
Aguilar	Ducheny	Lempert	Pringle
Alby	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Runner
Ashburn	Firestone	Margett	Scott
Baca	Floyd	Mazzoni	Shelley
Baldwin	Frusetta	McClintock	Strom-Martin
Battin	Gallegos	Miller	Takasugi
Baugh	Goldsmith	Morrissey	Thompson
Bordonaro	Granlund	Morrow	Thomson
Bowen	Havice	Murray	Torlakson
Bowler	Hertzberg	Napolitano	Vincent
Brewer	Honda	Olberg	Washington
Brown	House	Oller	Wayne
Campbell	Kaloogian	Pacheco	Wildman
Cardenas	Keeley	Papan	Woods
Cardoza	Knox	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker

**NOES—5**

Aroner	Migden	Villaraigosa
Kuehl	Ortiz	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1588 (Brewer)**—An act to add Section 14087.330 to the Welfare and Institutions Code, relating to human services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Callegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—1**

Martinez

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 43 (Murray)**—An act to add Section 1801.5 to the Vehicle Code, relating to vehicles.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Above bill ordered enrolled.

**At 4:45 p.m., Hon. Martha M. Escutia, 50th District, presiding.**

**ASSEMBLY BILL NO. 267 (Lempert)**—An act to add Sections 17030.7, 17269, and 32006 to the Education Code, relating to school facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—66**

Aguiar	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Brown	House	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	Mr. Speaker
Ducheny	Lempert	Pringle	
Escutia	Machado	Richter	

**NOES—11**

Ackerman	Granlund	McClintock	Runner
Baugh	Kaloogian	Olberg	Thompson
Brewer	Leonard	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 301 (Cunneen)**—An act to add Article 10 (commencing with Section 87880) to Chapter 3 of Part 51 of the Education Code, relating to community colleges.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—58**

Aguiar	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Frusetta	Migden	Takasugi
Battin	Callegos	Miller	Thomson
Bordonaro	Granlund	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Olberg	Washington
Cardenas	House	Ortiz	Wayne
Cardoza	Keeley	Pacheco	Wildman
Cunneen	Kuehl	Papan	Wright
Davis	Kuykendall	Perata	Mr. Speaker
Ducheny	Lempert	Prenter	
Escutia	Machado	Scott	

**NOES—18**

Ackerman	Bowler	Leonard	Pringle
Alby	Campbell	McClintock	Runner
Ashburn	Goldsmith	Morrow	Thompson
Baldwin	Kaloogian	Oller	
Baugh	Leach	Poochigian	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 301: Assembly Member Woods, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 326 (Ortiz)**—An act to amend Section 8481 of the Education Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—63

Aguiar	Firestone	Margett	Scott
Alby	Floyd	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Bordonaro	Granlund	Morrissey	Thomson
Bowen	Havice	Morrow	Torlakson
Bowler	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Pacheco	Wayne
Cunneen	Kuehl	Papan	Wildman
Davis	Kuykendall	Perata	Woods
Ducheny	Leach	Prenter	Wright
Escutia	Lempert	Richter	Mr. Speaker
Figueroa	Machado	Runner	

#### NOES—16

Ackerman	Baugh	Kaloogian	Oller
Ashburn	Brewer	Leonard	Poochigian
Baldwin	Campbell	McClintock	Pringle
Battin	House	Olberg	Thompson

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—63

Aguiar	Firestone	Margett	Scott
Alby	Floyd	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Bordonaro	Granlund	Morrissey	Thomson
Bowen	Havice	Morrow	Torlakson
Bowler	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Pacheco	Wayne
Cunneen	Kuehl	Papan	Wildman
Davis	Kuykendall	Perata	Woods
Ducheny	Leach	Prenter	Wright
Escutia	Lempert	Richter	Mr. Speaker
Figueroa	Machado	Runner	

#### NOES—16

Ackerman	Baugh	Kaloogian	Oller
Ashburn	Brewer	Leonard	Poochigian
Baldwin	Campbell	McClintock	Pringle
Battin	House	Olberg	Thompson

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 369 (Baca)**—An act to add Section 208.6 of the Welfare and Institutions Code, relating to minors.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—54**

Aguiar	Escutia	Lempert	Strom-Martin
Alquist	Figueroa	Leonard	Sweeney
Aroner	Firestone	Machado	Thompson
Baca	Frusetta	Martinez	Thomson
Bordonaro	Gallejos	Migden	Torlakson
Bowen	Granlund	Morrissey	Villaraigosa
Brewer	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Campbell	Honda	Olberg	Wayne
Cardenas	House	Ortiz	Wildman
Cardoza	Keeley	Papan	Wright
Cunneen	Knox	Perata	Mr. Speaker
Davis	Kuehl	Scott	
Ducheny	Kuykendall	Shelley	

**NOES—22**

Ackerman	Bowler	McClintock	Prenter
Alby	Goldsmith	Miller	Pringle
Ashburn	Kaloogian	Morrow	Runner
Baldwin	Leach	Oller	Woods
Battin	Margett	Pacheco	
Baugh	Mazzoni	Poochigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 418 (Migden)**—An act to add and repeal Chapter 3.2 (commencing with Section 8580) of Part 6 of the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—53**

Alquist	Frusetta	Migden	Sweeney
Aroner	Gallegos	Miller	Takasugi
Baca	Havice	Morrissey	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Campbell	Keeley	Ortiz	Vincent
Cardoza	Knox	Pacheco	Washington
Cunneen	Kuehl	Papan	Wayne
Davis	Kuykendall	Perata	Wildman
Ducheny	Lempert	Prenter	Wright
Escutia	Machado	Richter	Mr. Speaker
Figueroa	Margett	Scott	
Firestone	Martinez	Shelley	
Floyd	Mazzoni	Strom-Martin	

**NOES—24**

Ackerman	Baugh	Kaloogian	Oller
Aguiar	Bordonaro	Leach	Poochigian
Alby	Bowler	Leonard	Pringle
Ashburn	Brewer	McClintock	Runner
Baldwin	Granlund	Morrow	Thompson
Battin	House	Olberg	Woods

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 524 (Cunneen)**—An act to amend Section 8700 of, and to add and repeal Article 5 (commencing with Section 52760) of Chapter 11 of Part 28 of, the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—61**

Aguiar	Escutia	Lempert	Shelley
Alquist	Figueroa	Machado	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Baca	Floyd	Mazzoni	Takasugi
Battin	Frusetta	Migden	Thomson
Bordonaro	Gallegos	Morrissey	Torlakson
Bowen	Granlund	Morrow	Villaraigosa
Bowler	Havice	Murray	Vincent
Brewer	Hertzberg	Napolitano	Washington
Brown	Honda	Olberg	Wayne
Campbell	House	Ortiz	Wildman
Cardenas	Keeley	Pacheco	Wright
Cardoza	Knox	Papan	Mr. Speaker
Cunneen	Kuehl	Perata	
Davis	Kuykendall	Prenter	
Ducheny	Leach	Scott	

**NOES—16**

Ackerman	Baugh	McClintock	Pringle
Alby	Goldsmith	Miller	Richter
Ashburn	Kaloogian	Oller	Runner
Baldwin	Margett	Poochigian	Woods

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 530 (Lempert)**—An act to add Article 19 (commencing with Section 69980) to Chapter 2 of Part 42 of the Education Code, and to amend Section 23735 of, and to add Sections 17140, 24306, and 24328 to, the Revenue and Taxation Code, relating to postsecondary education, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Leonard	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	Kaloogian	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Brown	Knox	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 573 (Kuehl)**—An act to amend Sections 689.030, 695.221, 697.320, 704.130, and 706.030 of the Code of Civil Procedure, to amend Sections 3651, 3751.5, 3767, 4014, 4200, 4201, 4506.2, 4506.3, 5100, 5101, 5206, 5230, 5232, 5234, 5235, 5237, 5238, 5240, 5246, 5253, 7551, 7552, 7552.5, 7555, 7571, 7572, 7575, and 1005 of, to add Sections 3773, 4204, 5201, 5230.1, 5247, 7558, and 7604.5 to, to add Article 9 (commencing with Section 5600) to Chapter 8 of Division 9 of, and to repeal Sections 3780, 3781, 3782, and 5283 of, the Family Code, to amend Section 102425 of the Health and Safety Code, to add Section 19271.5 to the Revenue and Taxation Code, to add Section 1088.7 to the Unemployment Insurance Code, and to amend Sections 11350.1, 11350.6, 11350.7, 11352, 11356, 11478, 11478.1, 11478.2, 11478.5, 11478.51, 11478.8, 11489, and 14008.6 of, and to add Sections 11475.15, 11478.9, and 14008.7 to, the Welfare and Institutions Code, relating to child support.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—54**

Aguiar	Firestone	Margett	Shelley
Alquist	Floyd	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	McClintock	Takasugi
Battin	Granlund	Migden	Thomson
Bowen	Havice	Morrissey	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Cunneen	Knox	Pacheco	Wayne
Davis	Kuehl	Papan	Wildman
Ducheny	Kuykendall	Perata	Mr. Speaker
Escutia	Lempert	Prenter	
Figuerola	Machado	Scott	

**NOES—21**

Ackerman	Bowler	Leach	Runner
Alby	Brewer	Miller	Thompson
Ashburn	Campbell	Morrow	Wright
Baldwin	Goldsmith	Olberg	
Baugh	House	Oller	
Bordonaro	Kaloogian	Poohigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 618 (Cardenas)**—An act to amend Sections 980 and 1196 of the Penal Code, relating to bench warrants.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Ackerman	Escutia	Margett	Runner
Aguiar	Figuerola	Martinez	Scott
Alby	Firestone	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardenas	Kuykendall	Papan	Woods
Cardoza	Leach	Perata	Wright
Cunneen	Lempert	Poohigian	Mr. Speaker
Davis	Leonard	Prenter	
Ducheny	Machado	Richter	

**NOES—1**

Brewer

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 633 (Cardenas)**—An act to add Section 14069.6 to the Corporations Code, relating to small business, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Cardenas moved a call of the Assembly.

Motion carried. Time, 5:05 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 652 (Napolitano)**—An act to add Sections 20619 and 20620 to the Government Code, relating to public employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—45

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brown	Honda	Ortiz	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

#### NOES—30

Ackerman	Brewer	McClintock	Pringle
Aguiar	Campbell	Miller	Richter
Alby	Frusetta	Morrow	Runner
Ashburn	Goldsmith	Olberg	Takasugi
Baldwin	House	Oller	Thompson
Battin	Kaloogian	Pacheco	Woods
Baugh	Leach	Poochigian	
Bordonaro	Margett	Prenter	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 885 (Honda)**—An act to amend Section 22200 of, and to add Section 22200.1 to, the Education Code, relating to the State Teachers' Retirement System.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—44**

Alquist	Floyd	Machado	Strom-Martin
Aroner	Frusetta	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Thomson
Bowen	Granlund	Migden	Torlakson
Bowler	Havice	Morrissey	Villaraigosa
Brown	Hertzberg	Murray	Vincent
Cardenas	Honda	Napolitano	Washington
Cardoza	Keeley	Ortiz	Wayne
Davis	Knox	Papan	Wildman
Ducheny	Kuehl	Scott	Wright
Escutia	Lempert	Shelley	Mr. Speaker

**NOES—29**

Ackerman	Brewer	McClintock	Richter
Aguiar	Campbell	Miller	Runner
Alby	Goldsmith	Morrow	Takasugi
Ashburn	House	Olberg	Thompson
Baldwin	Kaloogian	Oller	Woods
Battin	Leach	Pacheco	
Baugh	Leonard	Poochigian	
Bordonaro	Margett	Prenter	

Above bill ordered enrolled.

**At 5:12 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 1139 (Gallegos)**—An act to add Section 14085.51 to the Welfare and Institutions Code, relating to human services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1213 (Miller)**—An act to amend Section 7150.1 of, and to add and repeal Sections 7150.2 and 7150.3 of, the Business and Professions Code, relating to contractors.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguilar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1275 (Baca)**—An act to amend Section 3003 of the Penal Code, relating to parole.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Escutia	Machado	Richter
Aguilar	Figueroa	Margett	Runner
Alby	Firestone	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—None**

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1321 (Alquist)**—An act to add and repeal Article 12.5 (commencing with Section 51840) of Chapter 5 of Part 28 of the Education Code, relating to education, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—62**

Aguiar	Floyd	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thomson
Bowen	Havice	Morrow	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Campbell	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Cunneen	Kuehl	Perata	Wildman
Davis	Kuykendall	Poochigian	Woods
Ducheny	Leach	Prenter	Wright
Escutia	Lempert	Pringle	Mr. Speaker
Figueroa	Machado	Richter	
Firestone	Margett	Scott	

**NOES—15**

Ackerman	Baugh	House	Olberg
Alby	Bordonaro	Kaloogian	Runner
Ashburn	Bowler	Leonard	Thompson
Baldwin	Brewer	McClintock	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1335 (Alquist)**—An act to amend Section 66903 of the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—43**

Alquist	Gallegos	Mazzoni	Takasugi
Arøner	Granlund	Migden	Thomson
Baca	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Cardenas	Keeley	Papan	Washington
Cardoza	Knox	Perata	Wayne
Davis	Kuehl	Scott	Wildman
Ducheny	Lempert	Shelley	Wright
Escutia	Machado	Strom-Martin	Mr. Speaker
Figueroa	Martinez	Sweeney	

**NOES—34**

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Leonard	Poochigian
Alby	Cunneen	Margett	Prenter
Ashburn	Firestone	McClintock	Richter
Baldwin	Frusetta	Miller	Runner
Battin	Goldsmith	Morrissey	Thompson
Baugh	House	Morrow	Woods
Bordonaro	Kaloogian	Olberg	
Bowler	Kuykendall	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1353 (Havice)**—An act to add Section 87482.65 to the Education Code, relating to postsecondary education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Fruetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1395 (Escutia)**—An act to amend Section 19271 of, and to add Section 19274 to, the Revenue and Taxation Code, relating to child support.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—44**

Alquist	Frusetta	Martinez	Shelley
Aroner	Callegos	Mazzoni	Strom-Martin
Baca	Goldsmith	McClintock	Sweeney
Bowen	Havice	Migden	Thomson
Brown	Hertzberg	Morrissey	Torlakson
Cardenas	Honda	Murray	Villaraigosa
Cardoza	Keeley	Napolitano	Vincent
Davis	Knox	Ortiz	Washington
Ducheny	Kuehl	Papan	Wayne
Escutia	Lempert	Perata	Wildman
Figueroa	Machado	Scott	Mr. Speaker

**NOES—29**

Ackerman	Bowler	Margett	Richter
Aguiar	Brewer	Miller	Runner
Alby	Campbell	Morrow	Takasugi
Ashburn	Granlund	Olberg	Thompson
Baldwin	House	Oller	Woods
Battin	Kaloogian	Poochigian	
Baugh	Leach	Prenter	
Bordonaro	Leonard	Pringle	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1433 (Olberg)**—An act to amend Section 68075.1 of the Education Code, relating to postsecondary education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Above bill ordered enrolled.

**CAUCUS ANNOUNCEMENTS**

At 5:37 p.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, September 10, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a) (9) (11) as it relates to Senate Constitutional Amendment No. 12.

**KERRY MAZZONI**

Above request ordered transmitted to the Committee on Rules.

**RECESS**

By unanimous consent, at 5:37 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 6 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1475 (Bordonaro)**—An act to add Section 15333.4 to, and to repeal and add Section 15333.3 of, the Government Code, relating to the space industry.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Davis	Leach	Perata
Aguiar	Ducheney	Lempert	Poochigian
Alby	Escutia	Leonard	Prenter
Alquist	Figueroa	Machado	Richter
Aroner	Firestone	Margett	Runner
Ashburn	Floyd	Mazzoni	Scott
Baca	Frusetta	McClintock	Shelley
Baldwin	Goldsmith	Migden	Strom-Martin
Battin	Granlund	Miller	Sweeney
Baugh	Havice	Morrissey	Takasugi
Bordonaro	Hertzberg	Morrow	Thompson
Bowler	Honda	Murray	Thomson
Brewer	House	Napolitano	Torlakson
Brown	Kaloogian	Olberg	Villaraigosa
Campbell	Keeley	Oller	Wayne
Cardenas	Knox	Ortiz	Wildman
Cardoza	Kuehl	Pacheco	Woods
Cunneen	Kuykendall	Papan	Mr. Speaker

**NOES—1**

Bowen

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1475: Assembly Member Vincent, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1520 (Vincent)**—An act to add and repeal Sections 17053.57 and 23657 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 515 (Ashburn)**—An act to amend Section 4548 of, and to add Sections 4502.1, 4502.2, and 4502.3 to, the Business and Professions Code, relating to psychiatric technicians, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 753 (Escutia)**—An act to amend Section 8181 of, to add Sections 8179.5 and 8182.5 to, to repeal Chapter 1.8 (commencing with Section 8170) of, and to repeal Chapter 1.9 (commencing with Section 8180) of, Part 6 of Title 1 of the Education Code, to add Chapter 3.35 (commencing with Section 1596.60) to Division 2 of the Health and Safety Code, and to amend Section 11170 of the Penal Code, relating to child care, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—68**

Ackerman	Ducheny	Lempert	Prenter
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Granlund	Miller	Sweeney
Bordonaro	Havice	Morrissey	Takasugi
Bowen	Hertzberg	Morrow	Thomson
Bowler	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Wildman
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker

**NOES—5**

Ashburn	Goldsmith	Thompson
Baugh	McClintock	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 837 (Thomson)**—An act to amend Sections 8956, 86103, and 86106 of the Government Code, relating to the Political Reform Act of 1974.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Leach	Pringle
Aguiar	Ducheny	Lempert	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	House	Ortiz	Washington
Brown	Kaloogian	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker

**NOES—2**

Leonard                      Martinez

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 838 (Pacheco)**—An act to add Sections 44205 and 44205.5 to the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguilar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—1**

Martinez

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1238 (Granlund)**—An act to amend Sections 12517.3 and 13376 of the Vehicle Code, relating to vehicles.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	
Cunneen	Leach	Poochigian	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1505 (Ashburn)**—An act to add Section 1018 to the Fish and Game Code, relating to water facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Prenter
Aguiar	Escutia	Machado	Pringle
Alby	Figueroa	Margett	Richter
Alquist	Firestone	Martinez	Runner
Aroner	Frusetta	Mazzoni	Scott
Ashburn	Gallegos	McClintock	Shelley
Baca	Goldsmith	Migden	Strom-Martin
Baldwin	Granlund	Miller	Sweeney
Battin	Havice	Morrissey	Takasugi
Baugh	Hertzberg	Morrow	Thompson
Bordonaro	Honda	Murray	Thomson
Bowen	House	Napolitano	Torlakson
Bowler	Kaloogian	Olberg	Vincent
Brewer	Keeley	Oller	Washington
Brown	Knox	Ortiz	Wayne
Campbell	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1511 (Olberg)**—An act relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:

**AYES—9**

Bowen	Floyd	Murray
Ducheny	Goldsmith	Olberg
Firestone	Leonard	Thompson

**NOES—69**

Ackerman	Davis	Margett	Runner
Aguiar	Escutia	Martinez	Scott
Alby	Figueroa	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Takasugi
Ashburn	Granlund	Miller	Thomson
Baca	Havice	Morrissey	Torlakson
Baldwin	Hertzberg	Morrow	Villaraigosa
Battin	Honda	Napolitano	Vincent
Baugh	House	Oller	Washington
Bordonaro	Kaloogian	Ortiz	Wayne
Bowler	Keeley	Pacheco	Wildman
Brewer	Knox	Papan	Woods
Brown	Kuehl	Perata	Wright
Campbell	Kuykendall	Poochigian	Mr. Speaker
Cardenas	Leach	Prenter	
Cardoza	Lempert	Pringle	
Cunneen	Machado	Richter	

**ASSEMBLY BILL NO. 1606 (Knox)**—An act to add Section 19775.16 to the Government Code, and to add Section 395.08 to the Military and Veterans Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Floyd	Migden	Sweeney
Ashburn	Frusetta	Miller	Takasugi
Baca	Gallegos	Morrissey	Thompson
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Murray	Torlakson
Baugh	Havice	Napolitano	Villaraigosa
Bordonaro	Hertzberg	Olberg	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY CONCURRENT RESOLUTION NO. 58 (Ortiz)**—Relative to nutrition.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—52**

Alquist	Firestone	Machado	Shelley
Aroner	Frusetta	Martinez	Strom-Martin
Baca	Gallegos	Mazzoni	Sweeney
Battin	Havice	Migden	Takasugi
Bowen	Hertzberg	Morrissey	Thomson
Brown	Honda	Murray	Torlakson
Cardenas	Keeley	Napolitano	Villaraigosa
Cardoza	Knox	Ortiz	Vincent
Cunneen	Kuehl	Pacheco	Washington
Davis	Kuykendall	Papan	Wayne
Ducheny	Leach	Perata	Wildman
Escutia	Lempert	Prenter	Wright
Figueroa	Leonard	Scott	Mr. Speaker

**NOES—23**

Ackerman	Bordonaro	House	Poochigian
Aguiar	Bowler	Margett	Pringle
Alby	Brewer	McClintock	Runner
Ashburn	Campbell	Miller	Thompson
Baldwin	Goldsmith	Morrow	Woods
Baugh	Granlund	Olberg	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Concurrent Resolution No. 58: Assembly Member Frusetta, from "No" to "Aye".

Above resolution ordered enrolled.

**ASSEMBLY BILL NO. 176 (Shelley)**—An act to amend Section 8560 of the Health and Safety Code, relating to transportation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—44**

Alquist	Ducheny	Kuykendall	Scott
Baca	Escutia	Lempert	Shelley
Baugh	Figueroa	Martinez	Strom-Martin
Bowen	Firestone	Mazzoni	Sweeney
Bowler	Gallegos	McClintock	Thomson
Brown	Havice	Migden	Torlakson
Campbell	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Perata	Wayne
Cunneen	Knox	Prenter	Wright
Davis	Kuehl	Richter	Mr. Speaker

**NOES—27**

Ackerman	Brewer	Margett	Poochigian
Aguiar	Frusetta	Miller	Pringle
Alby	Goldsmith	Morrissey	Runner
Ashburn	Granlund	Morrow	Takasugi
Baldwin	House	Olberg	Thompson
Battin	Kaloogian	Oller	Wildman
Bordonaro	Leonard	Pacheco	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 176: Assembly Member Wildman, from "Aye" to "No".

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 255**

At 6:30 p.m., on motion of Assembly Member Sweeney, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Thompson moved to continue the call of the Assembly.

Motion carried. Time, 6:30 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.



**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 867**

At 6:31 p.m., on motion of Assembly Member Aroner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Washington moved to continue the call of the Assembly.

Motion carried. Time, 6:31 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 491**

At 6:31 p.m., on motion of Assembly Member Keeley, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 491 by the following vote:

**AYES—43**

Alquist	Gallegos	Mazzoni	Sweeney
Aroner	Havice	Migden	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cardenas	Keeley	Ortiz	Vincent
Cunneen	Knox	Pacheco	Washington
Davis	Kuehl	Papan	Wayne
Ducheny	Kuykendall	Perata	Wildman
Escutia	Lempert	Scott	Wright
Figueroa	Machado	Shelley	Mr. Speaker
Floyd	Martinez	Strom-Martin	

**NOES—33**

Ackerman	Bowler	Leach	Poochigian
Aguiar	Brewer	Leonard	Pringle
Alby	Campbell	Margett	Richter
Ashburn	Cardoza	McClintock	Takasugi
Baca	Firestone	Miller	Thompson
Baldwin	Frusetta	Morrissey	Woods
Battin	Goldsmith	Morrow	
Baugh	Granlund	Olberg	
Bordonaro	House	Oller	

Above bill ordered enrolled.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 6:32 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO  
ASSEMBLY RULE 77.2**

Upon request of Assembly Member Sweeney, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 62 to the Committee on Local Government.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Sweeney was granted unanimous consent that the Committee on Local Government be permitted to hold a special meeting tomorrow, at 8:30 a.m., in Room 126, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 62 for hearing.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 535 (Vasconcellos)**—An act to add Section 11362.59 to the Health and Safety Code, relating to marijuana, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Migden.

**Urgency Clause**

Urgency clause read.

**Point of Personal Privilege**

Assembly Member Granlund arose to a point of personal privilege. The question being on the adoption of the urgency clause. The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Migden moved a call of the Assembly.

Motion carried. Time, 6:46 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 535**

At 6:47 p.m., on motion of Assembly Member Migden, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Pacheco moved to continue the call of the Assembly.

Motion carried. Time, 6:48 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

*Assembly Concurrent*

*Resolution No.* *Committee*  
77 ----- Rls.

*House*

*Resolution No.* *Committee*  
45 ----- Rls.  
46 ----- Rls.

*Senate Constitutional*

*Amendment No.* *Committee*  
12 ----- Ed.

*Senate Concurrent*

*Resolution No.* *Committee*  
55 ----- Rls.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

September 10, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a) (9) and (11), as it relates to the following bill be granted:

Senate Constitutional Amendment No. 12.

DON PERATA, Chairman

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1614 (Lempert)**—An act to add Part 32 (commencing with Section 65001) to Division 2 of the Revenue and Taxation Code, relating to taxation, 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—76**

Ackerman	Davis	Leonard	Pringle
Aguilar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figuerola	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poohigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker

**NOES—1**

Kuehl

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Leonard	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker

**NOES—1**

Kuehl

Bill ordered transmitted to the Senate.

**HOUSE RESOLUTION NO. 43 (Sweeney)**—Relative to automated teller machine surcharges.

Resolution read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Sweeney moved a call of the Assembly.

Motion carried. Time, 7:10 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Woods was granted unanimous consent that the Committee on Natural Resources be permitted to hold a special meeting today, upon recess of Floor session, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 638 for hearing.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 22 (Pringle)**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 Article XIII A thereof, relating to taxation.

Resolution read third time, and adopted by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Poochigian
Aguiar	Ducheny	Leonard	Prenter
Alby	Escutia	Machado	Pringle
Alquist	Figueroa	Margett	Richter
Aroner	Firestone	Martinez	Runner
Ashburn	Floyd	Mazzoni	Scott
Baca	Frusetta	McClintock	Shelley
Baldwin	Gallegos	Migden	Strom-Martin
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Campbell	Knox	Ortiz	Wildman
Cardenas	Kuehl	Pacheco	Woods
Cardoza	Kuykendall	Papan	Wright
Cunneen	Leach	Perata	Mr. Speaker

**NOES—None**

Resolution ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 7:13 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 8:22 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, September 10, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (11) as it relates to Senate Bills Nos. 972 and 1155.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 5

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Rules**

Date of Hearing: September 10, 1997

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 45

House Resolution No. 46

With the recommendation: Be adopted.

PERATA, Chairman

Above resolutions ordered on file.

Date of Hearing: September 10, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 77

With amendments with the recommendation: Amend, and be adopted, as amended.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: September 10, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 46

Senate Concurrent Resolution No. 50

Senate Concurrent Resolution No. 55

With the recommendation: Be adopted.

PERATA, Chairman

Above resolutions ordered on file.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 78**—Bordonaro. Relative to highways.

**HOUSE RESOLUTION NO. 48**—Granlund, Alby, Ashburn, Bowler, Campbell, Morrow, and Runner. Relative to Assembly employee compensation.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

*Assembly Concurrent*

*Resolution No.*

*Committee*

78 ----- Rls.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Resolutions**

**HOUSE RESOLUTION NO. 44** (Thompson)—Relative to religious tolerance in Russia.

Resolution read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, a call of the Assembly was placed.

Motion carried. Time, 8:27 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 1218 (Alquist)**—An act relating to taxation.

Bill read third time.

**Point of Order**

Assembly Member Kuykendall arose to the following point of order:

Pursuant to Joint Rule 61 Assembly Bill No. 1218 is not eligible for consideration on third reading.

**Point of Order**

Assembly Member Leonard arose to the following point of order:

Assembly Bill No. 1218 was reported from the Committee on Appropriations as a tax levy and subsequently amended to remove tax levy provisions and is therefore not in order for consideration without a rule waiver.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the points of order not well-taken; that Assembly Bill No. 1218 was a tax levy that was reported and accepted at the Desk in compliance with deadlines, and is therefore on file, and eligible for consideration.

**Assembly Bill No. 1218 Passed Temporarily**

By unanimous consent Assembly Bill No. 1218 was passed temporarily on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY JOINT RESOLUTION NO. 39 (Thomson)**—Relative to the Intermodal Surface Transportation Efficiency Act.

Resolution read.

**Members Made Coauthors of Assembly Joint Resolution No. 39**

Assembly Member Thomson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Joint Resolution No. 39.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors: Ackerman, Alquist, Aroner, Ashburn, Baca, Baldwin, Bowler, Brown, Campbell, Cardenas, Cardoza, Cunneen, Davis, Ducheny, Escutia, Figueroa, Firestone, Frusetta, Gallegos, Goldsmith, Granlund, Havice, Hertzberg, Honda, House, Keeley, Knox, Kuehl, Kuykendall, Lempert, Machado, Margett, Mazzoni, McClintock, Miller, Morrissey, Morrow, Napolitano, Olberg, Ortiz, Pacheco, Papan, Perata, Poochigian, Pringle, Richter, Runner, Shelley, Strom-Martin, Sweeney, Takasugi, Torlakson, Villaraigosa, Vincent, Wayne, Wildman, and Wright.

**Request for Unanimous Consent**

Assembly Member Thomson was granted unanimous consent to take up Assembly Joint Resolution No. 39, as amended, with out reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Joint Resolution No. 39, as Amended**

**ASSEMBLY JOINT RESOLUTION NO. 39**—Relative to the Intermodal Surface Transportation Efficiency Act.

Resolution read, and as amended, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—None**

Resolution ordered transmitted to the Senate.



**UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 421 (Baugh)**—An act to add Section 39618 to the Health and Safety Code, relating to air pollution.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—1**

Martinez

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 535**

At 8:36 p.m., on motion of Assembly Member Pacheco, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Migden moved to continue the call of the Assembly.

Motion carried. Time, 8:37 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**Bills Placed on Inactive File**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1218**, on request of Assembly Member Alquist.

**UNFINISHED BUSINESS (RESUMED)**

**SENATE BILL NO. 305 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Firestone was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 305 was refused passage; and that the bill be placed upon the inactive file.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 776**, on request of Assembly Member Campbell.

**ACTION RESCINDED ON SENATE BILL NO. 1338**

Assembly Member Napolitano was granted unanimous consent to rescind the action whereby the Assembly, earlier this day (Assembly Journal, page 4379), adopted the urgency clause and passed Senate Bill No. 1338, and whereby the bill was ordered transmitted to the Senate; and that the bill be placed upon the inactive file.

**BILL RETURNED TO SENATE**

Assembly Member Alquist was granted unanimous consent that Assembly Bill No. 1345 be returned to the Senate for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1464 (Strom-Martin)**—An act to add Section 13180.9 to the Water Code, relating to water.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—46**

Alquist	Firestone	Margett	Sweeney
Aroner	Floyd	Martinez	Thomson
Baca	Gallegos	Mazzoni	Torlakson
Bowen	Havice	Migden	Villaraigosa
Brown	Hertzberg	Murray	Vincent
Cardenas	Honda	Napolitano	Washington
Cardoza	House	Ortiz	Wayne
Cunneen	Keeley	Papan	Wildman
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Scott	Mr. Speaker
Escutia	Kuykendall	Shelley	
Figueroa	Lempert	Strom-Martin	

**NOES—28**

Ackerman	Bordonaro	Leach	Oller
Aguiar	Bowler	Leonard	Pacheco
Alby	Brewer	McClintock	Poochigian
Ashburn	Campbell	Miller	Runner
Baldwin	Frusetta	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Kaloogian	Olberg	Woods

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1161 (Costa)**—An act to amend Sections 12021, 12103, 12104, 12112, 12201, 12252, 12784, 12843, 12845, 12846, 12931, 12991, 12999.4, and 14152, and the heading of Chapter 7 (commencing with Section 12101) of Division 6 of, to amend and renumber Sections 12115.3, 12115.5, and 12115.6 of, to add Chapter 10 (commencing with Section 12400) to Division 6 of, to repeal Sections 12115, 12115.1, 12115.2, 12115.4, 12932, and 12971.5 of, the heading of Article 1.5 (commencing with Section 12115) of Chapter 7 of Division 6 of, and Article 4.6 (commencing with Section 12848) of Chapter 2 of Division 7 of, to repeal and add Sections 12841, 12842, 12844, and 12847 of, and to repeal, add, and repeal Section 12841.1 of, the Food and Agricultural Code, relating to pesticides.

Bill read third time.

**Motion to Amend by Assembly Member Battin**

Assembly Member Battin moved the adoption of amendments.  
Amendments read.

**Motion to Table Battin Amendments  
to Senate Bill No. 1161**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Battin to Senate Bill No. 1161 be laid upon the table.

Assembly Member Shelley seconded the motion.

Motion carried by the following vote:

**AYES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

**Objection to Vote Adds**

Assembly Member Battin withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Villaraigosa motion to table Battin amendments to Senate Bill No. 1161.

**At 9:43 p.m., Hon. Fred Keeley, 27th District, presiding**

**Further Consideration of Senate Bill No. 1161**

Bill presented by Assembly Member Machado.

**Parliamentary Inquiry**

Assembly Member Goldsmith arose to the following parliamentary inquiry:

Is Senate Bill No. 1161 a majority vote bill or a vote bill?

**Reply by Acting Speaker Keeley**

The Acting Speaker replied that the bill has been determined to be a majority vote bill.

**Parliamentary Inquiry**

Assembly Member Goldsmith arose to the following parliamentary inquiry:

What is the basis for the ruling of the Chair?

**Reply by Acting Speaker Keeley**

The Acting Speaker replied that it is the custom of the Legislature to rely upon the opinion of Legislative Counsel for the vote requirement of a bill and Legislative Counsel has opined that Senate Bill No. 1161 is a majority vote bill.

**Parliamentary Inquiry**

Assembly Member Goldsmith arose to the following parliamentary inquiry:

Does the Chair rule that Senate Bill No. 1161 is a tax increase?

**Reply by Acting Speaker Keeley**

The Acting Speaker replied that Senate Bill No. 1161 is a fee, and is a majority vote bill.

The question being on passage of the bill.

Bill passed by the following vote:

**AYES—52**

Ackerman	Floyd	Margett	Strom-Martin
Aroner	Frusetta	Martinez	Sweeney
Ashburn	Gallegos	Mazzoni	Takasugi
Baca	Hertzberg	Migden	Thomson
Bordonaro	Honda	Murray	Torlakson
Brewer	House	Napolitano	Villaraigosa
Cardenas	Keeley	Papan	Vincent
Cardoza	Knox	Perata	Washington
Davis	Kuehl	Poochigian	Wayne
Ducheny	Kuykendall	Prenter	Wildman
Escutia	Lempert	Richter	Woods
Figueroa	Leonard	Scott	Wright
Firestone	Machado	Shelley	Mr. Speaker

**NOES—20**

Baldwin	Campbell	Leach	Olberg
Battin	Cunneen	McClintock	Oller
Baugh	Granlund	Miller	Ortiz
Bowen	Havice	Morrissey	Pacheco
Bowler	Kaloogian	Morrow	Runner

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 1161: Assembly Members Bowen, Campbell, Miller, Morrissey, Ortiz, and Pacheco, from "Aye" to "No"; Assembly Member Goldsmith, from "No" to "Not Voting".

Bill ordered transmitted to the Senate.

**At 9:54 p.m., Speaker pro Tempore, Sheila James Kuehl, 41st District, presiding**

**ACTION RESCINDED ON SENATE BILL NO. 66**

Assembly Member Mazzoni was granted unanimous consent to rescind the action whereby the Assembly, on August 28, 1997 (Assembly Journal, page 3864), adopted the urgency clause and passed Senate Bill No. 66, and whereby the bill was ordered transmitted to the Senate.

**Consideration of Senate Bill No. 66 Without Reference to File**

Assembly Member Mazzoni was granted unanimous consent to take up Senate Bill No. 66, without reference to file, for purpose of amendment.

**SENATE BILL NO. 66 (Greene)**—An act to add and repeal Chapter 19 (commencing with Section 17200) of Part 10 of the Education Code, relating to class size in the public elementary schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Rules Temporarily Suspended**

Assembly Member Mazzoni was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of proposed amendments to Senate Bill No. 66.

Bill read third time.

**Motion to Amend**

Assembly Member Mazzoni moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY CONCURRENT RESOLUTION NO. 77 TAKEN UP  
BY UNANIMOUS CONSENT FOR SECOND READING**

Assembly Member Thomson was granted unanimous consent to take up Assembly Concurrent Resolution No. 77 without reference to file, for the purpose of reading the resolution a second time and adopting the committee amendments at this time.

**ASSEMBLY CONCURRENT RESOLUTION NO. 77**—Relative to Mental Health Awareness Week.

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted.

**Further Consideration of Assembly Concurrent Resolution No. 77  
as Amended, by Unanimous Consent**

Assembly Member Thomson was granted unanimous consent to take up Assembly Concurrent Resolution No. 77, as amended, without reference to file, and that the same be considered engrossed.

**ASSEMBLY CONCURRENT RESOLUTION NO. 77** (Thomson)—Relative to Mental Illness Awareness Week.

Resolution read.

**Members Made Coauthors of Assembly Concurrent Resolution No. 77**

Assembly Member Thomson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 77.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Ackerman, Aguiar, Alquist, Aroner, Ashburn, Baca, Baugh, Bordonaro, Bowen, Brewer, Brown, Bustamante, Campbell, Cardenas, Cardoza, Cunneen, Davis, Escutia, Figueroa, Floyd, Frusetta, Gallegos, Goldsmith, Granlund, Havice, Hertzberg, Honda, House, Kaloogian, Keeley, Knox, Kuehl, Leach, Lempert, Leonard, Machado, Margett, Martinez, Mazzoni, McClintock, Migden, Morrissey, Murray, Napolitano, Oller, Ortiz, Pacheco, Papan, Poochigian, Prenter, Pringle, Scott, Shelley, Strom-Martin, Sweeney, Takasugi, Thompson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, Wildman, Woods, and Wright.

**Request for Unanimous Consent**

Assembly Member Thomson was granted unanimous consent to take up Assembly Concurrent Resolution No. 77, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of****Assembly Concurrent Resolution No. 77, as Amended**

**ASSEMBLY CONCURRENT RESOLUTION NO. 77**—Relative to Mental Illness Awareness Week.

Resolution read, as amended, and adopted by the following vote:

**AYES—75**

Ackerman	Ducheny	Lempert	Richter
Aguiar	Escutia	Leonard	Runner
Alby	Figueroa	Machado	Scott
Alquist	Firestone	Margett	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	House	Ortiz	Washington
Brown	Kaloogian	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker
Davis	Leach	Pringle	

**NOES—None**

Resolution ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1254 (Calderon)**—An act to amend Section 11166.5 of, and to add and repeal Section 290.05 of, the Penal Code, relating to children, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Morrow moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF SENATE BILL NO. 660 WITHOUT REFERENCE TO FILE**

Assembly Member Wayne was granted unanimous consent to take up Senate Bill No. 660, without reference to file, for purpose of consideration.

**SENATE BILL NO. 660 (Sher)**—An act to amend Sections 25143, 25160.5, 25165, 25166, 25166.5, 25174, 25174.1, 25178.1, 25187, 25192, 25201.6, 25201.9, 25204.7, 25205.4, 25205.5, 25205.6, 25205.7, 25205.12, 25205.14, 25205.15, 25205.16, 25205.18, 25205.19, 25207.12, 25209.7, 25221, 25324, 25330, 25330.4, 25336, 25337, 25343, 25351.1, 25354.5, 25360, 25395, 25404.5, and 25416 of, to add Sections 25173.6 and 25173.7 to, to add Article 9.2 (commencing with Section 25206.1) to Chapter 6.5 of Division 20 of, to repeal Sections 25167, 25187.9, 25205.8, 25205.9, 25340, 25341, 25345, and 25351 of, to repeal and add Section 25174.2 of, and to repeal, add and repeal, and add Section 25174.6 of, the Health and Safety Code, and to amend Sections 43053, 43054, and 43101 of, to add Section 43152.16 to, and to repeal Section 43055 of, the Revenue and Taxation Code, relating to hazardous waste and substances, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Wayne.

Bill passed by the following vote:

**AYES—73**

Ackerman	Figueroa	Margett	Scott
Aguiar	Firestone	Mazzoni	Shelley
Alquist	Floyd	McClintock	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bowen	House	Oller	Vincent
Bowler	Kaloogian	Ortiz	Washington
Brewer	Keeley	Pacheco	Wayne
Brown	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	
Escutia	Machado	Runner	

**NOES—2**

Bordonaro                      Campbell

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 660: Assembly Member Baldwin, from "No" to "Aye".

Bill ordered transmitted to the Senate immediately.



**Further Consideration of Senate Bill No. 1273, As Amended,  
By Unanimous Consent**

Assembly Member Alquist was granted unanimous consent to take up Senate Bill No. 1273, as amended, without reference to file.

**SENATE BILL NO. 1273 (Hurt)**—An act to add Section 11104.5 to the Government Code, relating to state agencies.

Bill read third time, and presented by Assembly Member Alquist.

Bill passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguilar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

**BILL ORDERED TRANSMITTED TO SENATE IMMEDIATELY**

Assembly Member Woods was granted unanimous consent that Senate Bill No. 318 be transmitted to the Senate immediately.

**OBJECTION TO VOTE ADDS**

Assembly Member Machado withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 1161.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 55  
WITHOUT REFERENCE TO FILE**

Assembly Member Perata was granted unanimous consent to take up Senate Concurrent Resolution No. 55, without reference to file, for purpose of consideration.

**SENATE CONCURRENT RESOLUTION NO. 55 (Mountjoy)**—Relative to Gladys Sargent.

Resolution read, and presented by Assembly Member Perata.

**Members Made Coauthors of Senate Concurrent Resolution No. 55**

Assembly Member Perata was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Concurrent Resolution No. 55.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Aguiar, Alby, Alquist, Aroner, Baca, Baugh, Bordonaro, Bowen, Bowler, Brown, Bustamante, Cardenas, Cardoza, Cunneen, Davis, Ducheny, Escutia, Figueroa, Floyd, Frusetta, Gallegos, Havice, Hertzberg, Honda, House, Kaloogian, Keeley, Knox, Kuehl, Lempert, Machado, Margett, Mazzoni, McClintock, Migden, Miller, Morrissey, Murray, Napolitano, Olberg, Oller, Ortiz, Pacheco, Papan, Perata, Prenter, Pringle, Richter, Scott, Shelley, Strom-Martin, Sweeney, Takasugi, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, Wildman, and Woods.

**Request for Unanimous Consent**

Assembly Member Perata was granted unanimous consent to take up Senate Concurrent Resolution No. 55, as amended, without reference to print or file.

**Consideration of Senate Concurrent Resolution No. 55, as Amended**

**SENATE CONCURRENT RESOLUTION NO. 55**—Relative to Gladys Sargent.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

**REPORTS OF STANDING COMMITTEES****Committee on Natural Resources**

Date of Hearing: September 10, 1997

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 638

With amendments with the recommendation: Amend, and do pass, as amended.

BOWEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 638 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Olberg was granted unanimous consent to take up Senate Bill No. 638 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 638**—An act to amend Section 41806 of the Health and Safety Code, relating to air pollution.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted; bill ordered reprinted.

**Consideration of Senate Bill No. 638 Without Reference to File**

Assembly Member Olberg was granted unanimous consent to take up Senate Bill No. 638, without reference to file, for purpose of consideration.

**SENATE BILL NO. 638 (O'Connell)**—An act to amend Section 41806 of the Health and Safety Code, relating to air pollution.

Bill read third time.

**Motion to Amend by Assembly Member Bowen**

Assembly Member Bowen moved the adoption of amendments. Amendments of 25 words or less read.

**Motion to Table Bowen Amendments  
to Senate Bill No. 638**

Assembly Member Woods moved that the amendments offered by Assembly Member Bowen to Senate Bill No. 638 be laid upon the table.

Assembly Member Firestone seconded the motion.

**At 10:30 p.m., Hon. Fred Keeley, 27th District, presiding**

**At 10:43 p.m., Speaker Cruz M. Bustamante, 31st District, presiding**

**Motion Withdrawn**

Assembly Member Woods, with consent of the second to the motion, withdrew his motion to table the amendments offered by Assembly Member Bowen to Senate Bill No. 638.

**Amendments Ruled Out of Order**

Speaker Bustamante ruled the amendments offered by Assembly Member Bowen to Senate Bill No. 638 not germane to the bill, and therefore out of order.

**Further Consideration of Senate Bill No. 638**

Bill presented by Assembly Member Olberg.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—64**

Ackerman	Davis	Leach	Pringle
Aguiar	Ducheny	Lempert	Richter
Alby	Figueroa	Leonard	Runner
Alquist	Firestone	Machado	Scott
Ashburn	Floyd	Margett	Sweeney
Baca	Frusetta	McClintock	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Olberg	Vincent
Bowler	Hertzberg	Oller	Washington
Brewer	House	Pacheco	Wayne
Campbell	Kaloogian	Papan	Wildman
Cardenas	Keeley	Perata	Woods
Cardoza	Knox	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker

**NOES—11**

Aroner	Honda	Mazzoni	Ortiz
Bowen	Kuehl	Migden	Villaraigosa
Escutia	Martinez	Napolitano	

Bill ordered transmitted to the Senate.

**Objection to Vote Adds**

Assembly Member Kuykendall withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 638.

**ACTION RESCINDED ON SENATE BILL NO. 731**

Assembly Member Olberg was granted unanimous consent to rescind the action whereby on September 5, 1997 (Assembly Journal, page 4167), Senate Bill No. 731 was read a third time, amendments to the bill adopted and the bill ordered reprinted and returned to the third reading file.

**Further Consideration of Senate Bill No. 731 Without Reference to File**

Assembly Member Baugh was granted unanimous consent to take up Senate Bill No. 731, without reference to file, for purpose of consideration.

**SENATE BILL NO. 731 (Hurtt)**—An act to repeal Section 43843 of the Health and Safety Code, relating to air pollution.

Bill read third time, and presented by Assembly Member Baugh.

Bill passed by the following vote:

**AYES—54**

Ackerman	Cardoza	Mazzoni	Richter
Aguiar	Cunneen	McClintock	Runner
Alby	Firestone	Miller	Scott
Alquist	Frusetta	Morrissey	Takasugi
Ashburn	Gallegos	Morrow	Thompson
Baca	Goldsmith	Murray	Thomson
Baldwin	Hertzberg	Napolitano	Torlakson
Battin	House	Olberg	Vincent
Baugh	Kaloogian	Oller	Wildman
Bordonaro	Kuykendall	Pacheco	Woods
Bowler	Leach	Papan	Wright
Brewer	Leonard	Poochigian	Mr. Speaker
Campbell	Machado	Prenter	
Cardenas	Margett	Pringle	

**NOES—19**

Aroner	Havice	Martinez	Strom-Martin
Bowen	Honda	Migden	Sweeney
Brown	Keeley	Ortiz	Villaraigosa
Escutia	Knox	Perata	Washington
Figueroa	Kuehl	Shelley	

Bill ordered transmitted to the Senate.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO ASSEMBLY RULE 77.2**

Upon request of Assembly Member Figueroa, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 1394 to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

Upon request of Assembly Member Figueroa, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 1551 to the Committee on Insurance.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Date of Hearing: September 10, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 78

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

**ASSEMBLY CONCURRENT RESOLUTION NO. 78 TAKEN UP  
BY UNANIMOUS CONSENT**

Assembly Member Bordonaro was granted unanimous consent to take up Assembly Concurrent Resolution No. 78, without reference to print or file, and that the same be considered engrossed.

**ASSEMBLY CONCURRENT RESOLUTION NO. 78**—Relative to highways.  
Resolution read.

**Parliamentary Inquiry**

Assembly Member House arose to the following parliamentary inquiry:

Do the Rules provide for a division of the question?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that a question may be divided but a bill or resolution may not be divided.

The question being on the adoption of the resolution.

Resolution adopted by the following vote:

**AYES—67**

Ackerman	Davis	Kuykendall	Scott
Aguiar	Ducheney	Leach	Shelley
Alby	Escutia	Lempert	Strom-Martin
Alquist	Figueroa	Leonard	Sweeney
Aroner	Firestone	Margett	Takasugi
Ashburn	Floyd	Martinez	Thompson
Baca	Frusetta	Mazzoni	Thomson
Battin	Gallegos	Migden	Torlakson
Bordonaro	Goldsmith	Morrissey	Villaraigosa
Bowen	Granlund	Murray	Vincent
Bowler	Havice	Napolitano	Washington
Brewer	Hertzberg	Ortiz	Wayne
Brown	Honda	Pacheco	Wildman
Campbell	Kaloogian	Papan	Woods
Cardenas	Keeley	Perata	Wright
Cardoza	Knox	Prenter	Mr. Speaker
Cunneen	Kuehl	Richter	

**NOES—None**

Resolution ordered transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 550 (O'Connell)**—An act to amend Sections 35735.1 and 48664 of the Education Code, relating to education.

Bill read third time.

**Motion to Amend**

Assembly Member Machado moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**UNFINISHED BUSINESS (RESUMED)**

**SENATE BILL NO. 513 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Aroner was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 513 was refused passage.

**Further Consideration of Senate Bill No. 513**

**SENATE BILL NO. 513 (Hayden)**—An act to add Section 12001.1 to the Penal Code, relating to firearms.

**Rules Temporarily Suspended**

Assembly Member Pacheco was granted unanimous consent that Assembly Rule 69 be suspended to permit consideration of Senate Bill No. 513 on the next legislative day.

Bill read third time.

**Motion to Amend by Assembly Member Pacheco**

Assembly Member Pacheco moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**OBJECTION WITHDRAWN**

Assembly Member Kuykendall withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 638.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Davis was granted unanimous consent that the Committee on Consumer Protection, Government Efficiency and Economic Development be permitted to hold a special meeting on September 11, 1997, upon adjournment of Floor session, at 10:45 a.m., in Room 447, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1394 for hearing.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Sweeney announced that the Committee on Local Government would meet on September 11, 1997 at 10:30 a.m., instead of 8:30 a.m.

**OBJECTION WITHDRAWN**

Assembly Member Machado withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 1161.

**BILL RETURNED TO SENATE**

Assembly Member Granlund was granted unanimous consent to return Senate Bill No. 810 to the Senate for further action.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Perata announced that the Committee on Rules would meet on September 11, 1997 at 11 a.m. in the Tom Bane Rules Committee Room.



**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 818**

At 11:21 p.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Hertzberg moved to continue the call of the Assembly.

Motion carried. Time, 11:23 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 255**

At 11:23 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 255 adopted by the following vote:

**AYES—56**

Aguiar	Figueroa	Machado	Shelley
Alquist	Firestone	Margett	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Battin	Gallegos	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Brewer	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Pacheco	Washington
Cardoza	Keeley	Papan	Wayne
Cunneen	Knox	Perata	Wildman
Davis	Kuehl	Prenter	Woods
Ducheny	Kuykendall	Richter	Wright
Escutia	Lempert	Scott	Mr. Speaker

**NOES—23**

Ackerman	Bowler	Leonard	Ortiz
Alby	Campbell	McClintock	Poochigian
Ashburn	Goldsmith	Miller	Pringle
Baldwin	House	Morrow	Runner
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	

Bill passed by the following vote:

**AYES—56**

Aguiar	Figueroa	Machado	Shelley
Alquist	Firestone	Margett	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Battin	Gallegos	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Brewer	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Pacheco	Washington
Cardoza	Keeley	Papan	Wayne
Cunneen	Knox	Perata	Wildman
Davis	Kuehl	Prenter	Woods
Ducheny	Kuykendall	Richter	Wright
Escutia	Lempert	Scott	Mr. Speaker

**NOES—23**

Ackerman	Bowler	Leonard	Ortiz
Alby	Campbell	McClintock	Poochigian
Ashburn	Goldsmith	Miller	Pringle
Baldwin	House	Morrow	Runner
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 867**

At 11:23 p.m., on motion of Assembly Member Washington, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 867 refused passage by the following vote:

**AYES—34**

Alquist	Gallegos	Migden	Thomson
Aroner	Hertzberg	Murray	Torlakson
Baca	Honda	Napolitano	Villaraigosa
Bowen	Keeley	Ortiz	Vincent
Brown	Knox	Papan	Washington
Ducheny	Kuehl	Perata	Wright
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	
Floyd	Mazzoni	Sweeney	

**NOES—39**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cunneen	Leonard	Prenter
Alby	Firestone	Margett	Pringle
Ashburn	Frusetta	McClintock	Richter
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Baugh	Haveice	Morrow	Thompson
Bordonaro	House	Olberg	Wayne
Bowler	Kaloogian	Oller	Woods
Brewer	Kuykendall	Pacheco	

**Motion to Reconsider Senate Bill No. 867  
on Next Legislative Day**

Assembly Member Aroner moved to reconsider on the next legislative day the vote whereby Senate Bill No. 867 was this day refused passage.

Senate Bill No. 867 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 633**

At 11:23 p.m., on motion of Assembly Member Cardenas, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments to Assembly Bill No. 633 by the following vote:

**AYES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Frusetta	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Goldsmith	Miller	Runner
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

**Motion to Reconsider Assembly Bill No. 633  
on Next Legislative Day**

Assembly Member Cardenas moved to reconsider on the next legislative day the vote whereby Senate amendments to Assembly Bill No. 633 were this day refused concurrence.

Assembly Bill No. 633 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 535**

At 11:23 p.m., on motion of Assembly Member Migden, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Migden moved to continue the call of the Assembly.

Motion carried. Time, 11:23 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
HOUSE RESOLUTION NO. 43**

At 11:24 p.m., on motion of Assembly Member Sweeney, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 43 adopted by the following vote:

**AYES—41**

Alquist	Frusetta	Mazzoni	Torlakson
Aroner	Gallegos	Migden	Villaraigosa
Baca	Havice	Murray	Vincent
Bowen	Hertzberg	Napolitano	Washington
Brown	Honda	Ortiz	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	
Figueroa	Martinez	Thomson	

**NOES—36**

Ackerman	Brewer	Léonard	Papan
Aguiar	Campbell	Margett	Poochigian
Alby	Firestone	McClintock	Prenter
Ashburn	Floyd	Miller	Pringle
Baldwin	Goldsmith	Morrissey	Richter
Battin	Granlund	Morrow	Runner
Baugh	House	Olberg	Takasugi
Bordonaro	Kaloogian	Oller	Thompson
Bowler	Leach	Pacheco	Woods

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
THE CONSENT CALENDAR**

At 11:24 p.m., in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The following measures on the Consent Calendar were read:

**HOUSE RESOLUTION NO. 44 (Thompson)**—Relative to religious tolerance in Russia.

Resolution read, and adopted.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY JOINT RESOLUTION NO. 38 (Bustamante)**—Relative to Asian-American civil rights.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above resolutions on the Consent Calendar adopted, by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

**CONSIDERATION OF SPECIAL CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Special Consent Calendar.

**Consideration of Senate Amendments to Assembly Bills**

**ASSEMBLY BILL NO. 768 (Gallegos)**—An act to amend Sections 14105.98 and 14163 of the Welfare and Institutions Code, relating to health, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 925 (Davis)**—An act to add Section 123996 to, and to add Article 5.5 (commencing with Section 124010) to Chapter 3 of Part 2 of Division 106 of, the Health and Safety Code, relating to human services, and making an appropriation therefor.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1071 (Cardoza)**—An act to amend Sections 17913, 17920, 17920.9, 17921, 17922.8, 17924, 17927, 17952, 17958, 17958.1, 17958.5, 17958.7, 18928, and 18941.7 of, and to add and repeal Section 18941.9 of, the Health and Safety Code, relating to building standards.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1518 (Committee on Transportation)**—An act to amend Section 16728 of the Business and Professions Code, to amend Sections 728.5, 4001, and 5003.1 of, and to repeal Section 5003.3 of, the Public Utilities Code, to amend Sections 7231 and 7232 of the Revenue and Taxation Code, and to amend Sections 471, 1808.1, 16020, 34505.6, 34507.5, 34601, 34620, 34621, 34623, 34624, 34631, 34631.5, 34660, and 34670 of, to add Section 34505.10 to, and to repeal Section 34650 of, the Vehicle Code, relating to vehicles.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 51 (Murray)**—An act to amend Section 422.75 of the Penal Code, relating to crimes.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 59 (Brown)**—An act to amend Sections 208, 209, 290, 290.4, 667.7, 667.71, 667.8, 667.83, 667.85, 1170.1, 1203.066, and 2933.5 of, and to repeal and amend Section 667.61 of, the Penal Code, relating to crimes.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 293 (Cunneen)**—An act to amend Sections 1203.044 and 12022.6 of the Penal Code, and to repeal Section 3 of Chapter 1334 of the Statutes of 1992, relating to crimes.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 320 (Goldsmith)**—An act to add and repeal Article 29 (commencing with Section 990) of Chapter 2 of Part 1 of the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 459 (Firestone)**—An act to add and repeal Article 6 (commencing with Section 112290) of Chapter 5 of Part 6 of Division 104 of the Health and Safety Code, relating to food.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 482 (Aroner)**—An act to add Section 1262 to the Health and Safety Code, and to amend Section 5622 of, and to add Section 5768.5 to, the Welfare and Institutions Code, relating to human services.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 874 (Takasugi)**—An act to amend Sections 15814.24, 15820.13, 16731.6, 17070, 17403, and 17404 of, and to add Sections 6547.8, 17070.1, and 17096.1 to, the Government Code, relating to government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The Assembly adopted the urgency clause and concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*



**ASSEMBLY BILL NO. 1545 (Committee on Human Services)**—An act to amend Section 1507 of the Health and Safety Code, and to amend Section 17732.1 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 156 (Murray)**—An act to amend Sections 1785.14, 1785.16, 1785.30, 1785.31, and 1785.33 of the Civil Code, and to add Section 530.5 to the Penal Code, relating to personal information.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 221 (Goldsmith)**—An act to amend Sections 1241 and 2058 of the Business and Professions Code, and to add Section 1596.797 to the Health and Safety Code, relating to health.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 572 (Caldera)**—An act to amend Section 33126 of the Education Code, relating to schools.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 736 (Thomson)**—An act to amend Sections 17080, 17224, 17582, 17587, and 17591 of, to add Section 17584 to, and to repeal Section 39619 of, the Education Code, relating to school facilities.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 877 (Miller)**—An act to amend Sections 11737 and 11753.1 of the Insurance Code, relating to insurance.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1105 (Hertzberg)**—An act to amend Sections 255, 256, 256.5, 257, 258, 260, 261, 262, and 263 of, and to add and repeal Section 660.5 of, the Welfare and Institutions Code, relating to minors.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1222 (Wright)**—An act to amend Sections 3030 and 7825 of the Family Code, relating to family law.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1242 (Granlund)**—An act to amend Section 1276.5 of the Health and Safety Code, relating to health facilities.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1306 (Granlund)**—An act to amend Sections 5775, 5777, and 5778 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY JOINT RESOLUTION NO. 18 (Shelley)**—Relative to eliminating discrimination against women.

The Assembly concurred in the above Senate amendments; resolution ordered enrolled.

*(For the vote on the above resolution, see this day's  
Special Consent Calendar roll call.)*

**Special Consent Calendar Roll Call**

The roll was called, and the above bills on the Special Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

**AYES—78**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figuroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brewer	Keeley	Ortiz	Wayne
Brown	Knox	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

**FURTHER CONSIDERATION OF SENATE BILL NO. 526  
BY UNANIMOUS CONSENT**

**SENATE BILL NO. 526 (Hayden)**—An act to add Article 12 (commencing with Section 1915) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to the Youth Authority, and making an appropriation therefor.

Bill read third time.

**Motion to Amend by Assembly Member Morrissey**

Assembly Member Morrissey moved the adoption of amendments.  
Amendments read.

**Motion to Table Morrissey Amendments  
to Senate Bill No. 526**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Morrissey to Senate Bill No. 526 be laid upon the table.

Assembly Member Escutia seconded the motion.

Motion carried by the following vote:

**AYES—40**

Alquist	Figueroa	Machado	Shelley
Aroner	Floyd	Martinez	Strom-Martin
Baca	Gallegos	Mazzoni	Sweeney
Bowen	Havice	Migden	Thomson
Brown	Hertzberg	Murray	Torlakson
Cardenas	Honda	Napolitano	Villaraigosa
Cardoza	Keeley	Ortiz	Vincent
Davis	Knox	Papan	Washington
Ducheny	Kuehl	Perata	Wright
Escutia	Lempert	Scott	Mr. Speaker

**NOES—36**

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Leonard	Poochigian
Alby	Cunneen	Margett	Prenter
Ashburn	Firestone	McClintock	Pringle
Baldwin	Frusetta	Miller	Richter
Battin	Goldsmith	Morrissey	Runner
Baugh	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Kuykendall	Oller	Woods

**Objections to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Villaraigosa motion to table Morrissey amendments to Senate Bill No. 526.

**Bill Ordered Reprinted**

Senate Bill No. 526, as amended earlier this day by Assembly Member Hertzberg, ordered reprinted and to be returned to the third reading file.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Murray was granted unanimous consent that the Committee on Transportation be permitted to hold a special meeting on September 11, 1997, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 368 for hearing.

**OBJECTION TO VOTE ADDS**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on House Resolution No. 43.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 818**

At 11:31 p.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 818 refused passage by the following vote:

**AYES—22**

Ackerman	Escutia	Martinez	Villaraigosa
Baca	Figueroa	McClintock	Vincent
Baldwin	Gallegos	Migden	Woods
Campbell	Hertzberg	Napolitano	Mr. Speaker
Cardenas	Honda	Ortiz	
Ducheny	Kaloogian	Runner	

**NOES—47**

Aguiar	Firestone	Leonard	Scott
Alby	Floyd	Margett	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Granlund	Miller	Sweeney
Ashburn	Havice	Morrissey	Takasugi
Battin	House	Olberg	Thompson
Bordonaro	Keeley	Oller	Thomson
Bowler	Knox	Pacheco	Torlakson
Brown	Kuehl	Perata	Washington
Cardoza	Kuykendall	Poochigian	Wayne
Cunneen	Leach	Prenter	Wright
Davis	Lempert	Richter	

**Motion to Reconsider Senate Bill No. 818  
on Next Legislative Day**

Assembly Member Hertzberg moved to reconsider on the next legislative day the vote whereby Senate Bill No. 818 was this day refused passage.

Senate Bill No. 818 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 535**

At 11:34 p.m., on motion of Assembly Member Migden, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 535 refused adoption by the following vote:

**AYES—48**

Alquist	Floyd	Morrow	Thomson
Aroner	Gallegos	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brewer	Honda	Ortiz	Vincent
Brown	Keeley	Papan	Washington
Campbell	Knox	Perata	Wildman
Cardenas	Kuehl	Pringle	Woods
Cunneen	Kuykendall	Richter	Wright
Davis	Lempert	Runner	Mr. Speaker
Ducheny	Martinez	Scott	
Escutia	Mazzoni	Shelley	
Figueroa	McClintock	Strom-Martin	
Firestone	Migden	Sweeney	

**NOES—21**

Ackerman	Bowler	Leach	Prenter
Aguiar	Cardoza	Margett	Takasugi
Alby	Frusetta	Miller	Thompson
Ashburn	Granlund	Olberg	
Baldwin	Havice	Pacheco	
Battin	Kaloogian	Poochigian	

**Motion to Reconsider Urgency Clause to Senate Bill No. 535  
on Next Legislative Day**

Assembly Member Migden moved to reconsider on the next legislative day the vote whereby the urgency clause to Senate Bill No. 535 was this day refused adoption.

Senate Bill No. 535 ordered to the unfinished business file.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

**Assembly Concurrent Resolution No. 70**, on request of Assembly Member Battin.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577; Senate Bills Nos. 682, 233, 202, 1068, 828, 673, 1334, and 319 were continued until the next legislative day.

**BILLS PASSED ON FILE**

**Senate Bill No. 280**—Passed on file.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 853:** Battin, Bordonaro, Brewer, Brown, Campbell, Davis, Ducheny, Leach, Margett, Martinez, Migden, Olberg, Prenter, Pringle, Richter, Runner, and Scott—Aye; Morrow—No.

**Senate Bill No. 247:** Brown, Cunneen, Davis, Martinez, Vincent, and Wayne—Aye; Ashburn, Battin, Brewer, Campbell, Morrow, Olberg, Pringle, Richter, and Runner—No.

**Senate Bill No. 812:** Ashburn, Brown, Campbell, Davis, Martinez, McClintock, Morrow, Olberg, Pacheco, Poochigian, Prenter, Pringle, Richter, Runner, and Shelley—Aye.

**Senate Bill No. 965:** Ashburn, Brown, Campbell, Martinez, Morrow, Olberg, Pacheco, Prenter, Richter, Runner, and Shelley—Aye; Pringle—No.

**Senate Bill No. 1195:** Baldwin, Baugh, Brown, Campbell, Davis, Martinez, McClintock, Morrow, Olberg, Pacheco, Prenter, Pringle, Richter, Runner, and Shelley—Aye.

**Senate Bill No. 318:** Baugh, Bowen, Brown, Campbell, Davis, Margett, Martinez, Morrow, Pringle, Richter, and Runner—Aye; Thomson—No.

**Senate Bill No. 940:** Baugh, Bowen, Brown, Cardenas, Davis, Martinez, Morrow, Pringle, Richter, and Runner—Aye.

**Senate Bill No. 1039 and Urgency:** Baugh, Brown, Campbell, Davis, Martinez, McClintock, Miller, Morrow, Pringle, and Richter—Aye.

**Senate Bill No. 1110:** Alquist, Brown, Davis, Ducheny, Knox, Martinez, Morrow, Pringle, Richter, Runner, and Shelley—Aye.

**Senate Bill No. 1338 and Urgency:** Battin, Baugh, Brewer, Brown, Davis, Ducheny, Goldsmith, Martinez, McClintock, Morrow, Pringle, and Richter—Aye; Bowen—No.

**Senate Bill No. 88:** Bowen, Brown, Davis, Goldsmith, Martinez, Mazzoni, Richter, and Runner—Aye.

**Senate Bill No. 1066:** Martinez, McClintock, Pacheco, and Richter—Aye.

**Senate Bill No. 614 and Urgency:** Bowen, Martinez, Mazzoni, Pacheco, and Richter—Aye.

**Senate Bill No. 1329, Motion to Table Floyd Amendments:** Frusetta, Havice, Hertzberg, Olberg, and Perata—Aye.

**Senate Bill No. 1329, Demand for Previous Question:** Olberg—No.

**Senate Bill No. 1329:** Bordonaro and Perata—Aye; Baugh, Olberg, Poochigian, and Richter—No.

**Senate Bill No. 1062:** Aroner, Baugh, Bordonaro, Granlund, Kaloogian, Pacheco, and Poochigian—Aye; Campbell—No.

**Senate Bill No. 802:** Campbell, Olberg, and Richter—Aye.

**Senate Bill No. 1198:** Campbell, Davis, Olberg, and Richter—Aye; Bowen—No.

**Senate Bill No. 1163:** Baca—Aye; McClintock, Olberg, and Richter—No.

**Senate Bill No. 1189:** Bordonaro, Kaloogian, Olberg, Poochigian, Pringle, Richter, and Runner—Aye.

**Senate Bill No. 110:** Cunneen, Ducheny, Goldsmith, and Prenter—Aye; Campbell and Olberg—No.

**Senate Bill No. 225:** Ducheny—Aye; Olberg—No.

**Assembly Bill No. 1191, Concurrence:** Aguiar, Brewer, Cunneen, Ducheny, Figueroa, and Prenter—Aye; Baugh, Granlund, McClintock, Pacheco, and Runner—No.

**Assembly Bill No. 1472, Concurrence:** Aguiar, Baugh, Bordonaro, McClintock, Pacheco, and Runner—No.

**Assembly Bill No. 595, Concurrence:** Ducheny—Aye; Aguiar, Baugh, Kaloogian, McClintock, Oller, Pacheco, and Runner—No.

**Assembly Bill No. 1537, Concurrence:** Pacheco—Aye; Aguiar, Baugh, McClintock, and Poochigian—No.

**Assembly Bill No. 248, Concurrence:** Aguiar, Aroner, Battin, Baugh, Hertzberg, Pacheco, Poochigian, Prenter, and Strom-Martin—Aye; McClintock—No.

**Assembly Bill No. 405, Concurrence:** Aroner, Cardoza, Hertzberg, Machado, Pacheco, Runner, and Strom-Martin—Aye; Aguiar, Baugh, McClintock, and Olberg—No.

**Assembly Bill No. 536, Concurrence:** Aguiar—Aye; Baugh, McClintock, Pacheco, and Prenter—No.

**Assembly Bill No. 589, Concurrence:** Aguiar, Baugh, McClintock, and Pacheco—No.

**Assembly Bill No. 690, Concurrence:** Baugh, Cunneen, Gallegos, Hertzberg, Machado, McClintock, and Pacheco—Aye; Figueroa and Perata—No.

**Assembly Bill No. 699, Concurrence:** Cunneen and Washington—Aye; Alby and Baugh—No.

**Assembly Bill No. 847, Concurrence:** Honda—Aye; Baugh and McClintock—No.

**Assembly Bill No. 968, Concurrence:** Cunneen, Shelley, and Villaraigosa—Aye; Ashburn, Battin, Baugh, McClintock, Prenter, and Runner—No.

**Assembly Bill No. 1022, Concurrence:** Baugh, Cunneen, Figueroa, McClintock, and Perata—Aye.

**Assembly Bill No. 1040, Concurrence:** Migden, Shelley, and Washington—Aye; Aguiar, Baugh, Cunneen, McClintock, Pacheco, and Prenter—No.

**Assembly Bill No. 1104, Concurrence:** Aguiar, Baugh, Cunneen, Machado, McClintock, and Shelley—Aye.

**Assembly Bill No. 1337, Concurrence:** Cunneen, McClintock, Migden, Pacheco, Poochigian, and Washington—Aye; Baugh, Miller, and Olberg—No.

**Assembly Bill No. 1460, Concurrence:** Baugh, and McClintock—Aye; Bowen—No.

**Assembly Bill No. 1468, Concurrence:** Baugh, Mazzoni, McClintock, Strom-Martin, and Torlakson—Aye; Villaraigosa—No.

**Assembly Bill No. 1588, Concurrence:** Baugh, McClintock, Migden, Villaraigosa, and Washington—Aye.

**Assembly Bill No. 43, Concurrence:** Baugh, McClintock, and Olberg—Aye.

**Assembly Bill No. 267, Concurrence:** Miller, Morrow, Poochigian, and Woods—Aye; Baugh, Granlund, McClintock, and Olberg—No.



**Assembly Bill No. 301, Concurrence:** Alquist and Granlund—Aye; Baugh and McClintock—No.

**Assembly Bill No. 326, Concurrence:** Cunneen, Granlund, Morrissey, Morrow, and Prenter—Aye; Ashburn, Baugh, and McClintock—No.

**Assembly Bill No. 369, Concurrence:** Granlund, Morrissey, Strom-Martin, and Washington—Aye; Baugh, McClintock, and Prenter—No.

**Assembly Bill No. 418, Concurrence:** Alquist, Cunneen, Morrissey, Sweeney, and Washington—Aye; Alby, Baugh, Granlund, McClintock, and Runner—No.

**Assembly Bill No. 524, Concurrence:** Alquist, Cardoza, Frusetta, Granlund, and Morrissey—Aye; Baugh and McClintock—No.

**Assembly Bill No. 530, Concurrence:** Baugh, Granlund, and Olberg—Aye.

**Assembly Bill No. 573, Concurrence:** Alquist, Battin, Granlund, and Margett—Aye; Bordonaro, Campbell, Miller, and Morrow—No.

**Assembly Bill No. 618, Concurrence:** Battin, Bowler, Campbell, Frusetta, Goldsmith, Granlund, Morrow, Murray, Oller, Runner, and Washington—Aye.

**Assembly Bill No. 652, Concurrence:** Granlund and Wildman—Aye; Goldsmith, Prenter, and Runner—No.

**Assembly Bill No. 885, Concurrence:** Granlund—Aye.

**Assembly Bill No. 1139, Concurrence:** Granlund and Mazzoni—Aye.

**Assembly Bill No. 1213, Concurrence:** Granlund, Honda, and Murray—Aye; McClintock—No.

**Assembly Bill No. 1275, Concurrence:** Granlund, McClintock, Napolitano, and Olberg—Aye.

**Assembly Bill No. 1321, Concurrence:** Granlund—Aye; Bordonaro, McClintock, and Runner—No.

**Assembly Bill No. 1335, Concurrence:** Granlund—Aye; Battin and McClintock—No.

**Assembly Bill No. 1353, Concurrence:** Baugh, Granlund, and Prenter—No.

**Assembly Bill No. 1395, Concurrence:** Aguiar, Baugh, Granlund, and Prenter—No.

**Assembly Bill No. 1475, Concurrence:** Battin—Aye; Bowen—No.

**Assembly Bill No. 1520, Concurrence:** Battin, Honda, and Murray—Aye.

**Assembly Bill No. 515, Concurrence:** Battin, Honda, Murray, and Pringle—Aye.

**Assembly Bill No. 753, Concurrence:** Baldwin, Granlund, Kaloogian, Poochigian, and Runner—Aye; Ashburn—No.

**Assembly Bill No. 837, Concurrence:** Battin, Davis, and Pringle—Aye.

**Assembly Bill No. 838, Concurrence:** Battin and Pringle—Aye.

**Assembly Bill No. 1238, Concurrence:** Battin and Pringle—Aye.

**Assembly Bill No. 1505, Concurrence:** Battin and Pringle—Aye.

**Assembly Bill No. 1511, Concurrence:** Havice—No.

**Assembly Bill No. 1606, Concurrence:** Ashburn, Baldwin, and Runner—Aye.

**Assembly Concurrent Resolution No. 58, Concurrence:** Granlund, Poochigian, and Runner—No.

**Assembly Bill No. 176, Concurrence:** Baca and Strom-Martin—Aye; Baldwin and Runner—No.

**Assembly Bill No. 1614 Urgency:** Granlund, Machado, and Morrissey—Aye.

**Assembly Constitutional Amendment No. 22:** Baldwin, Granlund, McClintock, Murray, Pacheco, and Wildman—Aye.

**Assembly Joint Resolution No. 39, Coauthors:** Ackerman, Aroner, Baldwin, Ducheny, Gallegos, Granlund, Mazzoni, McClintock, Morrow, Napolitano, Pacheco, Pringle, and Vincent—Aye.

**Assembly Joint Resolution No. 39:** Ackerman, Battin, Mazzoni, McClintock, Napolitano, Prenter, Pringle, and Vincent—Aye.

**Assembly Bill No. 421, Concurrence:** Battin, Mazzoni, and McClintock—Aye.

**Assembly Bill No. 1464, Concurrence:** Baca, Havice, and Mazzoni—Aye; Aguiar, Baldwin, Battin, McClintock, Morrow, Pacheco, and Woods—No.

**Senate Bill No. 1161:** Bordonaro—Aye; Baldwin and Cunneen—No.

**Assembly Concurrent Resolution No. 77, Coauthors:** Granlund, Pacheco, and Pringle—Aye.

**Assembly Concurrent Resolution No. 77:** Ducheny and Granlund—Aye.

**Senate Bill No. 660:** Baugh, Granlund, and Kaloogian—Aye.

**Senate Bill No. 1273:** Granlund and Poochigian—Aye.

**Senate Concurrent Resolution No. 55, Coauthors:** Pacheco, Prenter, and Pringle—Aye.

**Senate Bill No. 638:** Alquist, Granlund, and Scott—Aye.

**Assembly Concurrent Resolution No. 78:** Battin—Aye.

#### **MOTION TO ADJOURN**

At 11:34 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Davis seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 11:35 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 594

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 59

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 59**—Relative to Mother Teresa.

**BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bills were placed on the Special Consent Calendar:

Assembly Bills Nos. 939, 1357, 1425, 1556, 127, 152, 219, 290, 605, 713, 994, 1065, 1082, 1391, 1480, 1555, 76, 178, and 1172.

**INTRODUCTION OF GUESTS**

Assembly Member Alby, of the 5th Assembly District, introduced Dave Burns and the Foothill High School Student Senate, of Sacramento.

**ADJOURNMENT**

At 11:35 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 11 a.m., Thursday, September 11, 1997, out of respect to the memory of Robert W. Williams, on motion of Assembly Member Scott; and out of respect to the memory of Juanita Hill Schurman, on motion of Assembly Member Shelley.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON SEPTEMBER 10, 1997

The following measures were amended in the Assembly on this day:

<b>ACR</b>	<b>RN</b>
77	9723588

<b>AJR</b>	<b>RN</b>
39 *	

<b>SB</b>	<b>RN</b>
45	9722188
66	9723599
200	9723173
298	9723115
513	9723554
526	9723242
540	9723221
550	9723177
638	9723535
655	9723398
660	9723496
1254	9723595
1273	9723231

<b>SCR</b>	<b>RN</b>
55 *	

<b>Daily Total:</b>	<b>16</b>
<b>Cumulative Total:</b>	<b>3395</b>

Amendments were considered by the Assembly, but not adopted, to the following measures:

### **SB**

- 526 \* (Morrissey amendments—Set 2, laid upon the table)
- 638 (Bowen amendments ruled not germane)
- 867 (Goldsmith amendments—Set 1, RN 9721453, laid upon the table)
- 867 (Goldsmith amendments—Set 2, RN 9721392, laid upon the table)
- 1161 (Battin amendments, RN 9723187, laid upon the table)
- 1329 (Floyd amendments, RN 9722797, laid upon the table)

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, September 11, 1997**

**ONE HUNDRED THIRTY-SEVENTH SESSION DAY**

**TWO HUNDRED EIGHTY-FOURTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, September 11, 1997

The Assembly met at 11 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

At 11:01 a.m., Speaker pro Tempore Kuehl placed a quorum call upon the Assembly.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 11:35 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Don R. Spradling, Senior Pastor of the Christian Life Church:

*Eternal God,*

We thank You for another day of life and liberty;  
Of friends and family; Of faith and hope.

We are a blessed generation! Blessed beyond our merits.  
Our parents and theirs have given us a life  
that could only be born in the soil of sweat and tears.

We give thanks for all who have served this State and Nation  
as well as those who fill this noble room today.

We pray for Your wisdom, Your conscience and Your grace  
to bless these public servants  
as they serve our State family and the global village of humanity.

May the lantern of HOPE and HUMAN KINDNESS  
always shine from these noble halls;  
and may these friends pour the oil of love and GOOD WILL  
into the lantern of posterity.

Your servant, Mother Teresa, has left us with many wise and helpful words,

but perhaps none anymore challenging than those spoken to our President, when she said,

“Mr. President, the poorest nation on earth is the nation that will not protect its innocent and help its helpless.”

It is our prayer that our State will be wealthy  
because WE CARE for those who NEED US MOST.

In our pursuit of effective and equitable leadership for our State,  
let us evoke one another to follow You:

The greatest to Know  
The wisest to Follow  
The perfect one to Trust  
The faithful one to Serve  
And the Highest one to LOVE.

May your presence accompany these devoted leaders of our great State and

may Your grace and love abound in their lives and homes!

We ask these favors in Your Exalted Name.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Migden then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Scott, seconded by Assembly Member Bordonaro.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

September 11, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please list the Televising the Assembly and Information Technology Committee in the Daily File as the Assembly Committee on Information Technology, effective today, September 11, 1997.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

<i>Assembly</i>	<i>Committee</i>
<i>Bill No.</i>	
1095 -----	Budget
<i>House</i>	
<i>Resolution No.</i>	<i>Committee</i>
47 -----	Rls.
<i>Senate Concurrent</i>	
<i>Resolution No.</i>	<i>Committee</i>
59 -----	Rls.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

September 11, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61 (a) (11), as it relates to the following bills be granted:

Senate Bills Nos. 972 and 1155.

DON PERATA, Chairman

**MESSAGES FROM THE SENATE**

September 11, 1997

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: The Senate this day by a two-thirds vote suspended Joint Rules 29.5(a) and 30 on Senate Bill 376.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

**ADJOURN IN MEMORY**

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alice Crowley, of Sacramento.



**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Senate Bill No. 990**, on request of Assembly Member Vincent;

**Senate Bill No. 495**, on request of Assembly Member Sweeney;

**Senate Bill No. 227**, on request of Assembly Member Ducheny.

**MOTION TO LIMIT DEBATE**

Assembly Member Brown moved that debate be limited to 2 minutes of time for each Member.

Assembly Member Morrissey seconded the motion.

**Parliamentary Inquiry**

Assembly Member Escutia arose to the following parliamentary inquiry:

Is the motion by Assembly Member Brown to limit debate to two minutes of time for two proponents and two minutes of time for two opponents?

**Motion Withdrawn**

Assembly Member Brown, with the consent of the second to the motion, withdrew the motion to limit debate.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Machado was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 1061**

September 9, 1997

*Mr. E. Dotson Wilson*

*Chief Clerk*

*California State Assembly*

*State Capitol, Room 3196*

*Sacramento, California*

Dear Mr. Wilson: AB 1061 (Machado) requires that an air district, when adopting or amending a rule or regulation, review other requirements that apply to the same equipment or source type, as specified.

This letter is to clarify the author's intent regarding two aspects of the bill.

First, in nearly all cases the term "source" will mean a specific operating unit or piece of equipment as opposed to an entire facility. The only time "source" will mean the entire facility is if the district rule in question is a rule for an entire facility as opposed to a rule that is for a specified type(s) of operating unit or equipment.

Second, the legislation is not intended to apply to adoption or amendment of district new source review rules which apply to all new and modified sources.

Thank you for your attention to this matter.

Sincerely,

MICHAEL J. MACHADO, Assembly Member  
Seventeenth District

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Senate Resolution**

**SENATE CONCURRENT RESOLUTION NO. 26** (Committee on Public Employment and Retirement)—Relative to state employee merit awards.

Resolution read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Alquist moved a call of the Assembly.

Motion carried. Time, 11:52 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ADJOURN IN MEMORY**

Assembly Member Floyd was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Barbara Worth-Oakford, of Elk Grove.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Torlakson was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**RECESS**

By unanimous consent, at 11:54 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Torlakson introduced Antioch Babe Ruth League 16–18 All Star Team Members Lamont Campbell, Manager; Kevin Campbell, Catcher; William Ciaramitaro, Shortstop; Josh Evans, 2nd Base; and Joe Hidalgo, 1st Base, whereupon he presented a resolution to the team congratulating their win of the 1997 Babe Ruth 16–18 World Series Championship.

Lamont Campbell then addressed the assemblage.

Assembly Member Torlakson acknowledged the following team members seated in the Assembly Gallery, who were accompanied by parents and friends: 34 Vince Aiello (Pitcher), 17 Kevin Campbell (Catcher), 12 Willie Ciaramitaro (Shortstop), 7 Brent Connelly (Outfielder), 10 Josh Evans (2nd Base), 8 Roy Gage (3rd Base), 22 Joe Hidalgo (1st Base), 33 Anthony Ribeiro (Outfielder), 8 Christian Talavera, 4 Mike Trapanese (3rd Base), 21 Kyle Turner (Pitcher), 24 Josh Valdez (Outfielder), and 5 Seth Wheelock (2nd Base).

**REASSEMBLED**

At 11:59 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly presiding.

**MOTION TO RE-REFER ASSEMBLY BILL NO. 594 TO COMMITTEE**

Assembly Member Morrow moved that Assembly Bill No. 594 be re-referred to the Committee on Judiciary.

Assembly Member Campbell seconded the motion.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Morrow moved a call of the Assembly.

Motion carried. Time, 12:05 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF DAILY FILE****SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bills Nos. 45, 298, 540, and 655, ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 5**—An act to amend Sections 17152, 18042, 18510, 18601, 23732, 23801, 23802, 23806, and 24611 of, and to add Sections 17275.6, 17731.5, 18037.5, 19136.4, 19365, 23800.5, 23802.5, 23804, 23804.5, 23813, 24954, and 24990.4 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 93 (Ayala)**—An act to amend Sections 1760.8 and 1798 of, and to add Sections 1798.1 and 1798.2 to, the Welfare and Institutions Code, relating to youthful offenders.

Bill read third time, and presented by Assembly Member Aguiar.

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Ashburn	Floyd	Mazzoni	Sweeney
Baca	Frusetta	McClintock	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Richter	

**NOES—4**

Aroner	Kuehl	Migden	Pacheco
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Bill ordered transmitted to the Senate.

**SENATE CONCURRENT RESOLUTION NO. 46 (Karnette)**—Relative to cancer awareness.

Resolution read, presented by Assembly Member Perata, and adopted.

Resolution ordered transmitted to the Senate.

#### **UNFINISHED BUSINESS**

##### **SENATE BILL NO. 682 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Lempert was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 682 was refused passage.

##### **Further Consideration of Senate Bill No. 682**

**SENATE BILL NO. 682 (Sher)**—An act to amend, repeal, and add Section 827 of the Civil Code, relating to landlord-tenant.

Bill read third time, and presented by Assembly Member Lempert.

#### **Demand for Previous Question**

Assembly Members Sweeney, Baca, Shelley, Wayne, and Napolitano demanded the previous question. Demand sustained.

The question being on the passage of the bill.

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Lempert moved a call of the Assembly.

Motion carried. Time, 12:30 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

##### **SENATE BILL NO. 233 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Migden was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 233 was refused passage; and that the bill be placed upon the inactive file.

##### **SENATE BILL NO. 202 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Knox was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 202 was refused passage.

##### **Further Consideration of Senate Bill No. 202**

**SENATE BILL NO. 202 (Solis)**—An act to amend Section 1275 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Knox.

#### **Demand for Previous Question**

Assembly Members Sweeney, Wayne, Baca, Alquist, and Cardenas demanded the previous question. Demand sustained.

**PARLIAMENTARY INQUIRY**

Assembly Member Goldsmith arose to the following parliamentary inquiry:

Is Senate Bill No. 202 not a tax increase and therefore requires a  $\frac{2}{3}$  vote for passage?

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled that Senate Bill No. 202 is appropriately keyed by Legislative Counsel requiring 41 votes for passage.

**Motion to Appeal from the Decision of the Chair**

Assembly Member Goldsmith moved to appeal from the decision of the Chair.

Assembly Member Bordonaro seconded the motion.

The question being: Shall the decision of the Chair that Senate Bill No. 202 requires 41 votes for passage be overruled?

The roll was opened and the decision of the Chair sustained by the following vote:

**AYES—36**

Ackerman	Brewer	Kuykendall	Pacheco
Aguilar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	Margett	Pringle
Baldwin	Frusetta	McClintock	Richter
Battin	Goldsmith	Miller	Runner
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Oller	Woods

**NOES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	
Figueroa	Mazzoni	Thomson	

**Objection to Vote Adds**

Assembly Member Ashburn withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Goldsmith motion to appeal from the decision of the Chair as it relates to Senate Bill No. 202.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—36**

Ackerman	Brewer	Kuykendall	Pacheco
Aguir	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	Margett	Pringle
Baldwin	Frusetta	McClintock	Richter
Battin	Goldsmith	Miller	Runner
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Oller	Woods

Bill ordered transmitted to the Senate.

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 202.

**SENATE BILL NO. 1068 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Machado was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 1068 was refused passage.

**Further Consideration of Senate Bill No. 1068**

**SENATE BILL NO. 1068 (Thompson)**—An act to add Sections 8709.2, 8709.3, and 8709.4 to the Water Code, relating to water.

Bill read third time, and presented by Assembly Member Machado.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Machado moved a call of the Assembly.

Motion carried. Time, 12:58 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**MOTION TO RECONSIDER SENATE BILL NO. 828 CONTINUED**

Assembly Member Cardenas was granted unanimous consent that the motion to reconsider the vote on Senate Bill No. 828 be continued until the next legislative day.

**MOTION TO RECONSIDER SENATE BILL NO. 673 WAIVED**

Assembly Member Papan waived his motion to reconsider the vote whereby Senate Bill No 673 was passed.

Senate Bill No. 673 ordered transmitted to the Senate.

**SENATE BILL NO. 319 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Hertzberg was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 319 was refused passage.

**Further Consideration of Senate Bill No. 319**

**SENATE BILL NO. 319 (Burton)**—An act to add Sections 1057.61, 1057.62, and 1057.63 to the Civil Code, and to add Sections 12340.12 and 12340.13 to the Insurance Code, relating to title insurance.

Bill read third time, and presented by Assembly Member Hertzberg.

**Demand for Previous Question**

Assembly Members Sweeney, Scott, Baca, Villaraigosa, and Mazzoni demanded the previous question.

**Roll Call Demanded**

Assembly Members Miller, Kuykendall, and Ackerman, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Richter	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Martinez	Strom-Martin	
Figueroa	Mazzoni	Sweeney	

**NOES—35**

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Leonard	Poochigian
Alby	Cunneen	Margett	Prenter
Ashburn	Firestone	McClintock	Pringle
Baldwin	Frusetta	Miller	Runner
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	Kaloogian	Olberg	Woods
Bowler	Kuykendall	Oller	

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Hertzberg moved a call of the Assembly.

Motion carried. Time, 1:27 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF SENATE BILL NO. 163 BY UNANIMOUS CONSENT**

Assembly Member Aroner was granted unanimous consent to take up Senate Bill No. 163, out of order.

**SENATE BILL NO. 163 (Solis)**—An act to amend Sections 18250, 18251, 18252, 18253, 18254, 18255, 18256, and 18257 of, to amend the heading of Chapter 4 (commencing with Section 18250) of Part 6 of Division 9 of, and to add Sections 18253.5 and 18256.5 to, the Welfare and Institutions Code, relating to public social services.

**Rules Temporarily Suspended**

Assembly Member Aroner was granted unanimous consent that Assembly Rule 69 be suspended to permit consideration of proposed amendments to Senate Bill No. 163 and further consideration of the bill.

Bill read third time.

**Motion to Amend**

Assembly Member Aroner moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

**Further Consideration of Senate Bill No. 163, as Amended, by Unanimous Consent**

Assembly Member Aroner was granted unanimous consent to take up Senate Bill No. 163, as amended, without reference to file.

**SENATE BILL NO. 163 (Solis)**—An act to amend Sections 18250, 18251, 18252, 18253, 18254, 18255, 18256, and 18257 of, to amend the heading of Chapter 4 (commencing with Section 18250) of Part 6 of Division 9 of, and to add Sections 18253.5 and 18256.5 to, the Welfare and Institutions Code, relating to public social services.

Bill read third time, and presented by Assembly Member Aroner.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thomson
Battin	Granlund	Morrissey	Torlakson
Baugh	Havice	Morrow	Villaraigosa
Bordonaro	Hertzberg	Murray	Vincent
Bowen	Honda	Napolitano	Washington
Bowler	House	Olberg	Wayne
Brewer	Kaloogian	Oller	Wildman
Brown	Keeley	Ortiz	Woods
Campbell	Knox	Pacheco	Wright
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—1**

Thompson

Bill ordered transmitted to the Senate.



**PARLIAMENTARY INQUIRY**

Assembly Member House arose to the following parliamentary inquiry:

Has it not been the established practice of the Presiding Officer to recognize Members to debate in the order their microphones are raised?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied in the affirmative.

**Point of Order**

Assembly Member House arose to the following point of order:

The Presiding Officer has been recognizing a Member for the purpose of closing debate.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order not well-taken; that debate is closed upon determination of the House and not by the Presiding Officer.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 50  
BY UNANIMOUS CONSENT**

Assembly Member Morrissey was granted unanimous consent to take up Senate Concurrent Resolution No. 50, out of order.

**SENATE CONCURRENT RESOLUTION NO. 50 (Johannessen)**—Relative to the 50th Anniversary of the United States Air Force.

Resolution read, and presented by Assembly Member Morrissey.

**Members Made Coauthors of  
Senate Concurrent Resolution No. 50**

Assembly Member Morrissey was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Concurrent Resolution No. 50.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Aroner, Battin, Baugh, Brown, Bustamante, Campbell, Cardenas, Cardoza, Davis, Ducheny, Escutia, Figueroa, Firestone, Frusetta, Gallegos, Goldsmith, Granlund, Hertzberg, Honda, Kaloogian, Keeley, Kuehl, Kuykendall, Lempert, Machado, Martinez, Mazzoni, Migden, Murray, Napolitano, Oller, Ortiz, Pacheco, Papan, Perata, Prenter, Pringle, Richter, Shelley, Sweeney, Takasugi, Thompson, Torlakson, Villaraigosa, Vincent, Washington, Wildman, and Wright.

**Request for Unanimous Consent**

Assembly Member Morrissey was granted unanimous consent to take up Senate Concurrent Resolution No. 50, as amended, without reference to print or file.

**Consideration of Senate Concurrent Resolution No. 50, as Amended**

**SENATE CONCURRENT RESOLUTION NO. 50**—Relative to the 50th Anniversary of the United State Air Force.

Resolution read, as amended, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Resolution ordered transmitted to the Senate immediately.

**CONSIDERATION OF SENATE BILL NO. 227  
WITHOUT REFERENCE TO FILE**

Assembly Member Ducheny was granted unanimous consent to take up Senate Bill No. 227, without reference to file, for purpose of consideration.

**SENATE BILL NO. 227 (Solis)**—An act to amend Sections 22509, 22801, and 22803 of, and to add Sections 22508.5 and 70905 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

**Rules Temporarily Suspended**

Assembly Member Ducheny was granted unanimous consent that Assembly Rule 69 be suspended to permit consideration of proposed amendments to Senate Bill No. 227 and further consideration of the bill.

Bill read third time.

**Motion to Amend**

Assembly Member Ducheny moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF SENATE BILL NO. 1268 BY UNANIMOUS CONSENT**

Assembly Member Martinez was granted unanimous consent to take up Senate Bill No. 1268, out of order.

**SENATE BILL NO. 1268 (Kelley)**—An act to amend Section 10061 of, and to add Chapter 2.5 (commencing with Section 2718) to Division 2 of, the Public Utilities Code, relating to water corporations.

Bill read third time, and presented by Assembly Member Martinez.

Bill passed by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Prenter
Aguiar	Escutia	Machado	Pringle
Alby	Figueroa	Margett	Richter
Alquist	Firestone	Martinez	Runner
Aroner	Frusetta	Mazzoni	Scott
Ashburn	Gallegos	McClintock	Shelley
Baca	Goldsmith	Migden	Strom-Martin
Baldwin	Granlund	Miller	Sweeney
Battin	Havice	Morrissey	Takasugi
Baugh	Hertzberg	Morrow	Thompson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker

**NOES—1**

Bordonaro

Bill ordered transmitted to the Senate immediately.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Figueroa was granted unanimous consent that the Committee on Insurance be permitted to hold a special meeting today, upon recess of Floor session, in Room 447, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1551 for hearing.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
THE CONSENT CALENDAR**

At 1:39 p.m., on motion of Assembly Member Alquist, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

**SENATE CONCURRENT RESOLUTION NO. 26 (Committee on Public Employment and Retirement)**—Relative to state employee merit awards.

Resolution read, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Resolution ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
MORROW MOTION TO RE-REFER  
ASSEMBLY BILL NO. 594 TO COMMITTEE**

At 1:39 p.m., on motion of Assembly Member Morrow, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Thompson moved to continue the call of the Assembly.

Motion carried. Time, 1:39 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 682**

At 1:40 p.m., on motion of Assembly Member Lempert, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Lempert moved to continue the call of the Assembly.

Motion carried. Time, 1:40 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1068**

At 1:40 p.m., on motion of Assembly Member Machado, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1068 passed by the following vote:

**AYES—42**

Alquist	Floyd	Migden	Thomson
Aroner	Gallegos	Morrow	Torlakson
Baca	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Brown	Honda	Papan	Washington
Cardenas	Keeley	Perata	Wayne
Cardoza	Knox	Richter	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Machado	Shelley	Mr. Speaker
Escutia	Martinez	Strom-Martin	
Figueroa	Mazzoni	Sweeney	

**NOES—34**

Ackerman	Campbell	Leach	Pacheco
Aguiar	Cunneen	Leonard	Poochigian
Alby	Firestone	Margett	Prenter
Ashburn	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Baugh	House	Olberg	Thompson
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Ortiz	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 1068: Assembly Member Morrow, from "No" to "Aye"; Assembly Member Lempert, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 1:40 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 2:50 p.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 11, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 768

And reports the same correctly enrolled, and presented to the Governor at 12:45 p.m.,  
September 11, 1997.

E. DOTSON WILSON, Chief Clerk

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 79—Aguiar.** Relative to the  
International Day of Prayer for the Persecuted Church.

**ASSEMBLY JOINT RESOLUTION NO. 40—Baca.** Relative to the Religious  
Freedom Restoration Act of 1993.

**ASSEMBLY JOINT RESOLUTION NO. 41—Morrissey.** Relative to health care for  
military retirees and their dependents.

**REPORTS OF STANDING COMMITTEES****Committee on Consumer Protection, Governmental Efficiency and  
Economic Development**

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency  
and Economic Development reports:

Assembly Bill No. 1230

Assembly Bill No. 1394

With the recommendation: That the Senate amendments be concurred in.

DAVIS, Chairwoman

Above bills ordered to unfinished business.

**Committee on Rules**

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 47

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 59

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

**Committee on Local Government**

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 62

With the recommendation: That the Senate amendments be concurred in.

SWEENEY, Chairman

Above bill ordered to unfinished business.

**CONSIDERATION OF SPECIAL CONSENT CALENDAR**

The Assistant Speaker pro Tempore announced that the next roll call would be on the Special Consent Calendar.

**Consideration of Senate Amendments to Assembly Bills**

**ASSEMBLY BILL NO. 122 (Brown)**—An act to amend Sections 53, 17250, and 24349 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Morrissey moved a call of the Assembly.

Motion carried. Time, 2:50 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**MOTION TO SUSPEND JOINT RULES 29.5 AND 30**

Assembly Member Leonard moved that Joint Rule 29.5 be suspended, to permit the Conference Committee on Senate Bill No. 376 to meet without publishing notice of the meeting one day prior to the meeting; and that Joint Rule 30 and Assembly Rule 68.8 be suspended, as they relate to the Conference Committee Report on Senate Bill No. 376 for the purpose of receiving the Conference Committee Report at the Assembly Desk and to permit consideration of the report prior to its being in print and being noticed in the Daily File for not less than one legislative day.

Motion carried by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None****ANNOUNCEMENT OF CONFERENCE COMMITTEE MEETING**

Assembly Member Mazzoni announced that the Conference Committee on Senate Bill No. 376 would meet today, at 3 p.m., in Room 3191.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
THE SPECIAL CONSENT CALENDAR**

At 2:52 p.m., on motion of Assembly Member Morrissey, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Leonard moved to continue the call of the Assembly.

Motion carried. Time, 2:55 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**At 3:14 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)**

**SENATE BILL NO. 818 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Hertzberg was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 818 was refused passage; and that the bill be placed upon the inactive file.

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 536 WAIVED**

Assembly Member Thompson waived his motion to reconsider the vote whereby Senate amendments to Assembly Bill No. 536 were concurred in.

Assembly Bill No. 536 ordered enrolled.



**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1296 (Morrow)**—An act to amend, repeal, and add Section 115800 of the Health and Safety Code, relating to liability.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Ackerman  
Aguiar  
Alby  
Alquist  
Aróner  
Baca  
Baldwin  
Battin  
Baugh  
Bordonaro  
Bowen  
Bowler  
Brewer  
Brown  
Campbell  
Cardenas  
Cardoza  
Cunneen  
Davis

Ducheny  
Escutia  
Figueroa  
Firestone  
Floyd  
Frusetta  
Gallegos  
Goldsmith  
Granlund  
Havice  
Hertzberg  
Honda  
House  
Kaloogian  
Keeley  
Kuehl  
Kuykendall  
Leach  
Lempert

Leonard  
Machado  
Margett  
Mazzoni  
McClintock  
Migden  
Miller  
Morrissey  
Morrow  
Murray  
Napolitano  
Olberg  
Oller  
Ortiz  
Papan  
Perata  
Pringle  
Richter  
Runner

Scott  
Shelley  
Strom-Martin  
Sweeney  
Takasugi  
Thompson  
Thomson  
Torlakson  
Villaraigosa  
Vincent  
Washington  
Wayne  
Wildman  
Woods  
Wright  
Mr. Speaker

**NOES—2**

Martinez

Prenter

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1344 (Gallegos)**—An act relating to health care service plans.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:

**AYES—4**

Baugh	Bowen	Gallegos	Martinez
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**NOES—74**

Ackerman	Escutia	Margett	Runner
Aguiar	Figueroa	Mazzoni	Scott
Alby	Firestone	McClintock	Shelley
Alquist	Floyd	Migden	Strom-Martin
Aroner	Frusetta	Miller	Sweeney
Ashburn	Goldsmith	Morrissey	Takasugi
Baca	Granlund	Morrow	Thompson
Baldwin	Havice	Murray	Thomson
Battin	Hertzberg	Napolitano	Torlakson
Bordonaro	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Cunneen	Lempert	Prenter	Mr. Speaker
Davis	Leonard	Pringle	
Ducheny	Machado	Richter	

**ASSEMBLY BILL NO. 1485 (Scott)**—An act relating to earthquake protection.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Demand for Previous Question**

Assembly Members Sweeney, Thompson, Havice, Washington, and Honda demanded the previous question. Demand sustained.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

**AYES—50**

Aguiar	Firestone	Mazzoni	Strom-Martin
Alquist	Floyd	Migden	Sweeney
Aroner	Frusetta	Miller	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Houise	Ortiz	Washington
Cardoza	Keeley	Pacheco	Wayne
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Wright
Ducheny	Kuykendall	Pringle	Mr. Speaker
Escutia	Lempert	Scott	
Figueroa	Machado	Shelley	

**NOES—28**

Ackerman	Bowler	Leonard	Poochigian
Alby	Brewer	Margett	Prenter
Ashburn	Campbell	Martinez	Richter
Baldwin	Goldsmith	McClintock	Runner
Battin	Granlund	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	Woods

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1485: Assembly Member Frusetta, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 472 (Cardoza)**—An act to add Section 96.11 to the Revenue and Taxation Code, relating to local government.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Motion to Re-refer Assembly Bill No. 472 to Committee**

Assembly Member Granlund moved that Assembly Bill No. 472 be re-referred to the Committee on Appropriations.

Assembly Member Morrissey seconded the motion.

**Motion Withdrawn**

Assembly Member Granlund, with consent of the second to the motion, withdrew his motion to re-refer Assembly Bill No. 472 to the Committee on Appropriations.

**Re-Reference of Bills to Committee Pursuant to Assembly Rule 77.2**

Upon request of Assembly Member Granlund, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 472 to the Committee on Appropriations.

**Joint Rule 62(a) Waived**

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 472 for hearing in the Committee on Appropriations today.

**ASSEMBLY BILL NO. 1508 (Cardoza)**—An act to add Section 15365.11 to the Government Code, relating to international trade, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—61**

Alquist	Floyd	Margett	Sweeney
Aroner	Frusetta	Martinez	Takasugi
Ashburn	Gallegos	Mazzoni	Thompson
Baca	Goldsmith	Migden	Thomson
Baldwin	Granlund	Morrissey	Torlakson
Battin	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	House	Pacheco	Wayne
Cardoza	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Woods
Davis	Kuehl	Poochigian	Wright
Ducheny	Kuykendall	Prenter	Mr. Speaker
Escutia	Leach	Scott	
Figueroa	Lempert	Shelley	
Firestone	Machado	Strom-Martin	

**NOES—14**

Ackerman	Bordonaro	Kaloogian	Olberg
Aguiar	Bowler	Leonard	Runner
Alby	Brewer	Miller	
Baugh	Campbell	Morrow	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 11 (Escutia)**—An act to amend Section 5650 of the Fish and Game Code, relating to water pollution, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—75

Ackerman	Escutia	Leonard	Pringle
Aguiar	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	Havice	Morrissey	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Bowler	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Olberg	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker
Ducheny	Lempert	Prenter	

#### NOES—3

Alby	Battin	Runner
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The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—75

Ackerman	Escutia	Leonard	Pringle
Aguiar	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	Havice	Morrissey	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Bowler	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Olberg	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker
Ducheny	Lempert	Prenter	

#### NOES—3

Alby	Battin	Runner
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 39 (Mazzoni)**—An act to amend Sections 2550, 2561, 2562, 2563, 2566, and 14054 of, to amend and repeal Section 2551 of, and to add Sections 2567 and 42238.46 to, the Education Code, relating to education finance, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—66

Ackerman	Escutia	Machado	Scott
Aguiar	Figuerola	Margett	Shelley
Alby	Firestone	Martinez	Strom-Martin
Alquist	Floyd	Mazzoni	Sweeney
Aroner	Frusetta	Migden	Takasugi
Ashburn	Gallegos	Morrissey	Thomson
Baca	Goldsmith	Morrow	Torlakson
Battin	Granlund	Murray	Villaraigosa
Bordonaro	Havice	Napolitano	Vincent
Bowen	Hertzberg	Olberg	Washington
Bowler	Honda	Oller	Wayne
Brown	House	Ortiz	Wildman
Cardenas	Keeley	Pacheco	Woods
Cardoza	Knox	Papan	Wright
Cunneen	Kuehl	Perata	Mr. Speaker
Davis	Leach	Poochigian	
Ducheny	Lempert	Prenter	

#### NOES—10

Baldwin	Kaloogian	Miller	Thompson
Baugh	Leonard	Pringle	
Campbell	McClintock	Runner	

#### Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 39: Assembly Members Battin and Oller, from "No" to "Aye".

Above bill ordered enrolled.

#### MESSAGES FROM THE SENATE

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 68

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 673

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 702  
Assembly Bill No. 1507

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 23  
Assembly Bill No. 84  
Assembly Bill No. 102  
Assembly Bill No. 242  
Assembly Bill No. 352  
Assembly Bill No. 353  
Assembly Bill No. 387  
Assembly Bill No. 456  
Assembly Bill No. 498  
Assembly Bill No. 545  
Assembly Bill No. 592  
Assembly Bill No. 600  
Assembly Bill No. 680  
Assembly Bill No. 738

Assembly Bill No. 777  
Assembly Bill No. 833  
Assembly Bill No. 896  
Assembly Bill No. 920  
Assembly Bill No. 922  
Assembly Bill No. 957  
Assembly Bill No. 1017  
Assembly Bill No. 1029  
Assembly Bill No. 1055  
Assembly Bill No. 1223  
Assembly Bill No. 1363  
Assembly Bill No. 1479  
Assembly Bill No. 1595  
Assembly Bill No. 1610

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1612

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

#### **BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bills were placed on the Special Consent Calendar:  
Assembly Bills Nos. 102, 387, 545, 777, 920, 957, 1610, and 1612.

#### **APPOINTMENT OF COMMITTEES ON CONFERENCE**

The Senate appointed the following Assembly Members as Committees on Conference concerning:

Assembly Bill No. 589: Gallegos, Davis, and Alby;  
Assembly Bill No. 1344: Gallegos, Davis, and Alby.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 134 (Baca)**—An act to amend Section 3540.1 of the Government Code, relating to public school employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—44**

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Callegos	Migden	Thomson
Bowen	Havice	Morrissey	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Cunneen	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker

**NOES—32**

Ackerman	Bowler	Leach	Pacheco
Aguiar	Brewer	Leonard	Poochigian
Alby	Campbell	Margett	Prenter
Ashburn	Frusetta	McClintock	Richter
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrow	Takasugi
Baugh	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	Woods

Above bill ordered enrolled.

**At 3:48 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**



**ASSEMBLY BILL NO. 149 (Runner)**—An act to amend Section 243 of the Penal Code, relating to crimes.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Prenter
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Mr. Speaker
Davis	Lempert	Poochigian	

**NOES—1**

Floyd

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 167 (Brewer)**—An act to amend Section 46201 of the Education Code, relating to school finance.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Leach	Poochigian
Aguiar	Ducheny	Lempert	Prenter
Alby	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Runner
Aroner	Firestone	Margett	Scott
Ashburn	Floyd	Martinez	Shelley
Baca	Frusetta	Mazzoni	Strom-Martin
Baldwin	Gallegos	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	House	Olberg	Washington
Brown	Kaloogian	Oller	Wayne
Campbell	Keeley	Ortiz	Wildman
Cardenas	Knox	Pacheco	Woods
Cardoza	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 365 (Kuehl)**—An act to amend Section 51225.3 of the Education Code, relating to schools.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—48**

Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Baca	Gallegos	Mazzoni	Sweeney
Bowen	Hertzberg	Migden	Torlakson
Bowler	Honda	Miller	Villaraigosa
Brown	Keeley	Murray	Vincent
Cardenas	Knox	Napolitano	Washington
Cardoza	Kuehl	Ortiz	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Lempert	Perata	Wright
Ducheny	Leonard	Richter	Mr. Speaker

**NOES—27**

Ackerman	Brewer	Leach	Poochigian
Aguiar	Campbell	McClintock	Prenter
Ashburn	Frusetta	Morrissey	Pringle
Baldwin	Goldsmith	Morrow	Runner
Battin	Havice	Olberg	Takasugi
Baugh	House	Oller	Thompson
Bordonaro	Kaloogian	Pacheco	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 411 (Wayne)**—An act to amend Sections 115880, 115885, and 115915 of the Health and Safety Code, relating to public beaches.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—2**

Baldwin                      McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 428 (Wildman)**—An act to add and repeal Article 5 (commencing with Section 78280) of Chapter 2 of Part 48 of the Education Code, relating to postsecondary education, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—43

Alquist	Figueroa	Machado	Sweeney
Aroner	Floyd	Martinez	Thomson
Baca	Gallegos	Mazzoni	Torlakson
Battin	Havice	Migden	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Cardenas	House	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Shelley	Mr. Speaker
Escutia	Lempert	Strom-Martin	

#### NOES—36

Ackerman	Campbell	Leonard	Poochigian
Aguiar	Cunneen	Margett	Prenter
Alby	Firestone	McClintock	Pringle
Ashburn	Frusetta	Miller	Richter
Baldwin	Goldsmith	Morrissey	Runner
Baugh	Granlund	Morrow	Scott
Bordonaro	Kaloogian	Olberg	Takasugi
Bowler	Kuykendall	Oller	Thompson
Brewer	Leach	Pacheco	Woods

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 428: Assembly Member Scott, from "Aye" to "No".

Above bill ordered enrolled.

**At 4 p.m., Hon. Mike Machado, 17th District, presiding**

**ASSEMBLY BILL NO. 549 (Wildman)**—An act to amend Section 14132.06 of the Welfare and Institutions Code, relating to health services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—46**

Alquist	Figueroa	Martinez	Thomson
Aroner	Floyd	Mazzoni	Torlakson
Baca	Gallegos	Migden	Villaraigosa
Bowen	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Campbell	Honda	Ortiz	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Woods
Cunneen	Kuehl	Scott	Wright
Davis	Kuykendall	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	

**NOES—31**

Ackerman	Bowler	Leonard	Pacheco
Aguiar	Brewer	Margett	Poochigian
Alby	Frusetta	McClintock	Prenter
Ashburn	Goldsmith	Miller	Pringle
Baldwin	Granlund	Morrissey	Runner
Battin	House	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 629 (Strom-Martin)**—An act to add Sections 20441.5, 20446, and 31469.7 to the Government Code, and to add Section 10800.01 to the Welfare and Institutions Code, relating to county employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—43

Alquist	Floyd	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	

#### NOES—36

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	Margett	Prangle
Baldwin	Frusetta	McClintock	Richter
Battin	Goldsmith	Miller	Runner
Baugh	Granlund	Morrow	Takasugi
Bordonaro	House	Olberg	Thompson
Bowler	Kaloogian	Oller	Woods

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 641 (Aroner)**—An act to amend Section 48205 of the Education Code, relating to pupils.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—54**

Aguir	Escutia	Machado	Shelley
Alby	Figuerroa	Margett	Strom-Martin
Alquist	Floyd	Martinez	Takasugi
Aroner	Frusetta	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Havice	Morrissey	Villaraigosa
Bowler	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Campbell	House	Ortiz	Wayne
Cardenas	Keeley	Pacheco	Wildman
Cardoza	Knox	Papan	Wright
Cunneen	Kuehl	Perata	Mr. Speaker
Davis	Leach	Richter	
Ducheny	Lempert	Scott	

**NOES—23**

Ackerman	Brewer	McClintock	Prenter
Ashburn	Goldsmith	Miller	Pringle
Baldwin	Granlund	Morrow	Runner
Battin	Kaloogian	Olberg	Thompson
Baugh	Kuykendall	Oller	Woods
Bordonaro	Leonard	Poochigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 701 (Caldera)**—An act to amend Section 19551 of the Revenue and Taxation Code, relating to taxation.

Bill presented by Assembly Member Knox.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Point of Order**

Assembly Member Granlund arose to the following point of order:

Debate is not being limited to the Senate amendments to Assembly Bill No. 701.

**Ruling by Acting Speaker Machado**

The Acting Speaker ruled the point of order not well-taken; that the Rules do not preclude debate on the merits of the entire bill.

The questing being on concurrence in Senate amendments to Assembly Bill No. 701.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Oller moved a call of the Assembly.

Motion carried. Time, 4:19 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.



**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1423 BY UNANIMOUS CONSENT**

Assembly Member Martinez was granted unanimous consent to take up Assembly Bill No. 1423, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 1423 (Martinez)**—An act to amend Section 741.2 of the Public Utilities Code, relating to telecommunications.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Margett	Runner
Aguiar	Escutia	Martinez	Scott
Alby	Figueroa	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bordonaro	House	Olberg	Vincent
Bowen	Kaloogian	Oller	Washington
Bowler	Keeley	Ortiz	Wayne
Brewer	Knox	Pacheco	Wildman
Brown	Kuehl	Papan	Woods
Campbell	Kuykendall	Perata	Wright
Cardenas	Leach	Poochigian	Mr. Speaker
Cardoza	Lempert	Prenter	
Cunneen	Leonard	Pringle	
Davis	Machado	Richter	

**NOES—None**

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1245 BY UNANIMOUS CONSENT**

Assembly Member Martinez was granted unanimous consent to take up Assembly Bill No. 1245, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 1245 (Martinez)**—An act to amend Sections 3306 and 3440 of, the Business and Professions Code, relating to hearing aid dispensers.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—66**

Aguiar	Escutia	Leonard	Scott
Alby	Figueroa	Machado	Shelley
Alquist	Firestone	Margett	Strom-Martin
Aroner	Floyd	Martinez	Takasugi
Ashburn	Frusetta	Mazzoni	Thompson
Baca	Gallegos	McClintock	Thomson
Bordonaro	Goldsmith	Migden	Torlakson
Bowen	Granlund	Miller	Villaraigosa
Bowler	Havice	Morrissey	Vincent
Brewer	Hertzberg	Morrow	Washington
Brown	Honda	Murray	Wayne
Campbell	House	Napolitano	Wildman
Cardenas	Keeley	Ortiz	Woods
Cardoza	Knox	Papan	Wright
Cunneen	Kuehl	Perata	Mr. Speaker
Davis	Kuykendall	Poochigian	
Ducheny	Lempert	Richter	

**NOES—12**

Ackerman	Baugh	Olberg	Prenter
Baldwin	Kaloogian	Oller	Pringle
Battin	Leach	Pacheco	Runner

Above bill ordered enrolled

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 727 BY UNANIMOUS CONSENT**

Assembly Member Martinez was granted unanimous consent to take up Assembly Bill No. 727, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 727 (Martinez)**—An act to add Section 51223.1 to the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—2**

Baugh                      McClintock

Above bill ordered enrolled

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1163 BY UNANIMOUS CONSENT**

Assembly Member Martinez was granted unanimous consent to take up Assembly Bill No. 1163, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 1163 (Martinez)**—An act to add Chapter 5.3 (commencing with Section 8830) to Part 6 of the Education Code, relating to arts education, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—47**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Takasugi
Baca	Gallegos	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Bowler	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Campbell	Keeley	Ortiz	Washington
Cardenas	Knox	Papan	Wayne
Cardoza	Kuehl	Perata	Wildman
Davis	Lempert	Scott	Wright
Ducheny	Leonard	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—30**

Ackerman	Brewer	Margett	Prenter
Aguiar	Cunneen	McClintock	Pringle
Alby	Frusetta	Miller	Richter
Ashburn	Goldsmith	Morrow	Runner
Baldwin	Havice	Olberg	Thompson
Battin	House	Oller	Woods
Baugh	Kaloogian	Pacheco	
Bordonaro	Leach	Poohigian	

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 705 (Strom-Martin)**—An act to add and repeal Article 2.1 (commencing with Section 12170) of, and to add Article 2.2 (commencing with Section 12171) to, Chapter 4 of Part 2 of Division 2 of the Public Contract Code, and to add Section 41782.5 to, the Public Resources Code, relating to recycling.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—61**

Aguiar	Figueroa	Martinez	Strom-Martin
Alby	Firestone	Mazzoni	Sweeney
Alquist	Frusetta	Migden	Takasugi
Aroner	Callegos	Miller	Thomson
Ashburn	Goldsmith	Morrissey	Torlakson
Baca	Havice	Morrow	Villaraigosa
Bordonaro	Hertzberg	Murray	Vincent
Bowen	Honda	Napolitano	Washington
Bowler	House	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker
Davis	Lempert	Richter	
Ducheny	Machado	Scott	
Escutia	Margett	Shelley	

**NOES—17**

Ackerman	Campbell	McClintock	Runner
Baldwin	Granlund	Olberg	Thompson
Battin	Kaloogian	Oller	
Baugh	Leach	Poovichigian	
Brewer	Leonard	Pringle	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 748 (Escutia)**—An act to add Chapter 7 (commencing with Section 60810) to Part 33 of the Education Code, relating to pupil testing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—45**

Alquist	Gallegos	Migden	Thomson
Aroner	Havice	Morrissey	Torlakson
Baca	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Brown	House	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Wright
Davis	Lempert	Scott	Mr. Speaker
Ducheny	Machado	Shelley	
Escutia	Martinez	Strom-Martin	
Figueroa	Mazzoni	Sweeney	

**NOES—29**

Ackerman	Bowler	Leonard	Pringle
Aguiar	Brewer	Margett	Runner
Alby	Campbell	McClintock	Takasugi
Ashburn	Frusetta	Miller	Thompson
Baldwin	Goldsmith	Morrow	Woods
Battin	Granlund	Olberg	
Baugh	Kaloogian	Oller	
Bordonaro	Leach	Poochigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 776 (Baca)**—An act to add Section 48225.5 to the Education Code, relating to pupils.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Demand for Previous Question**

Assembly Members Sweeney, Escutia, Wayne, Napolitano, and Strom-Martin demanded the previous question. Demand sustained.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

**AYES—63**

Aguiar	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Scott
Aroner	Gallegos	Martinez	Shelley
Ashburn	Goldsmith	Mazzoni	Strom-Martin
Baca	Granlund	McClintock	Sweeney
Battin	Havice	Miller	Takasugi
Bordonaro	Hertzberg	Morrissey	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brown	Keeley	Olberg	Vincent
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Papan	Wildman
Cunneen	Kuykendall	Perata	Woods
Davis	Leach	Poochigian	Wright
Ducheny	Lempert	Prenter	Mr. Speaker
Escutia	Leonard	Pringle	

**NOES—13**

Ackerman	Brewer	Morrow	Thompson
Alby	Campbell	Oller	
Baldwin	Frusetta	Pacheco	
Baugh	Kaloogian	Runner	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 807 (Scott)**—An act to amend Sections 264.2 and 679.04 of the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Ortiz	Washington
Brewer	Keeley	Pacheco	Wayne
Brown	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	
Ducheny	Machado	Runner	

**NOES—3**

Ackerman	Baugh	McClintock
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Above bill ordered enrolled.

**At 4:45 p.m., Assistant Speaker pro Tempore Joe Baca,**  
**62nd District, presiding**

**ASSEMBLY BILL NO. 846 (Knox)**—An act to add Sections 1569.385, 1569.386, and 1569.388 to the Health and Safety Code, relating to residential care facilities for the elderly.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	
Ducheny	Leonard	Richter	

**NOES—4**

Ackerman	Baugh	McClintock	Runner
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**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 846: Assembly Member Murray, from "No" to "Aye".

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 861 (Ducheny)**—An act to amend Sections 44225, 44830, 52180, 52181, 52182, 52183, 52184, and 52186 of, to amend the heading of Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of, and to add Sections 44253.11 and 52187 to, the Education Code, relating to bilingual education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—43

Alquist	Havice	Migden	Sweeney
Aroner	Hertzberg	Morrissey	Takasugi
Baca	Honda	Murray	Thomson
Cardenas	Keeley	Napolitano	Torlakson
Cardoza	Knox	Ortiz	Villaraigosa
Davis	Kuehl	Pacheco	Vincent
Ducheny	Kuykendall	Papan	Washington
Escutia	Lempert	Perata	Wildman
Figueroa	Machado	Prenter	Wright
Floyd	Martinez	Shelley	Mr. Speaker
Gallegos	Mazzoni	Strom-Martin	

#### NOES—31

Ackerman	Bowler	House	Olberg
Aguiar	Brewer	Kaloogian	Oller
Alby	Campbell	Leach	Poochigian
Ashburn	Cunneen	Leonard	Pringle
Baldwin	Firestone	Margett	Runner
Battin	Frusetta	McClintock	Thompson
Baugh	Goldsmith	Miller	Woods
Bordonaro	Granlund	Morrow	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 904 (Miller)**—An act to add Section 11379.9 to the Health and Safety Code, relating to controlled substances.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 991 (Shelley)**—An act to add Section 5343.5 to the Food and Agricultural Code, to amend Sections 11106, 12001, 12026.2, 12072, 12076, 12077, and 12082 of the Penal Code, and to amend Section 20 of Chapter 1326 of the Statutes of 1992, relating to firearms.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Point of Order**

Assembly Member Migden arose to the following point of order:

That debate be limited to Senate amendments to Assembly Bill No. 991.

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore replied that policy matters were debated on previous concurrence measures earlier this day.

**Point of Order**

Assembly Member Leonard arose to the following point of order:

Legislative Counsel digests are not printed in the Daily File on all measures.

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore ruled that in lieu of the digest, analyses of Senate amendments to Assembly bills are available in the laptop computers and on the Members' desks.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 5:07 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 494 (Migden)**—An act to amend Sections 210, 225.5, 226.3, 226.4, 1024, 1731, and 1734 of, and to add Section 1781 to, the Labor Code, relating to employment.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—45**

Aalquist	Frusetta	Migden	Thomson
Aroner	Gallegos	Morrissey	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cunneen	Kuehl	Prenter	Wright
Davis	Lempert	Scott	Mr. Speaker
Ducheny	Machado	Shelley	
Escutia	Martinez	Strom-Martin	
Figueroa	Mazzoni	Sweeney	

**NOES—33**

Ackerman	Brewer	Leonard	Pringle
Aguiar	Campbell	Margett	Richter
Alby	Firestone	McClintock	Runner
Ashburn	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrow	Thompson
Battin	House	Olberg	Woods
Baugh	Kaloogian	Oller	
Bordonaro	Kuykendall	Pacheco	
Bowler	Leach	Poochigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 67 (Escutia)**—An act to amend Section 8176 of the Education Code, to amend Sections 15301.3 and 16262.5 of the Government Code, to amend Sections 1522, 1522.03, 1568.09, 1569.17, 1569.172, 1596.871, 1596.8713, and 1597.59 of, and to add Section 1522.04 to, the Health and Safety Code, to add Section 11166.95 to the Penal Code, to amend Section 10206 of, to amend, repeal, and add Section 1088.5 of, and to add Sections 9616.1, and 9616.5 to, the Unemployment Insurance Code, to amend Sections 10101, 10824, 11462, 12201, 12201.03, 12550, 12551, 12552, 14132.95, 15200, 16525.10, 16525.15, and 16525.27 of, to amend the heading of Article 2 (commencing with Section 16525.10) of Chapter 5.3 of Part 4 of Division 9 of, to amend and repeal Section 15200.95 of, to add Sections 10069.5, 10823, 10823.5, 11526.5, 12301.7, 12305.6, 15200.05, 15204.15, 15204.25, 18205, and 19806.1 to, to add Chapter 15 (commencing with Section 18996) to Part 6 of Division 9 of, to repeal Sections 11280, 15200.2, 15200.3, 15200.8, 15200.85, 15200.9, 15200.91, and 16525.28 of, to repeal Article 3 (commencing with Section 16525.40) of Chapter 5.3 of Part 4 of Division 9 of, and to repeal, add, and repeal Sections 15200.1 and 15200.7 of, the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Pringle moved a call of the Assembly.

Motion carried. Time, 5:10 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 125 (Pacheco)**—An act to add and repeal Section 18941.8 of the Health and Safety Code, relating to building standards.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—77

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alby	Firestone	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

#### NOES—1

Brown

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1269 (Granlund)**—An act to amend Sections 7102, 60115, and 60202 of, and to add Section 60116 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Runner
Aguiar	Figuerola	Margett	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—1**

McClintock

Above bill ordered enrolled.

At 5:17 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

**ASSEMBLY BILL NO. 52 (Washington)**—An act relating to the Compton Unified School District, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—74

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Ashburn	Floyd	Mazzoni	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

#### NOES—1

McClintock

#### Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 52: Assembly Members Baldwin, Brewer, Kuykendall, and Margett, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1033 (Frusetta)**—An act to add and repeal Article 2 (commencing with Section 18711) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, and to amend Section 18969 of the Welfare and Institutions Code, relating to taxation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—75

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

#### NOES—3

Escutia	Leonard	McClintock
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1190 (Torlakson)**—An act to add Section 101087 to the Health and Safety Code, relating to environmental protection.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Olberg moved a call of the Assembly.

Motion carried. Time, 5:31 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.



**ASSEMBLY BILL NO. 1193 (Shelley)**—An act to add Section 16605 to the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—61**

Aguiar	Figueroa	Machado	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thomson
Battin	Goldsmith	Morrissey	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Olberg	Washington
Campbell	House	Ortiz	Wayne
Cardenas	Keeley	Pacheco	Wildman
Cardoza	Knox	Papan	Wright
Cunneen	Kuehl	Perata	Mr. Speaker
Davis	Kuykendall	Poochigian	
Ducheny	Leach	Prenter	
Escutia	Lempert	Scott	

**NOES—15**

Ackerman	Brewer	Margett	Pringle
Baldwin	Granlund	McClintock	Runner
Baugh	Kaloogian	Morrow	Thompson
Bowler	Leonard	Oller	

Above bill ordered enrolled.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1194**, on request of Assembly Member Villaraigosa.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1210 (Wright)**—An act to add Sections 8264.7 and 8264.9 to the Education Code, relating to child care, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—53**

Alquist	Figuerola	Martinez	Sweeney
Aroner	Firestone	Mazzoni	Takasugi
Ashburn	Floyd	Migden	Thomson
Baca	Frusetta	Morrissey	Torlakson
Battin	Gallegos	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Campbell	Honda	Pacheco	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Wright
Cunneen	Kuehl	Prenter	Mr. Speaker
Davis	Kuykendall	Scott	
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	

**NOES—25**

Ackerman	Brewer	Margett	Pringle
Aguilar	Goldsmith	McClintock	Runner
Alby	Granlund	Miller	Thompson
Baldwin	House	Morrow	Woods
Baugh	Kalooogian	Olberg	
Bordonaro	Leach	Oller	
Bowler	Leonard	Poochigian	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 1210: Assembly Members Brewer and Leach, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1214 (Figueroa)**—An act to add Section 32121.15 to the Health and Safety Code, relating to local health care districts.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—49**

Alquist	Callegos	Margett	Thompson
Aroner	Goldsmith	Martinez	Thomson
Baca	Havice	Mazzoni	Torlakson
Bowen	Hertzberg	Migden	Villaraigosa
Brown	Honda	Murray	Vincent
Cardenas	Kaloogian	Napolitano	Washington
Cardoza	Keeley	Ortiz	Wayne
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Wright
Ducheny	Kuykendall	Scott	Mr. Speaker
Escutia	Lempert	Shelley	
Figueroa	Leonard	Strom-Martin	
Floyd	Machado	Sweeney	

**NOES—29**

Ackerman	Bowler	McClintock	Prenter
Aguiar	Brewer	Miller	Pringle
Alby	Campbell	Morrissey	Runner
Ashburn	Firestone	Morrow	Takasugi
Baldwin	Frusetta	Olberg	Woods
Battin	Granlund	Oller	
Baugh	House	Pacheco	
Bordonaro	Leach	Poohigian	

Above bill ordered enrolled

**ANNOUNCEMENT OF CONFERENCE COMMITTEE MEETING**

Assembly Member Mazzoni announced that the conference Committee on Senate Bill No. 376 would meet at 6 p.m., in Room 3191.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1266 (Mazzoni)**—An act to amend and renumber Section 44279.2 of, to amend the heading of Article 4.5 (commencing with Section 44279.2) of Chapter 2 of Part 25 of, and to add Sections 44001.1, 44001.2, 44279.2, and 44279.7 to, the Education Code, relating to teacher credentialing, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Ackerman	Escutia	Machado	Richter
Aguilar	Figueroa	Margett	Runner
Alby	Firestone	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Frusetta	Migden	Strom-Martin
Ashburn	Gallegos	Miller	Sweeney
Baca	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—5**

Baldwin	Kaloogian	Thompson
Baugh	McClintock	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1277 (Thomson)**—An act to add Section 13660 to, and to repeal Section 13412 of, the Business and Professions Code, relating to disability.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—75

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Ashburn	Floyd	Mazzoni	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

#### NOES—3

House	McClintock	Runner
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Above bill ordered enrolled.

#### CAUCUS ANNOUNCEMENTS

At 5:41 p.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

#### RECESS

By unanimous consent, at 5:41 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

#### REASSEMBLED

At 6:25 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1483 (Gallegos)**—An act to amend Section 10232.1 of, and to add Sections 10232.2 and 10232.8 to, the Insurance Code, and to amend Section 22005 of the Welfare and Institutions Code, relating to health insurance, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—75**

Ackerman	Figueroa	Machado	Richter
Aguiar	Firestone	Margett	Runner
Alquist	Floyd	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Leach	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker
Escutia	Leonard	Prenter	

**NOES—3**

Alby	Bowler	Brewer
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The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Figueroa	Machado	Richter
Aguiar	Firestone	Margett	Runner
Alquist	Floyd	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Brown	Kaloogian	Olberg	Vincent
Campbell	Keeley	Oller	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Leach	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker
Escutia	Leonard	Prenter	

**NOES—3**

Alby	Bowler	Brewer
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1568 (Labor and Employment)**—An act to amend Section 1777.1 of the Labor Code, and to amend Section 4107 of, and add Sections 6109 and 6110 to, the Public Contract Code, relating to public works.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Motion to Re-refer Assembly Bill No. 1568 to Committee**

Assembly Member Kuykendall moved that Assembly Bill No. 1568 be re-referred to the Committee on Labor and Employment.

Assembly Member Oller seconded the motion.

Motion lost by the following vote:

**AYES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

**NOES—42**

Alquist	Floyd	Mazzone	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figuerola	Martinez	Sweeney	

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

**AYES—44**

Alquist	Floyd	Machado	Strom-Martin
Aroner	Frusetta	Martinez	Sweeney
Baca	Gallegos	Mazzone	Thomson
Bowen	Granlund	Migden	Torlakson
Brown	Havice	Morrissey	Villaraigosa
Cardenas	Hertzberg	Murray	Vincent
Cardoza	Honda	Napolitano	Washington
Davis	Keeley	Ortiz	Wayne
Ducheny	Knox	Papan	Wildman
Escutia	Kuehl	Perata	Wright
Figuerola	Lempert	Shelley	Mr. Speaker

**NOES—32**

Ackerman	Brewer	Leach	Poochigian
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Margett	Richter
Ashburn	Firestone	McClintock	Runner
Baldwin	Goldsmith	Miller	Scott
Battin	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Kuykendall	Oller	Woods

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1597 (Knox)**—An act to amend Sections 22104, 22117, 22120, 22121, 22132, 22138.6, 22146, 22147, 22154, 22161, 22162, 22163, 22165, 22175, 22216, 22221, 22222, 22450, 22501, 22508, 22509, 22515, 22601.5, 22602, 22604, 22664, 22711, 22714, 22801, 22851, 22880, 22881, 24001, 24101, 24214, 24216.5, 26113, 26127, 26133, 26301, 26302, 26400, 26401, 26504, 26507, 26807, 26906, 27411, 28100, 44929, and 87488 of, to add Sections 22502, 22503, 22504, and 22705.5 to, and to repeal Section 22600 of, the Education Code, relating to public retirement systems.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—70

Ackerman	Escutia	Leonard	Runner
Aguiar	Figuerola	Margett	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thomson
Baldwin	Granlund	Murray	Torlakson
Battin	Havice	Napolitano	Villaraigosa
Baugh	Hertzberg	Olberg	Vincent
Bordonaro	Honda	Ortiz	Washington
Bowen	House	Pacheco	Wayne
Bowler	Keeley	Papan	Wildman
Brown	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker
Davis	Leach	Pringle	
Ducheny	Lempert	Richter	

#### NOES—6

Brewer	Kaloogian	Oller
Campbell	Morrow	Thompson

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 10 (Ducheny)**—An act to add Section 50517.8 to the Health and Safety Code, relating to housing, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—68**

Aguiar	Ducheny	Leach	Prenter
Alby	Escutia	Lempert	Pringle
Alquist	Figuerola	Machado	Richter
Aroner	Firestone	Margett	Scott
Ashburn	Floyd	Martinez	Shelley
Baca	Frusetta	Mazzoni	Strom-Martin
Battin	Gallegos	Migden	Sweeney
Bordonaro	Goldsmith	Miller	Takasugi
Bowen	Granlund	Morrissey	Thomson
Bowler	Havice	Morrow	Torlakson
Brewer	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Campbell	House	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Wright
Davis	Kuykendall	Poochigian	Mr. Speaker

**NOES—9**

Ackerman	Kaloogian	Olberg
Baldwin	Leonard	Oller
Baugh	McClintock	Thompson

Above bill ordered enrolled.

**OBJECTION TO VOTE ADDS**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 1568.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1378 BY UNANIMOUS CONSENT**

Assembly Member Prenter was granted unanimous consent to take up Assembly Bill No. 1378, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 1378 (Prenter)**—An act to amend Section 7000 of, and to add Section 7005 and 7005.5 to, the Penal Code, relating to prisons.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Richter
Aguilar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—1**

McClintock

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 49 (Murray)**—An act to add Section 5406.6 to the Labor Code, relating to workers' compensation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—51**

Aguiar	Figueroa	Machado	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aróner	Floyd	Mazzoni	Sweeney
Baca	Gallejos	Migden	Thomson
Battin	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	House	Olberg	Washington
Cardoza	Keeley	Ortiz	Wayne
Cunneen	Knox	Pacheco	Wildman
Davis	Kuehl	Papan	Wright
Ducheny	Kuykendall	Perata	Mr. Speaker
Escutia	Lempert	Scott	

**NOES—27**

Ackerman	Brewer	Leonard	Prenter
Alby	Campbell	Margett	Pringle
Ashburn	Frusetta	McClintock	Runner
Baldwin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	Kaloogian	Oller	Woods
Bowler	Leach	Poochigian	

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 45 BY UNANIMOUS CONSENT**

Assembly Member Murray was granted unanimous consent to take up Assembly Bill No. 45, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 45 (Murray)**—An act to amend Sections 136.2 and 1269c of the Penal Code, relating to domestic violence.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Runner
Aguiar	Figueroa	Margett	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Pacheco	Woods
Campbell	Kuehl	Papan	Wright
Cardenas	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—None**

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1346 BY UNANIMOUS CONSENT**

Assembly Member Olberg was granted unanimous consent to take up Assembly Bill No. 1346, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 1346 (Olberg)**—An act to amend Sections 41862 and 41863 of the Education Code, relating to education, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—2**

Floyd                      McClintock

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
MORROW MOTION TO RE-REFER ASSEMBLY BILL NO. 594 TO COMMITTEE**

At 7:05 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Morrow motion to re-refer Assembly Bill No. 594 to the committee on Judiciary, lost by the following vote:

**AYES—36**

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Leonard	Poochigian
Alby	Cunneen	Margett	Prenter
Ashburn	Firestone	McClintock	Pringle
Baldwin	Frusetta	Miller	Richter
Battin	Granlund	Morrissey	Runner
Baugh	House	Morrow	Takasugi
Bordonaro	Kaloogian	Olberg	Thompson
Bowler	Kuykendall	Oller	Woods

**NOES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Goldsmith	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Cardenas	Honda	Papan	Wayne
Cardoza	Keeley	Perata	Wildman
Davis	Knox	Scott	Wright
Ducheny	Kuehl	Shelley	Mr. Speaker
Escutia	Lempert	Strom-Martin	
Figueroa	Martinez	Sweeney	

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT  
TO ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 594 to the committee on Judiciary.

**REQUEST FOR SPECIAL COMMITTEE MEETING AND  
JOINT RULE 62(a) WAIVER**

Assembly Member Escutia requested unanimous consent that the Committee on Judiciary be permitted to hold a special meeting today, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 594 for hearing.

Assembly Member Morrow withheld unanimous consent.

**Motion for Special Committee Meeting and Joint Rule 62(a) Waiver**

Assembly Member Escutia moved that the Committee on Judiciary be permitted to meet today and that Joint Rule 62(a) be waived for the purpose of hearing Assembly Bill No. 594.

Assembly Member Baca seconded the motion.

Motion carried by the following vote:

**AYES—43**

Alquist	Gallegos	Mazzoni	Sweeney
Aroner	Goldsmith	Migden	Thomson
Baca	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Cardenas	Keeley	Papan	Washington
Cardoza	Knox	Perata	Wayne
Davis	Kuehl	Richter	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	

**NOES—35**

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Leonard	Poochigian
Alby	Cunneen	Margett	Prenter
Ashburn	Firestone	McClintock	Pringle
Baldwin	Frusetta	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Baugh	House	Morrow	Thompson
Bordonaro	Kaloogian	Olberg	Woods
Bowler	Kuykendall	Oller	

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Escutia announced that the Committee on Judiciary would meet today at 7:45 p.m., in Room 437.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

September 11, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Robert Hertzberg to the Assembly Judiciary Committee for today, September 11, 1997 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, that Joint Rule 61 (a)(11) be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bills Nos. 972 and 1155 for further action.



Resolution read, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 682**

At 7:14 p.m., on motion of Assembly Member Lempert, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 682 passed by the following vote:

**AYES—43**

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Gallegos	Migden	Thomson
Bowen	Havice	Morrissey	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Wright
Ducheny	Lempert	Scott	Mr. Speaker
Escutia	Machado	Shelley	

**NOES—34**

Ackerman	Brewer	Leach	Pringle
Aguiar	Campbell	Leonard	Richter
Alby	Firestone	Margett	Runner
Ashburn	Frusetta	Miller	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Olberg	Wayne
Baugh	House	Oller	Woods
Bordonaro	Kaloogian	Pacheco	
Bowler	Kuykendall	Poochigian	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 319**

At 7:15 p.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Hertzberg moved to continue the call of the Assembly.

Motion carried. Time, 7:16 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
THE SPECIAL CONSENT CALENDAR**

At 7:17 p.m., on motion of Assembly Member Leonard, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The following measures on the Special Consent Calendar were read:

**ASSEMBLY BILL NO. 122 (Brown)**—An act to amend Sections 53, 17250, and 24349 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 195 (Murray)**—An act to amend Sections 186.9, 186.10, and 14165 of the Penal Code, relating to crimes.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 381 (Takasugi)**—An act to amend Section 120335 of the Health and Safety Code, relating to communicable disease.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 563 (Prenter)**—An act to add Section 2310 to the Business and Professions Code, relating to medicine.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**Special Consent Calendar Roll Call**

The roll was called, and the above bills on the Special Consent Calendar passed, by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 701**

At 7:17 p.m., on motion of Assembly Member Oller, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 701 by the following vote:

**AYES—48**

Alquist	Firestone	Machado	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Thomson
Bowen	Goldsmith	Migden	Torlakson
Brown	Havice	Morrissey	Villaraigosa
Cardenas	Hertzberg	Murray	Vincent
Cardoza	Honda	Napolitano	Washington
Cunneen	Keeley	Ortiz	Wayne
Davis	Knox	Papan	Wildman
Ducheny	Kuehl	Perata	Woods
Escutia	Kuykendall	Scott	Wright
Figueroa	Lempert	Shelley	Mr. Speaker

**NOES—29**

Ackerman	Bowler	Margett	Pringle
Aguiar	Brewer	McClintock	Richter
Alby	Campbell	Miller	Runner
Ashburn	Frusetta	Morrow	Takasugi
Baldwin	House	Olberg	Thompson
Battin	Kaloogian	Oller	
Baugh	Leach	Poochigian	
Bordonaro	Leonard	Prenter	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 991**

At 7:17 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 991 by the following vote:

**AYES—43**

Alquist	Frusetta	Mazzoni	Sweeney
Aroner	Callegos	Migden	Thomson
Bowen	Havice	Morrissey	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Davis	Knox	Papan	Wayne
Ducheny	Kuehl	Perata	Wildman
Escutia	Lempert	Scott	Wright
Figueroa	Machado	Shelley	Mr. Speaker
Floyd	Martinez	Strom-Martin	

**NOES—30**

Ackerman	Bowler	Kuykendall	Pringle
Alby	Brewer	Leonard	Richter
Ashburn	Campbell	Margett	Runner
Baca	Cunneen	McClintock	Takasugi
Baldwin	Firestone	Miller	Thompson
Battin	Granlund	Morrow	Woods
Baugh	House	Oller	
Bordonaro	Kaloogian	Poohigian	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 67**

At 7:18 p.m., on motion of Assembly Member Escutia, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 67 by the following vote:

**AYES—72**

Ackerman	Davis	Leonard	Pringle
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Callegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Lempert	Poohigian	Mr. Speaker

**NOES—2**

Brewer                      House

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1190**

At 7:18 p.m., on motion of Assembly Member Olberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1190 by the following vote:

**AYES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Perata	Wayne
Cardenas	Keeley	Richter	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—37**

Ackerman	Campbell	Leonard	Poochigian
Aguiar	Cunneen	Machado	Prenter
Alby	Firestone	Margett	Pringle
Ashburn	Frusetta	McClintock	Runner
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Papan	

Above bill ordered enrolled.

**ACTION RESCINDED ON SENATE BILL NO. 536  
AND BILL PLACED UPON INACTIVE FILE**

Assembly Member Poochigian was granted unanimous consent to rescind the action whereby the Assembly on September 5, 1997 (Assembly Journal, page 4121), adopted the urgency clause and passed Senate Bill No. 536, and whereby the bill was ordered transmitted to the Senate; and that the bill be placed upon the inactive file.

**RE-REFERENCE OF BILLS**

Assembly Member Murray was granted unanimous consent that Senate Bill No. 368 be re-referred from the Committee on Transportation to the Committee on Appropriations.

**RESOLUTIONS**

By unanimous consent, the following resolution was offered without reference to committee:

**Resolution to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(a) (10) and (a) (11) be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bill No. 368 for further action.

Resolution read, and adopted by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

**JOINT RULE 62(a) WAIVED**

Assembly Member Murray was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 368 for hearing in the Committee on Appropriations today.

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 972, 1155, and 524 for hearing in the Committee on Appropriations today, at 8:25 p.m., in Room 4202.

**OBJECTION TO VOTE ADDS**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 991.

**RECESS**

By unanimous consent, at 7:25 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 9:10 p.m., the Assembly reconvened.

Hon. Fred Keeley, Assembly Member, 27th District, presiding.

**REPORTS OF STANDING COMMITTEES**

**Committee on Judiciary**

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 594

With the recommendation: That Senate amendments be concurred in.

ESCUTIA, Chairwoman

Above bill ordered to unfinished business file.

**Committee on Appropriations**

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 472

With the recommendation: That the Senate amendments be concurred in.

MIGDEN, Chairwoman

Above bill ordered to unfinished business.

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 524

Senate Bill No. 972

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1015

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 115

Assembly Bill No. 173

Assembly Bill No. 179

Assembly Bill No. 278

Assembly Bill No. 287

Assembly Bill No. 1043

Assembly Bill No. 1484

Assembly Bill No. 1559

Assembly Bill No. 1572

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 26

Assembly Joint Resolution No. 13

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above resolutions ordered enrolled.

September 11, 1997

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: The Senate this day rescinded the action whereby it concurred in Assembly amendments to Senate Bill 1184. The Senate then ordered the bill to the Inactive File.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

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Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Rosenthal, Watson and Leslie as a Committee on Conference concerning:

**Assembly Bill No. 589.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 42  
Senate Bill No. 49  
Senate Bill No. 543  
Senate Bill No. 810  
Senate Bill No. 820

Senate Bill No. 914  
Senate Bill No. 1051  
Senate Bill No. 1179  
Senate Bill No. 1270  
Senate Bill No. 1306

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 161  
Senate Bill No. 300  
Senate Bill No. 348  
Senate Bill No. 364  
Senate Bill No. 377  
Senate Bill No. 463  
Senate Bill No. 494  
Senate Bill No. 566  
Senate Bill No. 623  
Senate Bill No. 624  
Senate Bill No. 628

Senate Bill No. 669  
Senate Bill No. 842  
Senate Bill No. 882  
Senate Bill No. 980  
Senate Bill No. 987  
Senate Bill No. 1031  
Senate Bill No. 1034  
Senate Bill No. 1130  
Senate Bill No. 1135  
Senate Bill No. 1217  
Senate Bill No. 1307

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary



Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 135  
Senate Bill No. 136  
Senate Bill No. 283  
Senate Bill No. 291  
Senate Bill No. 303  
Senate Bill No. 320  
Senate Bill No. 450  
Senate Bill No. 458  
Senate Bill No. 499  
Senate Bill No. 506  
Senate Bill No. 512  
Senate Bill No. 527  
Senate Bill No. 542  
Senate Bill No. 545  
Senate Bill No. 644  
Senate Bill No. 653

Senate Bill No. 719  
Senate Bill No. 857  
Senate Bill No. 873  
Senate Bill No. 936  
Senate Bill No. 969  
Senate Bill No. 1050  
Senate Bill No. 1106  
Senate Bill No. 1107  
Senate Bill No. 1113  
Senate Bill No. 1258  
Senate Bill No. 1332  
Senate Bill No. 1346  
Senate Bill No. 1347  
Senate Bill No. 1348  
Senate Bill No. 1350

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

September 11, 1997

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill 247 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

**BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bill was placed on the Special Consent Calendar:  
Assembly Bill No. 1559.

**CONFERENCE COMMITTEE REPORTS RECEIVED**

Assembly Chamber, September 11, 1997

Mr. Speaker: The Committee on Conference has met concerning:  
**Senate Bill No. 376**, as amended in Assembly on August 25, 1997, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

DEIRDRE ALPERT  
BRUCE McPHERSON

KERRY MAZZONI  
ROD PACHECO

Senate Committee on Conference

Assembly Committee on Conference

The undersigned Members dissenting to the report:

LEROY F. GREENE  
Senate Committee on Conference

VIRGINIA STROM-MARTIN  
Assembly Committee on Conference

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 177 (Goldsmith)**—An act to amend Section 6025 of the Penal Code, relating to corrections.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Ackerman	Davis	Leonard	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Margett	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Frusetta	Miller	Takasugi
Baca	Gallegos	Morrissey	Thompson
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Murray	Torlakson
Baugh	Havice	Napolitano	Villaraigosa
Bordonaro	Hertzberg	Olberg	Vincent
Bowen	Honda	Ortiz	Washington
Bowler	Kaloogian	Pacheco	Wayne
Brewer	Keeley	Papan	Wildman
Brown	Knox	Perata	Woods
Campbell	Kuehl	Poochigian	Mr. Speaker
Cardenas	Kuykendall	Prenter	
Cardoza	Leach	Pringle	
Cunneen	Lempert	Richter	

**NOES—1**

Migden

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 351 (Scott)**—An act to amend Section 44300 of, and to add Article 5.6 (commencing with Section 44305) to Chapter 2 of Part 25 of, the Education Code, relating to teacher credentialing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Escutia	Leonard	Pringle
Aguiar	Figuerola	Machado	Richter
Alby	Firestone	Margett	Runner
Alquist	Floyd	Martinez	Scott
Aroner	Fruetta	Mazzoni	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brown	Kaloogian	Oller	Vincent
Campbell	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Wildman
Cunneen	Kuykendall	Perata	Woods
Davis	Leach	Poochigian	Wright
Ducheny	Lempert	Prenter	Mr. Speaker

**NOES—3**

Baugh	Brewer	McClintock
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 749 (Papan)**—An act to amend Sections 10500, 10504, and 10505 of, and to add Section 10504.5 to, the Public Contract Code, relating to the University of California.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Floyd	McClintock	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Callegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 792 (Havice)**—An act to add Article 5 (commencing with Section 48470) to Chapter 3 of Part 27 of the Education Code, relating to continuation school financing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—67**

Aguilar	Figueroa	Leonard	Scott
Alby	Firestone	Machado	Shelley
Alquist	Floyd	Margett	Strom-Martin
Aroner	Frusetta	Martinez	Sweeney
Ashburn	Gallegos	Mazzoni	Takasugi
Baca	Goldsmith	Migden	Thompson
Battin	Granlund	Miller	Thomson
Bordonaro	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brown	House	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Woods
Davis	Kuykendall	Poochigian	Wright
Ducheny	Leach	Prenter	Mr. Speaker
Escutia	Lempert	Richter	

**NOES—12**

Ackerman	Brewer	McClintock	Oller
Baldwin	Campbell	Morrow	Pringle
Baugh	Kaloogian	Olberg	Runner

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 931 (Thomson)**—An act to add Chapter 6 (commencing with Section 50650) to Part 2 of Division 31 of the Health and Safety Code, relating to housing, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—55**

Aguilar	Figueroa	Lempert	Shelley
Alquist	Firestone	Machado	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Takasugi
Battin	Goldsmith	Migden	Thomson
Bordonaro	Granlund	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	House	Pacheco	Wayne
Cunneen	Keeley	Papan	Wildman
Davis	Knox	Prenter	Wright
Ducheny	Kuehl	Pringle	Mr. Speaker
Escutia	Kuykendall	Scott	

**NOES—19**

Ackerman	Bowler	Margett	Richter
Alby	Brewer	McClintock	Runner
Ashburn	Campbell	Miller	Thompson
Baldwin	Leach	Morrow	Woods
Baugh	Leonard	Olberg	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1159 (Bowen)**—An act to add Chapter 3.6 (commencing with Section 12125) to Part 2 of Division 2 of the Public Contract Code, relating to the Alternative Protest Pilot Project.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—54**

Alquist	Firestone	Machado	Strom-Martin
Aroner	Frusetta	Margett	Sweeney
Ashburn	Gallegos	Martinez	Takasugi
Baca	Goldsmith	Mazzoni	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Morrissey	Villaraigosa
Campbell	Honda	Murray	Vincent
Cardenas	House	Napolitano	Washington
Cardoza	Keeley	Ortiz	Wayne
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Wright
Ducheny	Kuykendall	Richter	Mr. Speaker
Escutia	Leach	Scott	
Figueroa	Lempert	Shelley	

**NOES—24**

Ackerman	Bordonaro	McClintock	Poochigian
Aguiar	Bowler	Miller	Prenter
Alby	Brewer	Morrow	Pringle
Baldwin	Granlund	Olberg	Runner
Battin	Kaloogian	Oller	Thompson
Baugh	Leonard	Pacheco	Woods

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1558 (Cardoza)**—An act to amend Sections 56621, 67055, 69022, 69044, 69051, 69081, 69085, 69091, 74719, 74721, 74737, 74785, 74786, 78623, and 78640 of, to amend and renumber Sections 69029 and 69084 of, to add Sections 63903, 69029, and 74721.5 to, and to repeal Section 69017 of, the Food and Agricultural Code, relating to agriculture.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—74

Ackerman	Escutia	Machado	Runner
Aguiar	Figuerola	Margett	Scott
Alby	Firestone	Mazzoni	Shelley
Alquist	Frusetta	Migden	Strom-Martin
Aroner	Gallegos	Miller	Sweeney
Ashburn	Goldsmith	Morrissey	Takasugi
Baca	Granlund	Morrow	Thompson
Baldwin	Havice	Murray	Thomson
Battin	Hertzberg	Napolitano	Torlakson
Bordonaro	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

#### NOES—5

Baugh	Floyd	McClintock
Bowen	Martinez	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1601 (Shelley)**—An act to add Chapter 6 (commencing with Section 101860) to Part 4 of Division 101 of the Health and Safety Code, relating to health care.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	House	Olberg	Washington
Brown	Kaloogian	Oller	Wayne
Campbell	Keeley	Ortiz	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker
Davis	Leach	Prenter	
Ducheny	Lempert	Pringle	

**NOES—5**

Ackerman	Miller	Thompson
Baugh	Pacheco	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1601: Assembly Member Pacheco, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 501 (Migden)**—An act to add Section 14005.195 to the Welfare and Institutions Code, relating to human services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—57**

Aguiar	Escutia	Lempert	Strom-Martin
Alby	Figueroa	Martinez	Sweeney
Alquist	Firestone	Mazzoni	Takasugi
Aroner	Floyd	Migden	Thomson
Baca	Frusetta	Morrissey	Torlakson
Bordonaro	Gallegos	Morrow	Villaraigosa
Bowen	Goldsmith	Murray	Vincent
Brewer	Havice	Napolitano	Washington
Brown	Hertzberg	Ortiz	Wildman
Campbell	Honda	Pacheco	Woods
Cardenas	Keeley	Papan	Wright
Cardoza	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Prenter	
Davis	Kuykendall	Scott	
Ducheny	Leach	Shelley	

**NOES—19**

Ackerman	Bowler	Margett	Poochigian
Ashburn	Granlund	McClintock	Pringle
Baldwin	House	Miller	Runner
Battin	Kaloogian	Olberg	Thompson
Baugh	Leonard	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 764 (Davis)**—An act to amend Sections 110165, 110305, 110403, 110405, and 111635 of, and to repeal Section 110408 of, the Health and Safety Code, relating to food and drugs.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 827 (Thomson)**—An act amend Section 97 of the Streets and Highways Code, and to amend Section 42010 of the Vehicle Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurrent in Senate amendments by the following vote:

**AYES—66**

Ackerman	Ducheny	Leach	Prenter
Aguiar	Escutia	Lempert	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Ashburn	Floyd	Mazzoni	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thomson
Bordonaro	Goldsmith	Morrissey	Torlakson
Bowen	Havice	Morrow	Villaraigosa
Bowler	Hertzberg	Murray	Vincent
Brewer	Honda	Napolitano	Washington
Brown	House	Olberg	Wayne
Campbell	Kaloogian	Oller	Wildman
Cardenas	Keeley	Ortiz	Wright
Cardoza	Knox	Pacheco	Mr. Speaker
Cunneen	Kuehl	Papan	
Davis	Kuykendall	Perata	

**NOES—12**

Alby	Leonard	Poochigian	Runner
Baugh	Margett	Pringle	Thompson
Granlund	McClintock	Richter	Woods

Above bill ordered enrolled.

**At 9:30 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**ASSEMBLY BILL NO. 940** (Miller)—An act to add Section 7200 to the Public Contract Code, relating to public works.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

#### Parliamentary Inquiry

Assembly Member Pringle arose to the following parliamentary inquiry:

Is unanimous consent not required to permit a Member to read a paper on the Floor of the Assembly?

#### Reply by Assistant Speaker pro Tempore Baca

The Assistant Speaker pro Tempore replied that a Member may not read a paper on the Floor of the Assembly in the absence of unanimous consent.

#### Request for Unanimous Consent

Assistant Speaker pro Tempore Baca requested unanimous consent that Assembly Member Sweeney be permitted to quote from a statement on the Floor of the Assembly.

Unanimous consent was withheld.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

#### AYES—63

Ackerman	Ducheny	Lempert	Prenter
Aguiar	Escutia	Leonard	Pringle
Alby	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Runner
Baca	Floyd	Mazzoni	Strom-Martin
Baldwin	Frusetta	McClintock	Takasugi
Battin	Gallegos	Miller	Thompson
Baugh	Goldsmith	Morrissey	Villaraigosa
Bordonaro	Granlund	Morrow	Vincent
Bowler	Havice	Murray	Washington
Brewer	Hertzberg	Napolitano	Wayne
Brown	House	Olberg	Wildman
Campbell	Kaloogian	Oller	Woods
Cardoza	Keeley	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker
Davis	Leach	Poochigian	

#### NOES—9

Aroner	Kuehl	Scott
Bowen	Martinez	Sweeney
Honda	Migden	Thomson

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 940: Assembly Member Strom-Martin, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1099 (Migden)**—An act to add Section 14007.9 to the Welfare and Institutions Code, relating to human services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Above bill ordered enrolled.

**RE-REFERENCE OF BILLS TO COMMITTEE  
PURSUANT TO ASSEMBLY RULE 77.2**

Upon request of Assembly Member Knox, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 1595 to the Committee on Public Employment, Retirement and Social Security.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Knox was granted unanimous consent that the Committee on Public Employment, Retirement and Social Security be permitted to hold a special meeting at this time, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1595 for hearing.

**At 9:50 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1224 (Thomson)**—An act to amend Sections 53340, 53356.1, 53356.5, and 53359.5 of, and to add Sections 53331.5, 53344.1, 53344.2, and 53356.8 to, the Government Code, to amend Sections 8830 and 8832 of the Streets and Highways Code, and to amend Sections 3712, 4186, 4218, and 4986.3 of the Revenue and Taxation Code, relating to local government bonds.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Callegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None  
Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1224: Assembly Member Thompson, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1293 (Bowen)**—An act to add Chapter 4.5 (commencing with Section 8301) to Division 1 of Title 2 of the Government Code, relating to information systems.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—50**

Alquist	Figueroa	Margett	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Ashburn	Gallegos	Mazzoni	Thomson
Baca	Goldsmith	McClintock	Torlakson
Bowen	Havice	Migden	Villaraigosa
Brown	Hertzberg	Murray	Vincent
Campbell	Honda	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Wright
Davis	Kuykendall	Richter	Mr. Speaker
Ducheny	Lempert	Scott	
Escutia	Machado	Shelley	

**NOES—29**

Ackerman	Brewer	Miller	Pringle
Aguiar	Floyd	Morrissey	Runner
Alby	Frusetta	Morrow	Takasugi
Baldwin	Granlund	Olberg	Thompson
Battin	House	Oller	Woods
Baugh	Kaloogian	Pacheco	
Bordonaro	Leach	Poochigian	
Bowler	Leonard	Prenter	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1302 (Wayne)**—An act to amend Section 30796.7 of, and to add Sections 30796.9 and 30796.10 to, the Streets and Highways Code, relating to highways.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Davis	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Napolitano	Villaraigosa
Bowen	House	Olberg	Vincent
Bowler	Kaloogian	Ortiz	Washington
Brewer	Keeley	Pacheco	Wayne
Brown	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1429 (Shelley)**—An act to add Section 13181 to the Water Code, relating to water.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—55**

Aguir	Firestone	Lempert	Strom-Martin
Alquist	Floyd	Machado	Sweeney
Aroner	Frusetta	Martinez	Takasugi
Baca	Gallegos	Mazzoni	Thompson
Bordonaro	Goldsmith	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Brown	Havice	Napolitano	Villaraigosa
Cardenas	Hertzberg	Ortiz	Vincent
Cardoza	Honda	Pacheco	Washington
Cunneen	Keeley	Papan	Wayne
Davis	Knox	Perata	Wildman
Ducheny	Kuehl	Richter	Wright
Escutia	Kuykendall	Scott	Mr. Speaker
Figueroa	Leach	Shelley	

**NOES—23**

Ackerman	Bowler	Margett	Poochigian
Alby	Brewer	McClintock	Prenter
Ashburn	Campbell	Miller	Pringle
Baldwin	House	Morrow	Runner
Battin	Kaloogian	Olberg	Woods
Baugh	Leonard	Oller	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1553 (Figueroa)**—An act to amend Section 1367.62 of the Health and Safety Code, and to amend Sections 510 and 10123.87 of, and to add Section 12995 to, the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—76

Ackerman	Ducheny	Leonard	Prenter
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker

#### NOES—2

Granlund                      Pringle

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—76

Ackerman	Ducheny	Leonard	Prenter
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brewer	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker

#### NOES—2

Granlund                      Pringle

Above bill ordered enrolled.

**ASSEMBLY JOINT RESOLUTION NO. 4 (Floyd)**—Relative to anti-personnel landmines.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Prenter
Aguiar	Escutia	Machado	Pringle
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Olberg	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Leach	Perata	Wright
Davis	Lempert	Poochigian	Mr. Speaker

**NOES—2**

Baldwin                      Richter

Above resolution ordered enrolled.

**ASSEMBLY BILL NO. 2 (Ashburn)**—An act to add Chapter 4.2 (commencing with Section 10830) to Part 2 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—70**

Ackerman	Davis	Machado	Pringle
Aguiar	Ducheny	Margett	Richter
Alby	Figueroa	Martinez	Runner
Alquist	Firestone	Mazzoni	Scott
Ashburn	Frusetta	McClintock	Shelley
Baca	Gallegos	Migden	Strom-Martin
Baldwin	Goldsmith	Miller	Sweeney
Battin	Granlund	Morrissey	Takasugi
Baugh	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Kuykendall	Papan	Woods
Cardenas	Leach	Perata	Wright
Cardoza	Lempert	Poochigian	
Cunneen	Leonard	Prenter	

**NOES—1**

Villaraigosa

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1456 (Wright)**—An act to amend Section 44225 of, and to add Section 44259.3 to, the Education Code, relating to teacher credentialing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—49**

Alquist	Floyd	Mazzoni	Takasugi
Aroner	Frusetta	Migden	Thomson
Baca	Gallegos	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Campbell	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Prenter	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—25**

Ackerman	Brewer	McClintock	Pringle
Aguiar	Goldsmith	Miller	Runner
Alby	House	Morrow	Thompson
Ashburn	Kaloogian	Olberg	Woods
Baldwin	Leach	Oller	
Battin	Leonard	Pacheco	
Bordonaro	Margett	Poochigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 963 (Keeley)**—An act to add Chapter 3.1 (commencing with Section 13825.1) to Title 6 of Part 4 of the Penal Code, relating to youth, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Aguiar	Figueroa	Machado	Richter
Alby	Firestone	Margett	Runner
Alquist	Floyd	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowen	Hertzberg	Morrow	Thomson
Brewer	Honda	Murray	Torlakson
Brown	House	Napolitano	Villaraigosa
Campbell	Keeley	Olberg	Vincent
Cardenas	Knox	Ortiz	Washington
Cardoza	Kuehl	Pacheco	Wayne
Cunneen	Kuykendall	Papan	Wildman
Davis	Leach	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker
Escutia	Leonard	Prenter	

**NOES—5**

Ackerman	Kaloogian	Woods
Bowler	Oller	

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1026 (Schiff)**—An act to amend Sections 24413 and 24415 of, to add Sections 22951.5, 22954.5, 24416, and 24417 to, and to repeal Section 24411.5 of, the Education Code, relating to retirement, and making and appropriation therefor.

Bill read third time, and presented by Assembly Member Knox.

Bill passed by the following vote:

**AYES—48**

Alquist	Figueroa	Lempert	Richter
Aroner	Firestone	Machado	Shelley
Baca	Gallegos	Martinez	Strom-Martin
Bowen	Granlund	Mazzoni	Sweeney
Bowler	Havice	Migden	Torlakson
Brown	Hertzberg	Morrissey	Villaraigosa
Cardenas	Honda	Murray	Vincent
Cardoza	Keeley	Napolitano	Washington
Cunneen	Knox	Ortiz	Wayne
Davis	Kuehl	Papan	Wildman
Ducheny	Kuykendall	Perata	Wright
Escutia	Leach	Prenter	Mr. Speaker

**NOES—25**

Ackerman	Campbell	McClintock	Runner
Alby	Frusetta	Miller	Takasugi
Ashburn	Goldsmith	Morrow	Thompson
Baldwin	House	Olberg	Woods
Baugh	Kaloogian	Oller	
Bordonaro	Leonard	Pacheco	
Brewer	Margett	Poochigian	

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 280**, on request of Assembly Member Granlund.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 513 (Lockyer)**—An act to amend Sections 15402 and 15421 of, and to add Chapter 2.1 (commencing with Section 68650) to Title 8 of, the Government Code, relating to appellate representation.

**Rules Temporarily Suspended**

Assembly Member Pacheco was granted unanimous consent that Assembly Rule 69 be suspended to permit consideration of amendments to Senate Bill No. 513, and further consideration of the bill.

Bill read third time.

**Motion to Amend**

Assembly Member Pacheco moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.



**Further Consideration of Senate Bill No. 513, as Amended,  
by Unanimous Consent**

Assembly Member Pacheco was granted unanimous consent to take up Senate Bill No. 513, as amended, without reference to file.

**SENATE BILL NO. 513 (Lockyer)**—An act to amend Sections 15402 and 15421 of, and to add Chapter 2.1 (commencing with Section 68650) to Title 8 of, the Government Code, relating to appellate representation.

Bill read third time, and presented by Assembly Member Pacheco.

Bill passed by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**Objection to Vote Adds**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 513.

**SENATE BILL NO. 521 (Mountjoy)**—An act to add Sections 25299.37.1 and 116366 to the Health and Safety Code, and to add Section 13285 to the Water Code, relating to gasoline, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Perata.

Bill passed by the following vote:

**AYES—79**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**UNFINISHED BUSINESS (RESUMED)**

**SENATE BILL NO. 828 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Cardenas was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 828 was refused passage.

**Further Consideration of Senate Bill No. 828**

**SENATE BILL NO. 828 (Greene)**—An act to amend Sections 6710, 6714, and 8710 of the Business and Professions Code, relating to professional engineers.

**Rules Temporarily Suspended**

Assembly Member Cardenas was granted unanimous consent that Assembly Rule 69 be suspended to permit consideration of proposed amendments to Senate Bill No. 828, and further consideration of the bill.

Bill read third time.

**Motion to Amend**

Assembly Member Cardenas moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 140 (Baca)**—An act to add Chapter 10 (commencing with Section 6725) to Part 1 of Division 5 of the Labor Code, relating to occupational safety and health.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—48**

Alquist	Firestone	Machado	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Frusetta	Migden	Thomson
Bowen	Gallegos	Miller	Torlakson
Brown	Goldsmith	Morrissey	Villaraigosa
Cardenas	Havice	Murray	Vincent
Cardoza	Hertzberg	Napolitano	Washington
Cunneen	Honda	Ortiz	Wayne
Davis	Keeley	Papan	Wildman
Ducheny	Knox	Perata	Woods
Escutia	Kuehl	Scott	Wright
Figueroa	Lempert	Shelley	Mr. Speaker

**NOES—25**

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	Margett	Pringle
Alby	Granlund	McClintock	Runner
Baldwin	House	Morrow	Thompson
Battin	Kaloogian	Olberg	
Baugh	Kuykendall	Oller	
Bowler	Leach	Pacheco	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 140: Assembly Members Campbell and Morrow, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 633 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Cardenas was granted unanimous consent that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 633 were refused concurrence; and that the bill be returned to the Senate for further action.

**OBJECTION WITHDRAWN**

Assembly Member Shelley withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 513.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 853 (Hertzberg)**—An act to add and repeal Title 7 (commencing with Section 14000) of Part 4 of the Penal Code, relating to law enforcement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—70**

Aguiar	Firestone	Margett	Runner
Alby	Frusetta	Mazzoni	Scott
Alquist	Gallegos	McClintock	Shelley
Aroner	Goldsmith	Migden	Strom-Martin
Ashburn	Granlund	Miller	Sweeney
Baca	Havice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker
Ducheny	Leonard	Pringle	
Escutia	Machado	Richter	

**NOES—3**

Ackerman	Brewer	Thompson
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The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—70**

Aguiar	Firestone	Margett	Runner
Alby	Frusetta	Mazzoni	Scott
Alquist	Gallegos	McClintock	Shelley
Aroner	Goldsmith	Migden	Strom-Martin
Ashburn	Granlund	Miller	Sweeney
Baca	Havice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thomson
Bordonaro	Honda	Murray	Torlakson
Bowen	House	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vincent
Brown	Keeley	Oller	Washington
Campbell	Knox	Ortiz	Wayne
Cardenas	Kuehl	Pacheco	Wildman
Cardoza	Kuykendall	Papan	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker
Ducheny	Leonard	Pringle	
Escutia	Machado	Richter	

**NOES—3**

Ackerman	Brewer	Thompson
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1198 (Hertzberg)**—An act to add Article 6.5 (commencing with Section 53125) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, and to amend Section 41136 of the Revenue and Taxation Code, relating to local agencies, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—63

Aguiar	Figuerola	Machado	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Migden	Thompson
Battin	Havice	Miller	Thomson
Bordonaro	Hertzberg	Morrissey	Torlakson
Bowen	Honda	Murray	Villaraigosa
Brown	House	Napolitano	Vincent
Campbell	Keeley	Olberg	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Leach	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker
Escutia	Leonard	Prenter	

#### NOES—12

Ackerman	Baugh	Kaloogian	Pringle
Alby	Bowler	Morrow	Runner
Baldwin	Granlund	Oller	Takasugi

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—63

Aguiar	Figuerola	Machado	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Migden	Thompson
Battin	Havice	Miller	Thomson
Bordonaro	Hertzberg	Morrissey	Torlakson
Bowen	Honda	Murray	Villaraigosa
Brown	House	Napolitano	Vincent
Campbell	Keeley	Olberg	Washington
Cardenas	Knox	Ortiz	Wayne
Cardoza	Kuehl	Pacheco	Wildman
Cunneen	Kuykendall	Papan	Woods
Davis	Leach	Perata	Wright
Ducheny	Lempert	Poochigian	Mr. Speaker
Escutia	Leonard	Prenter	

#### NOES—12

Ackerman	Baugh	Kaloogian	Pringle
Alby	Bowler	Morrow	Runner
Baldwin	Granlund	Oller	Takasugi

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1362 (Mazzoni)**—An act to add Section 53716 to the Government Code, relating to local government finance.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

#### **Demand for Previous Question**

Assembly Members Sweeney, Baca, Cardenas, Scott, and Wayne demanded the previous question.

#### **Roll Call Demanded**

Assembly Members Campbell, Aguiar, and Prenter, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

#### **AYES—39**

Alquist	Gallegos	Migden	Thomson
Aroner	Havice	Murray	Torlakson
Baca	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Ortiz	Vincent
Brown	Keeley	Papan	Washington
Cardenas	Knox	Perata	Wayne
Cardoza	Kuehl	Scott	Wildman
Ducheny	Lempert	Shelley	Wright
Escutia	Machado	Strom-Martin	Mr. Speaker
Figueroa	Mazzoni	Sweeney	

#### **NOES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	Martinez	Richter
Ashburn	Frusetta	McClintock	Runner
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poohigian	

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

**AYES—41**

Alquist	Gallegos	Migden	Torlakson
Aroner	Havice	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	
Floyd	Mazzoni	Thomson	

**NOES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

Above bill ordered enrolled.

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 1362.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 437 (Aroner)**—An act to amend Section 41472 of the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—43**

Alquist	Figueroa	Machado	Sweeney
Aroner	Floyd	Martinez	Takasugi
Baca	Frusetta	Mazzoni	Thomson
Bowen	Gallegos	Murray	Torlakson
Brown	Havice	Napolitano	Villaraigosa
Cardenas	Hertzberg	Ortiz	Vincent
Cardoza	Honda	Papan	Wayne
Cunneen	Keeley	Perata	Wildman
Davis	Knox	Scott	Wright
Ducheny	Kuehl	Shelley	Mr. Speaker
Escutia	Lempert	Strom-Martin	

**NOES—30**

Ackerman	Brewer	McClintock	Prenter
Aguiar	Campbell	Miller	Pringle
Alby	Goldsmith	Morrissey	Richter
Baldwin	Granlund	Morrow	Runner
Battin	House	Olberg	Thompson
Baugh	Kaloogian	Oller	Woods
Bordonaro	Leonard	Pacheco	
Bowler	Margett	Poochigian	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1575 (Aroner)**—An act to amend Section 1550.5 of the Health and Safety Code, and to amend Section 11462.06 of the Welfare and Institutions Code, relating to community care facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Escutia	Machado	Runner
Aguiar	Figuerola	Margett	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Floyd	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowen	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—1**

Bowler

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 58 (Escutia)**—An act to amend Section 62000.8 of the Education Code, relating to special education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Figueroa	Margett	Runner
Aguiar	Firestone	Martinez	Scott
Alby	Frusetta	Mazzoni	Shelley
Alquist	Gallegos	Migden	Strom-Martin
Aroner	Goldsmith	Miller	Sweeney
Ashburn	Granlund	Morrissey	Takasugi
Baca	Havice	Morrow	Thompson
Baldwin	Hertzberg	Murray	Thomson
Battin	Honda	Napolitano	Torlakson
Bowen	House	Olberg	Villaraigosa
Brown	Keeley	Ortiz	Vincent
Campbell	Knox	Pacheco	Washington
Cardenas	Kuehl	Papan	Wayne
Cardoza	Kuykendall	Perata	Wildman
Cunneen	Leach	Poochigian	Woods
Davis	Lempert	Prenter	Wright
Ducheny	Leonard	Pringle	Mr. Speaker
Escutia	Machado	Richter	

**NOES—5**

Baugh	Brewer	McClintock
Bowler	Kaloogian	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 58: Assembly Member Pringle, from "No." to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 794 (Figueroa)**—An act to add Section 733 to the Business and Professions Code, to amend Section 1363.5 of, and to add Section 1368.07 to, the Health and Safety Code, to amend Section 10140.5 of, and to add Sections 791.28 and 10140.7 to, the Insurance Code, relating to health care.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### **AYES—47**

Aguar	Figueroa	Lempert	Shelley
Alquist	Firestone	Machado	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Thomson
Bowen	Gallegos	Migden	Torlakson
Brown	Havice	Morrissey	Villaraigosa
Cardenas	Hertzberg	Murray	Vincent
Cardoza	Honda	Napolitano	Wayne
Cunneen	Keeley	Ortiz	Wildman
Davis	Knox	Papan	Wright
Ducheny	Kuehl	Perata	Mr. Speaker
Escutia	Kuykendall	Scott	

#### **NOES—31**

Ackerman	Brewer	Margett	Prenter
Alby	Campbell	McClintock	Pringle
Ashburn	Goldsmith	Miller	Richter
Baldwin	Granlund	Morrow	Runner
Battin	House	Olberg	Takasugi
Baugh	Kaloogian	Oller	Thompson
Bordonaro	Leach	Pacheco	Woods
Bowler	Leonard	Poohigian	

Above bill ordered enrolled.

#### **ACTION RESCINDED ON SENATE BILL NO. 247**

Assembly Member Keeley was granted unanimous consent to rescind the action whereby the Assembly, on September 10, 1997 (Assembly Journal, page 4373), passed Senate Bill No. 247, and whereby the bill was ordered transmitted to the Senate.

#### **Rules Temporarily Suspended**

Assembly Member Keeley was granted unanimous consent that Assembly Rule 69 be suspended to permit consideration of amendments to Senate Bill No. 247 and further consideration of the bill.

#### **REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 48**

Assembly Member Granlund requested unanimous consent to take up House Resolution No. 48, without reference to committee or file.

Assembly Member Villaraigosa withheld unanimous consent.

**REPORTS OF STANDING COMMITTEES****Committee on Public Employees, Retirement and Social Security**

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1595

With the recommendation: That the Senate amendments be concurred in.

KNOX, Chairman

Above bill ordered to unfinished business.

**Committee on Appropriations**

Date of Hearing: September 9, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 90

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 368

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 11, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1155

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT**

Speaker pro Tempore Kuehl was granted unanimous consent that Senate Bills Nos. 90, 368, and 1155 be taken up, without reference to file for purpose of second reading and adoption of Appropriations Committee amendments, and that the bills be ordered to the third reading file.

**SECOND READING OF SENATE BILLS BY UNANIMOUS CONSENT**

**SENATE BILL NO. 90**—An act to add Chapter 7.1 (commencing with Section 25260) to Division 15 of the Public Resources Code, and to amend Section 371 of, to add Sections 383.5 and 384 to, and to add Article 5 (commencing with Section 445) to Chapter 2.5 of Part 1 of Division 1 of, and to add and repeal Section 380 of, the Public Utilities Code, relating to energy resources, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be placed upon the third reading file.

**SENATE BILL NO. 368**—An act to relating to energy resources.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be placed upon the third reading file.

**SENATE BILL NO. 1155**—An act to add Section 42285.3 to the Education Code, relating to education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be placed upon the third reading file.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 472 BY UNANIMOUS CONSENT**

Assembly Member Cardoza was granted unanimous consent to take up Assembly Bill No. 472, without reference to file, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 472 (Cardoza)**—An act to add Section 96.11 to the Revenue and Taxation Code, relating to local government.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—45**

Alquist	Gallegos	Migden	Torlakson
Aroner	Havice	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Battin	Honda	Ortiz	Washington
Bowen	House	Papan	Wayne
Bowler	Keeley	Perata	Wildman
Brown	Knox	Prenter	Woods
Cardenas	Kuehl	Pringle	Wright
Cardoza	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—30**

Ackerman	Campbell	Leach	Pacheco
Aguiar	Cunneen	Leonard	Poochigian
Alby	Firestone	Margett	Richter
Ashburn	Frusetta	McClintock	Runner
Baldwin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Kaloogian	Morrow	
Brewer	Kuykendall	Oller	

Above bill ordered enrolled.

**MOTION TO TEMPORARILY SUSPEND THE RULES**

Assembly Member Granlund moved that the Rules be temporarily suspended for the purpose of permitting consideration of House Resolution No. 48, without reference to file.

Assembly Member Kuykendall seconded the motion.

Motion for temporary suspension of the Rules lost by the following vote:

**AYES—37**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

**NOES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Aroner was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 1545**

September 10, 1997

*E. Dotson Wilson*

*Chief Clerk*

*California State Assembly*

Dear Mr. Wilson: The purpose of this letter is to clarify the legislative intent of AB 1545 (Committee on Human Services). Amendments adopted on July 8, 1997, struck references to adult day care facilities and adult day support centers in Health and Safety Code Section 1507 (c) (2). One of these references was inadvertently left in the bill and was not discovered until the bill was back on the Assembly Floor for concurrence. The intent is that persons with incidental medical needs, who are not regional center clients, shall have access to both residential and day care facilities.

Sincerely,

DION ARONER, Assembly Member  
Fourteenth District

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY CONCURRENT RESOLUTION NO. 70 (Battin)**—Relative to California Hispanic Heritage Month.

Resolution read.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 70**

Assembly Member Battin was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 70.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Ackerman, Aguiar, Alby, Aroner, Baca, Baldwin, Baugh, Bordonaro, Bowen, Bowler, Brown, Bustamante, Campbell, Cardenas, Cardoza, Ducheny, Escutia, Figueroa, Firestone, Gallegos, Goldsmith, Granlund, Havice, Hertzberg, Honda, Keeley, Knox, Kuehl, Leach, Lempert, Leonard, Machado, Mazzoni, McClintock, Migden, Morrow, Murray, Oller, Pacheco, Papan, Perata, Poochigian, Pringle, Richter, Scott, Shelley, Strom-Martin, Sweeney, Thompson, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, Wildman, and Woods.

**Request for Unanimous Consent**

Assembly Member Battin was granted unanimous consent to take up Assembly Concurrent Resolution No. 70, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 70, as Amended**  
**ASSEMBLY CONCURRENT RESOLUTION NO. 70**—Relative to California Hispanic Heritage Month.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

**RECESS**

By unanimous consent, at 11:25 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 11:26 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**OBJECTION TO VOTE ADDS**

Assembly Member Granlund withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Granlund motion to temporarily suspend Rules as they relate to House Resolution No. 48.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 319**

At 11:30 p.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 319 refused passage by the following vote:

**AYES—32**

Alquist	Figuerola	Lempert	Richter
Aróner	Floyd	Leonard	Scott
Baca	Gallegos	Mazzoni	Shelley
Brown	Hertzberg	Migden	Thompson
Cardenas	Honda	Murray	Torlakson
Davis	Keeley	Napolitano	Villaraigosa
Ducheny	Knox	Papan	Vincent
Escutia	Kuehl	Perata	Wayne

**NOES—31**

Ackerman	Brewer	Margett	Poochigian
Aguiar	Campbell	Martinez	Pringle
Alby	Firestone	McClintock	Runner
Ashburn	Frusetta	Miller	Strom-Martin
Baldwin	Granlund	Morrissey	Takasugi
Battin	House	Morrow	Washington
Bordonaro	Kuykendall	Olberg	Woods
Bowler	Leach	Oller	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 319: Assembly Member Thomson, from "Aye" to "Not Voting".

**CONSIDERATION OF SENATE BILL NO. 298 WITHOUT REFERENCE TO FILE**

Assembly Member Villaraigosa was granted unanimous consent to take up Senate Bill No. 298, without reference to file, for purpose of amendment.

**SENATE BILL NO. 298 (Leslie)**—An act to amend Section 52122 of, and to repeal Section 52124.5 of, the Education Code, and to repeal Section 9 of Chapter 298 of the Statutes of 1997, relating to school finance, and declaring the urgency thereof, to take effect immediately.

**Rules Temporarily Suspended**

Assembly Member Villaraigosa was granted unanimous consent that Assembly Rule 69 be suspended to permit consideration of proposed amendments to Senate Bill No. 298 and further consideration of the bill.

Bill read third time.

**Motion to Amend**

Assembly Member Villaraigosa moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.



**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949 and 1577; Senate Bills Nos. 1334, 867, and 535 were continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 93:** Ashburn, Battin, Ducheny, Havice, Honda, Martinez, McClintock, and Olberg—Aye; Pacheco—No.

**Senate Bill No. 319, Demand for Previous Question:** McClintock, Olberg, and Runner—No.

**Senate Bill No. 163:** Baugh, McClintock, and Olberg—Aye.

**Senate Concurrent Resolution No. 50, Coauthors:** Battin, Baugh, Cardenas, Gallegos, Machado, McClintock, Olberg, Pringle, and Wright—Aye.

**Senate Concurrent Resolution No. 50:** Baugh, McClintock, and Olberg—Aye.

**Senate Bill No. 1268:** Baldwin, Battin, Baugh, Cunneen, Machado, McClintock, Olberg, Pacheco, Prenter, and Pringle—Aye.

**Consent Calendar:** Olberg—Aye.

**Senate Bill No. 1068:** McClintock, Olberg, and Pacheco—No.

**Assembly Bill No. 1296, Concurrence:** Baugh, Cunneen, Ducheny, Goldsmith, and Olberg—Aye; Martinez and Prenter—No.

**Assembly Bill No. 1334, Concurrence:** Baugh—Aye; Cunneen, Olberg, and Pacheco—No.

**Assembly Bill No. 1485, Concurrence:** Cunneen, House, and Miller—Aye; Baugh, Bordonaro, Kaloogian, and McClintock—No.

**Assembly Bill No. 1508, Concurrence:** Battin—Aye; Kaloogian, Miller, and Runner—No.

**Assembly Bill No. 11, Urgency and Concurrence:** Baugh, Bowler, Kaloogian, Olberg, and Woods—Aye; Alby and Runner—No.

**Assembly Bill No. 39, Concurrence:** Alquist, Ashburn, Goldsmith, Granlund, Olberg, and Pacheco—Aye; McClintock—No.

**Assembly Bill No. 134, Concurrence:** Cunneen and Morrissey—Aye; Battin, Goldsmith, Granlund, Pacheco, and Woods—No.

**Assembly Bill No. 149, Concurrence:** Battin and Shelley—Aye.

**Assembly Bill No. 167, Concurrence:** Battin, Baugh, and Scott—Aye.

**Assembly Bill No. 365, Concurrence:** Baugh, Olberg, and Poochigian—No.

**Assembly Bill No. 411, Concurrence:** Baugh, Cardoza, and Keeley—Aye; Baldwin—No.

**Assembly Bill No. 428, Concurrence:** Baugh—No.

**Assembly Bill No. 549, Concurrence:** Cunneen, Kuykendall, and Woods—Aye.

**Assembly Bill No. 641, Concurrence:** Ashburn, Goldsmith, Miller, Morrow, and Woods—No.

**Assembly Bill No. 1423, Concurrence:** Granlund and Pacheco—Aye.

**Assembly Bill No. 1245, Concurrence:** Cunneen, Granlund, and Poochigian—Aye; Pacheco and Runner—No.

**Assembly Bill No. 727, Concurrence:** Cunneen, Granlund, Pacheco, and Runner—Aye.

**Assembly Bill No. 1163, Concurrence:** Granlund—Aye; Baugh, Goldsmith, Runner, and Woods—No.

**Assembly Bill No. 705, Concurrence:** Ashburn, Goldsmith, and Prenter—Aye; Baugh, Granlund, Poochigian, and Runner—No.

**Assembly Bill No. 748, Concurrence:** Cunneen—Aye; Baugh, Granlund, and Runner—No.

**Assembly Bill No. 776, Concurrence:** Cunneen, Granlund, Morrissey, and Prenter—Aye; Baugh, Morrow, and Runner—No.

**Assembly Bill No. 807, Concurrence:** Ashburn, Baldwin, Cunneen, Goldsmith, Granlund, Morrow, Runner, and Woods—Aye; Baugh—No.

**Assembly Bill No. 846, Concurrence:** Cunneen and Granlund—Aye; Baugh and Runner—No.

**Assembly Bill No. 861, Concurrence:** Kuykendall—Aye; Ashburn, Baugh, and Goldsmith—No.

**Assembly Bill No. 904, Concurrence:** Battin and Baugh—Aye.

**Assembly Bill No. 494, Concurrence:** Bowen, Cunneen, and Shelley—Aye; Baugh, Granlund, and Kaloogian—No.

**Assembly Bill No. 125, Concurrence:** Baugh, Miller, Shelley, and Woods—Aye.

**Assembly Bill No. 1269, Concurrence:** Alby, Battin, Baugh, Cardoza, Cunneen, Keeley, Miller, Pacheco, Pringle, Runner, Shelley, and Woods—Aye.

**Assembly Bill No. 52, Concurrence:** Aguiar, Battin, Baugh, Frusetta, Pringle, and Runner—Aye.

**Assembly Bill No. 1033, Concurrence:** Battin, Baugh, Havice, and Runner—Aye.

**Assembly Bill No. 1193, Concurrence:** Goldsmith, Pacheco, and Poochigian—Aye; Baugh, Bowler, Granlund, and Pringle—No.

**Assembly Bill No. 1210, Concurrence:** Machado, Pacheco, and Wright—Aye; Baugh, Goldsmith, Granlund, Poochigian, and Runner—No.

**Assembly Bill No. 1214, Concurrence:** Cunneen, Kuykendall, and Lempert—Aye; Ashburn, Baugh, Pacheco, and Runner—No.

**Assembly Bill No. 1266, Concurrence:** Pacheco—Aye; Baldwin and Baugh—No.

**Assembly Bill No. 1277, Concurrence:** Baldwin, Baugh, Havice, and Pacheco—Aye.

**Assembly Bill No. 1483, Urgency and Concurrence:** Battin, Baugh, Campbell, Cardenas, Granlund, McClintock, Pacheco, and Runner—Aye.

**Assembly Bill No. 1568, Motion to Re-refer to Committee:** Havice—No.

**Assembly Bill No. 1597, Concurrence:** Baugh, Mazzoni, Pacheco, and Poochigian—Aye; Kaloogian, Morrow, and Oller—No.

**Assembly Bill No. 10, Concurrence:** Mazzoni, Miller, and Pacheco—Aye; Baugh—No.

**Assembly Bill No. 1378, Concurrence:** Miller and Woods—Aye.

**Assembly Bill No. 49, Concurrence:** Kuykendall and Pacheco—Aye; Margett, Miller, Prenter, and Woods—No.

**Assembly Bill No. 45, Concurrence:** Miller, Pacheco, and Woods—Aye.

**Assembly Bill No. 1346, Concurrence:** Miller, Murray, Pacheco, and Woods—Aye.

**Assembly Bill No. 594, Escutia Motion to Suspend Rules:** Goldsmith—Aye; Olberg—No.

**Senate Bill No. 682:** Machado—Aye; Olberg—No.

**Assembly Bill No. 701, Concurrence:** Campbell and Morrow—No.

**Assembly Bill No. 67, Concurrence:** Olberg—Aye.

**Assembly Bill No. 177, Concurrence:** Ackerman, Baldwin, Baugh, Brown, Cardoza, Cunneen, Gallegos, Hertzberg, Kaloogian, Mazzoni, Olberg, Pacheco, and Prenter—Aye.

**Assembly Bill No. 351, Concurrence:** Baca, Cunneen, Gallegos, Pacheco, Poochigian, and Wright—Aye; Baugh—No.

**Assembly Bill No. 749, Concurrence:** Honda, Martinez, Murray, Prenter, and Torlakson—Aye.

**Assembly Bill No. 792, Concurrence:** Battin and Pacheco—Aye; Runner—No.

**Assembly Bill No. 931, Concurrence:** Figueroa—Aye; Baldwin, Leach, and Olberg—No.

**Assembly Bill No. 1159, Concurrence:** Brown, Campbell, Gallegos, and Wildman—Aye; Baldwin, Morrow, and Runner—No.

**Assembly Bill No. 1558, Concurrence:** Hertzberg, Murray, Runner—Aye; Martinez—No.

**Assembly Bill No. 1601, Concurrence:** Runner—Aye.

**Assembly Bill No. 501, Concurrence:** Aguiar, Alby, Goldsmith, Hertzberg, and Kuykendall—Aye; Ashburn—No.

**Assembly Bill No. 764, Concurrence:** Bowen and Hertzberg—Aye.

**Assembly Bill No. 827, Concurrence:** Martinez and Villaraigosa—Aye.

**Assembly Bill No. 940, Concurrence:** Brown and Davis—Aye; Honda—No.

**Assembly Bill No. 1099, Concurrence:** Cardoza and Pacheco—Aye.

**Assembly Bill No. 1293, Concurrence:** Battin, Morrow, and Pringle—No.

**Assembly Bill No. 1302, Concurrence:** Battin and Pringle—Aye.

**Assembly Bill No. 1429, Concurrence:** Pacheco and Thomson—Aye; Battin and Pringle—No.

**Assembly Bill No. 1553, Urgency and Concurrence:** Havice—Aye.

**Assembly Bill No. 2, Concurrence:** Davis—Aye.

**Assembly Bill No. 1456, Concurrence:** Ashburn and Goldsmith—No.

**Assembly Bill No. 963, Concurrence:** Ducheny, Poochigian, and Runner—Aye.

**Senate Bill No. 1026:** Runner—No.

**Senate Bill No. 513:** Cardoza, Kaloogian, and Oller—Aye.

**Senate Bill No. 521:** Olberg—Aye.

**Assembly Bill No. 140, Concurrence:** Bowen—Aye.

**Assembly Bill No. 853, Urgency and Concurrence:** Alby, Battin, Bowler, Pacheco, and Runner—Aye; Brewer—No.

**Assembly Bill No. 1198, Urgency and Concurrence:** Pacheco—Aye; Runner—No.

**Assembly Bill No. 437, Concurrence:** Cardenas and Cunneen—Aye; Goldsmith, Granlund, and Pacheco—No.

**Assembly Bill No. 1575, Concurrence:** Havice—Aye.

**Assembly Bill No. 58, Concurrence:** Battin—Aye; Kaloogian—No.

**Assembly Bill No. 794, Concurrence:** Bordonaro, Goldsmith, and Runner—No.

**Assembly Bill No. 472, Concurrence:** Havice—Aye; Kaloogian and Oller—No.

**Granlund, Motion to Suspend Rules:** Takasugi—Aye.

**Assembly Bill No. 991, Concurrence:** Cunneen and Firestone—No.

#### **MOTION TO ADJOURN**

At 11:36 p.m., Assembly Member Napolitano moved that the Assembly do now adjourn.

Assembly Member Washington seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 11:37 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

#### **INTRODUCTION OF GUESTS**

Speaker pro Tempore Kuehl introduced Kathi O'Donohue, of Venice; and Steven and Diane Aronowitz, of Auburn.

Assembly Member Kaloogian, of the 74th Assembly District, introduced former Member of the Assembly Robert Frazee.

**ADJOURNMENT**

At 11:38 p.m., pursuant to the motion by Assembly Member Napolitano, the Assembly adjourned until 11 a.m., Friday, September 12, 1997, out of respect to the memory of Barbara Worth-Oakford, on motion of Assembly Member Floyd; and out of respect to the memory of Alice Crowley, on motion of Assembly Member Bowler.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON SEPTEMBER 11, 1997**

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The following measures were amended in the Assembly on this day:

### **ACR**

70 \*

<b>SB</b>	<b>RN</b>
5	9723456
90	9723578
163	9723667
227	9723548
298	9723695
368	9723767
376 (Conf.)	9723697
513 *	
828	9723709
1155	9723763

### **SCR**

50 \*

**Daily Total: 11**

**Cumulative Total: 3406**

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, September 12, 1997**

**ONE HUNDRED THIRTY-EIGHTH SESSION DAY**

**TWO HUNDRED EIGHTY-FIFTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Friday, September 12, 1997

The Assembly met at 11 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Campbell moved a quorum call of the Assembly.

Motion carried. Time, 11:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 11:28 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—78:

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	



**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O Lord, Take Your rightful place in our hearts and reign supreme in our lives. Show us that every wound has a blessing and every scar a remembered grace. Be with us in moments of hard thinking and painful decision-making as well as in times of triumphant joy. Lord, You are the source of our inspiration. May justice and truth be the fruit of our labors.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Campbell then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Sweeney, seconded by Assembly Member Ackerman.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of a death in his family and waiving per diem: Assembly Member Olberg.*

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, September 12, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a) (11) as it relates to Senate Bills Nos. 8 and 1101.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 12, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1378

And reports the same correctly enrolled, and presented to the Governor at 9:15 a.m., September 12, 1997.

E. DOTSON WILSON, Chief Clerk

**ADJOURN IN MEMORY**

Assembly Member Alby was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Stephanie Frazier McDowell, of Sacramento.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Evelyn M. Campbell, of Newport Beach.

Assembly Member Ortiz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Brenda L. Smith, of Sacramento.

**BILL RETURNED TO SENATE**

Assembly Member Escutia was granted unanimous consent to return Assembly Bill No. 233 to the Senate for further action.

**BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Senate Bill No. 225**, on request of Assembly Member Papan;

**Senate Bill No. 495**, on request of Assembly Member Sweeney;

**Assembly Bill No. 160**, on request of Assembly Member Hertzberg.

**ADJOURN IN MEMORY**

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Lou Growney Gianniani, of San Francisco.

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patricia Dean, of Oakdale; Hughson Post Master Paul Wilson; and California Department of Corrections Officers Mylene Gudrun Zalar, of Riverside and Paul B. Berldon, of Chino Hills.

**CONSIDERATION OF SENATE BILL NO. 247 BY UNANIMOUS CONSENT**

Assembly Member Kuehl was granted unanimous consent to take up Senate Bill No. 247, out of order, for purpose of amendment.

**SENATE BILL NO. 247 (Lockyer)**—An act to amend Section 19272 of, and to amend and renumber Section 19532 of, the Revenue and Taxation Code, and to amend Section 11475.1 of the Welfare and Institutions Code, relating to support.

Bill read third time.

**Motion to Amend**

Assembly Member Kuehl moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**Further Consideration of Senate Bill No. 247, as Amended  
by Unanimous Consent**

Assembly Member Kuehl was granted unanimous consent to take up Senate Bill No. 247, as amended, without reference to file.

**SENATE BILL NO. 247 (Lockyer)**—An act to amend Section 102425 of the Health and Safety Code, to amend Section 19272 of, and to amend and renumber Section 19532 of, the Revenue and Taxation Code, and to amend Section 11475.1 of the Welfare and Institutions Code, relating to support.

Bill read third time, and presented by Assembly Member Kuehl.

Bill passed by the following vote:

**AYES—55**

Aguiar	Figueroa	Leach	Perata
Alquist	Firestone	Lempert	Prenter
Aroner	Frusetta	Leonard	Scott
Baca	Callegos	Machado	Shelley
Battin	Goldsmith	Martinez	Strom-Martin
Bowen	Granlund	Mazzoni	Sweeney
Brewer	Havice	McClintock	Thomson
Brown	Hertzberg	Migden	Torlakson
Cardenas	Honda	Morrissey	Villaraigosa
Cardoza	House	Murray	Washington
Cunneen	Keeley	Napolitano	Wayne
Davis	Knox	Ortiz	Wildman
Ducheny	Kuehl	Pacheco	Mr. Speaker
Escutia	Kuykendall	Papan	

**NOES—17**

Ackerman	Bordonaro	Miller	Woods
Alby	Bowler	Morrow	Wright
Ashburn	Campbell	Oller	
Baldwin	Kaloogian	Runner	
Baugh	Margett	Thompson	

Bill ordered transmitted to the Senate.

**At 11:47 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**CONSIDERATION OF DAILY FILE  
SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bill No. 5,** ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 524**—An act to add Section 366.1 to the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 972**—An act to repeal and add Section 19622.2 of the Business and Professions Code, to amend Sections 3311 and 3332 of, and to repeal Sections 3335 and 3336 of, the Food and Agricultural Code, and to amend Sections 11272, 12470, and 16310 of the Government Code, relating to the California Exposition and State Fair, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 200 (Kelley)**—An act to add Section 7073.8 to the Government Code, and to amend Sections 17053.74 and 23622.7 of, to add Sections 17053.47 and 23622.8 to, and to repeal and amend Sections 17053.70, 17053.75, 17235, 23612.2, and 24384.5 of, the Revenue and Taxation Code, relating to economic development.

Bill read third time, and presented by Assembly Member Napolitano.

Bill passed by the following vote:

**AYES—70**

Ackerman	Ducheny	Margett	Runner
Aguiar	Escutia	Mazzoni	Scott
Alby	Figueroa	McClintock	Shelley
Alquist	Frusetta	Migden	Strom-Martin
Aroner	Gallegos	Miller	Sweeney
Ashburn	Goldsmith	Morrissey	Takasugi
Baca	Granlund	Morrow	Thompson
Baldwin	Hertzberg	Murray	Thomson
Battin	Honda	Napolitano	Torlakson
Baugh	House	Oller	Villaraigosa
Bordonaro	Kaloogian	Ortiz	Vincent
Bowler	Keeley	Pacheco	Washington
Brewer	Kuehl	Papan	Wayne
Brown	Kuykendall	Perata	Woods
Campbell	Leach	Poochigian	Wright
Cardenas	Lempert	Prenter	Mr. Speaker
Cardoza	Leonard	Pringle	
Cunneen	Machado	Richter	

**NOES—4**

Bowen	Havice	Martinez	Wildman
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 200: Assembly Member Davis, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 550 (O'Connell)**—An act to amend Section 35735.1 of the Education Code, relating to education.

Bill read third time, and presented by Assembly Member Machado.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**At 11:41 a.m., Hon. Fred Keeley, 27th District, presiding**

**SENATE BILL NO. 526 (Hayden)**—An act to add Article 12 (commencing with Section 1915) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to the Youth Authority, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Hertzberg.

**Demand for Previous Question**

Assembly Members Campbell, Alquist, Margett, Morrissey, and Mazzoni demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—58**

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Baca	Frusetta	McClintock	Takasugi
Battin	Gallegos	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Bowler	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Campbell	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Prenter	Woods
Cunneen	Kuykendall	Pringle	Wright
Davis	Lempert	Richter	Mr. Speaker
Ducheny	Machado	Scott	
Escutia	Margett	Shelley	

**NOES—19**

Ackerman	Baugh	Leach	Pacheco
Aguiar	Bordonaro	Leonard	Poochigian
Alby	Goldsmith	Miller	Runner
Ashburn	House	Morrow	Thompson
Baldwin	Kaloogian	Oller	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 66 (Greene)**—An act to repeal Chapter 23 (commencing with Section 17770) of, and to add and repeal Chapter 19 (commencing with Section 17200) of, Part 10 of, the Education Code, relating to class size in the public elementary schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Mazzoni.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 45 (Kopp)**—An act to amend Sections 14523, 14524, 14525, 14526, 14527, 14530.1, 14531, 14536, 65081.1, 65082, 65083, and 65086 of, to add Sections 14529.1, 14529.8, 14529.12, and 14529.15 to, to repeal and add Sections 14520.3, 14529, 65080, and 65086.4 of, and to repeal Sections 14524.5, 14529.01, 14529.2, 14529.6, 14530.5, 14555, 65071, and 65081 of, the Government Code, to amend Sections 99310, 99312, and 99315 of, and to repeal Sections 99315.5, 99315.6, 99318, and 99318.2 of, the Public Utilities Code, and to amend Sections 164.3, 167, 188, and 188.8 of, to amend and repeal Sections 2601, 2602, and 2602.1 of, to add Sections 164.6 and 188.10 to, to repeal and add Sections 163, 164, and 182.5 of, and to repeal Sections 164.2, 164.4, 164.35, 164.50, 164.51, 164.52, 164.55, 164.57, 168, 182.4, 182.8, 188.9, 199, 199.1, 199.2, 199.3, 199.4, 199.6, 199.7, 199.8, 199.9, 199.10, 199.11, and 2600 of, the Streets and Highways Code, relating to transportation.

Bill read third time, and presented by Assembly Member Torlakson.

Bill passed by the following vote:

**AYES—62**

Ackerman	Cunneen	Machado	Pringle
Aguiar	Escutia	Margett	Richter
Alby	Figueroa	Martinez	Runner
Alquist	Firestone	Mazzoni	Scott
Aroner	Frusetta	McClintock	Shelley
Ashburn	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Hertzberg	Morrissey	Thompson
Baugh	Honda	Morrow	Thomson
Bordonaro	House	Napolitano	Torlakson
Bowler	Kaloogian	Oller	Villaraigosa
Brewer	Keeley	Ortiz	Wayne
Brown	Kuykendall	Pacheco	Woods
Campbell	Leach	Papan	Mr. Speaker
Cardenas	Lempert	Perata	
Cardoza	Leonard	Poochigian	

**NOES—11**

Baca	Knox	Prenter	Washington
Bowen	Kuehl	Strom-Martin	Wildman
Havice	Murray	Vincent	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 45: Assembly Members Mazzoni and Ortiz, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 298 (Leslie)**—An act to amend Sections 52122 and 52124.5 of the Education Code, and to amend Section 9 of Chapter 298 of the Statutes of 1997, relating to school finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Villaraigosa.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

The question being on the passage of the bill.



Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Callegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 540 (Johnston)**—A act to add and repeal Section 42250.2 of the Education Code, relating to school facilities.

Bill read third time, and presented by Assembly Member Oller.

Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Callegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**REQUEST TO RE-REFER BILL TO COMMITTEE**

Assembly Member Floyd requested unanimous consent that Senate Bill No. 655 be re-referred to the Committee on Labor and Employment.

**Senate Bill No. 655 Passed Temporarily**

By unanimous consent Senate Bill No. 655 was passed temporarily on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 227 (Solis)**—An act to amend Sections 22509, 22801, and 22803 of, and to add Section 22508.5 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

Bill read third time, and presented by Assembly Member Ducheny  
 Bill passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**SENATE CONCURRENT RESOLUTION NO. 59 (Solis)**—Relative to Mother Teresa.

Resolution read, presented by Assembly Member Escutia, and adopted.

Resolution ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 12:20 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Murray introduced Captain Stanton H. Perez of the California Highway Patrol who has served as Legislative Liaison to the Members of the California State Legislature and presented a resolution honoring his superior record and dedication to law enforcement. Assembly Member Murray was joined by the Members of the Assembly in extending best wishes in future endeavors to Mr. Perez as he departs his current position to accept a position as Commander of the Office of Dignitary Protection.

Stanton H. Perez then addressed the assemblage.

**REASSEMBLED**

At 12:21 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 257

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 633

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 828 (Greene)**—An act to amend Sections 6710, 6714, 6747, and 8710 of the Business and Professions Code, relating to professional engineers.

Bill read third time, and presented by Assembly Member Cardenas.

Bill passed by the following vote:

**AYES—68**

Ackerman	Cunneen	Kuykendall	Pringle
Aguiar	Davis	Leach	Richter
Alby	Ducheny	Lempert	Runner
Alquist	Escutia	Machado	Scott
Aroner	Figueroa	Margett	Shelley
Ashburn	Firestone	Martinez	Strom-Martin
Baca	Floyd	Mazzoni	Sweeney
Battin	Frusetta	Migden	Takasugi
Baugh	Gallegos	Miller	Thomson
Bordonaro	Goldsmith	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Havice	Napolitano	Vincent
Brewer	Hertzberg	Ortiz	Washington
Brown	Honda	Pacheco	Wayne
Campbell	House	Papan	Wildman
Cardenas	Keeley	Perata	Woods
Cardoza	Kuehl	Prenter	Mr. Speaker

**NOES—8**

Baldwin	Leonard	Morrow	Poochigian
Kaloogian	McClintock	Oller	Thompson

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 828: Assembly Member Ackerman, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 990 (Calderon)**—An act to amend Sections 19802, 19807.1, 19809, and 19809.5 of the Business and Professions Code, relating to gaming.

Bill read third time, and presented by Assembly Member Vincent.

Bill passed by the following vote:

**AYES—55**

Ackerman	Cardenas	Machado	Poochigian
Aguiar	Cardoza	Margett	Pringle
Alby	Cunneen	Mazzoni	Richter
Aroner	Figueroa	McClintock	Runner
Ashburn	Firestone	Migden	Strom-Martin
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thomson
Battin	Goldsmith	Morrow	Torlakson
Baugh	Granlund	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowler	Honda	Oller	Wildman
Brewer	Keeley	Ortiz	Wright
Brown	Kuykendall	Pacheco	Mr. Speaker
Campbell	Leach	Perata	

**NOES—15**

Alquist	Kaloogian	Martinez	Washington
Bowen	Kuehl	Prenter	Wayne
Floyd	Lempert	Sweeney	Woods
Havice	Leonard	Thompson	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1155 (Leslie)**—An act to add and repeal Section 42285.3 of the Education Code, relating to education.

Bill read third time, and presented by Assembly Member Richter.

Bill passed by the following vote:

**AYES—74**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alby	Escutia	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Senate Bill**

**SENATE BILL NO. 1305 (Sher)**—An act to add Article 14 (commencing with Section 398.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1254 (Calderon)**—An act to amend Section 11166.5 of, and to add and repeal Section 290.05 of, the Penal Code, relating to children, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Morrow.

Bill passed by the following vote:

**AYES—72**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Runner
Ashburn	Firestone	Margett	Scott
Baca	Frusetta	Martinez	Shelley
Baldwin	Gallegos	McClintock	Strom-Martin
Battin	Goldsmith	Miller	Sweeney
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	Havice	Morrow	Thompson
Bowen	Hertzberg	Murray	Thomson
Bowler	Honda	Napolitano	Torlakson
Brewer	House	Oller	Villaraigosa
Brown	Kaloogian	Ortiz	Vincent
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO  
ASSEMBLY RULE 77.2**

Upon request of Assembly Member Floyd, pursuant to Assembly Rule 77.2, by unanimous consent the Speaker re-referred Senate Bill No. 655 to the Committee on Labor and Employment.

**UNFINISHED BUSINESS****ASSEMBLY BILL NO. 949 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Ducheny was granted unanimous consent that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 949 were refused concurrence.

**Further Consideration of Senate Amendments to Assembly Bill No. 949**

**ASSEMBLY BILL NO. 949 (Ducheny)**—An act to add Chapter 5.68 (commencing with Section 2598) to Division 2 of the Business and Professions Code, relating to social workers.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Runner moved a call of the Assembly.

Motion carried. Time, 12:56 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bills Nos. 1334 and 867 were continued until the next legislative day.

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 627 (Scott and Thomson)**—An act to amend Section 87207 of, and to add Article 4.6 (commencing with Section 87460) to Chapter 7 of Title 9 of, the Government Code, relating to the Political Reform Act of 1974.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—70**

Aguiar	Firestone	Margett	Runner
Alquist	Frusetta	Martinez	Scott
Aroner	Gallegos	Mazzoni	Shelley
Ashburn	Goldsmith	McClintock	Strom-Martin
Baca	Granlund	Migden	Sweeney
Baldwin	Havice	Miller	Takasugi
Battin	Hertzberg	Morrissey	Thompson
Bordonaro	Honda	Murray	Thomson
Brewer	House	Napolitano	Torlakson
Brown	Kaloogian	Oller	Villaraigosa
Campbell	Keeley	Ortiz	Vincent
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Wildman
Cunneen	Kuykendall	Perata	Woods
Davis	Leach	Poochigian	Wright
Ducheny	Lempert	Prenter	Mr. Speaker
Escutia	Leonard	Pringle	
Figueroa	Machado	Richter	

**NOES—3**

Ackerman	Baugh	Morrow
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Above bill ordered enrolled.



**ASSEMBLY BILL NO. 781 (Sweeney)**—An act to amend Sections 51871, 51872, 51874, 51875, and 51876 of, to amend and renumber Sections 51881 and 51884 of, to amend, renumber, and repeal Section 51883 of, and to add Sections 51871.5 and 51872.5 to, the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1230 (Wright)**—An act to amend Sections 14001, 14030, 14037, 14059, 14070, and 14076 of the Corporations Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—71

Ackerman	Davis	Leach	Pringle
Aguiar	Ducheny	Lempert	Richter
Alby	Escutia	Leonard	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Firestone	Margett	Strom-Martin
Ashburn	Floyd	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Baldwin	Gallegos	Migden	Thomson
Battin	Goldsmith	Miller	Torlakson
Bordonaro	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brewer	Honda	Ortiz	Wayne
Brown	House	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cunneen	Kuykendall	Prenter	

#### NOES—7

Baugh	McClintock	Oller	Thompson
Kaloogian	Morrow	Runner	

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—71

Ackerman	Davis	Leach	Pringle
Aguiar	Ducheny	Lempert	Richter
Alby	Escutia	Leonard	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Firestone	Margett	Strom-Martin
Ashburn	Floyd	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Baldwin	Gallegos	Migden	Thomson
Battin	Goldsmith	Miller	Torlakson
Bordonaro	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brewer	Honda	Ortiz	Wayne
Brown	House	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cunneen	Kuykendall	Prenter	

#### NOES—7

Baugh	McClintock	Oller	Thompson
Kaloogian	Morrow	Runner	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1394 (Figueroa)**—An act to repeal and add Section 12606 of the Business and Professions Code, and repeal and add Section 110375 of the Health and Safety Code, relating to packaging and labeling.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thompson
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poohigian	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 62 (McClintock)**—An act to amend Section 57079 of, and to add Sections 56075.5, 56656, 56844.2, 57103.1, 57132.5, and 57176.1 to, the Government Code, relating to local government organization.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**At 1:17 p.m., Assistant Speaker pro Tempore Joe Baca,**  
**62nd District, presiding**

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Murray moved a call of the Assembly.

Motion carried. Time, 1:32 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 702 (Villaraigosa)**—An act to add Section 19721.6 to the Revenue and Taxation Code, relating to child support.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—58**

Aguiar	Figuerola	Machado	Scott
Alquist	Firestone	Margett	Shelley
Aróner	Floyd	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	McClintock	Takasugi
Battin	Granlund	Migden	Thomson
Bowen	Havice	Morrissey	Torlakson
Bowler	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Pacheco	Wayne
Cunneen	Kuehl	Papan	Wildman
Davis	Kuykendall	Perata	Mr. Speaker
Ducheny	Leach	Prenter	
Escutia	Lempert	Richter	

**NOES—17**

Ackerman	Campbell	Miller	Runner
Alby	Goldsmith	Morrow	Thompson
Baldwin	House	Oller	
Baugh	Kaloogian	Poochigian	
Bordonaro	Leonard	Pringle	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1507 (Cardoza)**—An act to add Article 7 (commencing with Section 15373.100) to Chapter 2.5 of Part 6.7 of Division 3 of Title 2 of, and to repeal Chapter 1.9 (commencing with Section 65055) of Division 1 of Title 7 of, the Government Code, relating to economic development.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—53

Alquist	Figueroa	Machado	Sweeney
Aroner	Firestone	Martinez	Takasugi
Ashburn	Frusetta	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Battin	Goldsmith	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brewer	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Cardenas	House	Perata	Wildman
Cardoza	Keeley	Prenter	Wright
Cunneen	Knox	Richter	Mr. Speaker
Davis	Kuehl	Scott	
Ducheny	Kuykendall	Shelley	
Escutia	Lempert	Strom-Martin	

#### NOES—22

Ackerman	Bowler	Margett	Pacheco
Aguiar	Campbell	McClintock	Pringle
Alby	Granlund	Miller	Runner
Baldwin	Kaloogian	Morrissey	Thompson
Baugh	Leach	Morrow	
Bordonaro	Leonard	Oller	

Above bill ordered enrolled.

#### CAUCUS ANNOUNCEMENTS

At 1:40 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

#### RECESS

By unanimous consent, at 1:40 p.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed.

#### REASSEMBLED

At 4:55 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

#### MESSAGES FROM THE SENATE

Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 1539

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 29  
Assembly Bill No. 258  
Assembly Bill No. 412

Assembly Bill No. 670  
Assembly Bill No. 1544  
Assembly Bill No. 1561

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 181

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 158

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 10, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 571

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 560

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 280  
Assembly Bill No. 1219

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 80—Aguiar.** Relative to commending prison chaplains.

**ASSEMBLY JOINT RESOLUTION NO. 42—Olberg.** Relative to the California Desert Protection Act of 1994.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, September 12, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61 (a) (11) as it relates to Senate Bill No. 8.

VALERIE BROWN

Above request ordered transmitted to the Committee on Rules.

**CONSIDERATION OF SPECIAL CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Special Consent Calendar, First Legislative Day and Second Legislative Day, by unanimous consent.

**Consideration of Senate Amendments to Assembly Bills**

**ASSEMBLY BILL NO. 102 (Cunneen)**—An act to add Section 1170.76 to the Penal Code, relating to sentencing.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 387 (Miller)**—An act to amend Sections 18672, 18673, 18676, 18677, 19575, and 19683 of, and to add Section 18672.1 to, the Government Code, relating to state government.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 545 (Gallegos)**—An act to amend Section 14412 of, to add Sections 14087.307, 14087.308, and 14087.309 to, and to repeal Section 14413 of, the Welfare and Institutions Code, relating to health services.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 777 (Prenter)**—An act to amend Sections 36012 and 36101 of the Vehicle Code, relating to vehicles.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 920 (Davis)**—An act to add Chapter 10 (commencing with Section 13890) to Title 6 of Part 4 of the Penal Code, relating to crime laboratories, and making an appropriation therefor.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 957 (Migden)**—An act to add Section 69639 to, and to add and repeal Article 7 (commencing with Section 69620) to Chapter 2 of Part 42 of, the Education Code, relating to postsecondary education.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1610 (Ortiz)**—An act to amend Sections 44237 and 45125 of, and to add Section 45125.1 to, the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1612 (Alby)**—An act to add Sections 44332.6, 44346.1, 44830.1, and 45122.1 to the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1559 (Cardoza)**—An act to amend Section 17065 of, and to add Section 12846.5 to, the Food and Agricultural Code, and to amend Section 110050 of, and to amend and repeal Section 110485 of, the Health and Safety Code, relating to food and agriculture.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 939 (Ortiz)**—An act to amend Section 467.5 of the Business and Professions Code, to amend Section 1775.10 of the Code of Civil Procedure, to amend and renumber the heading of Chapter 2 (commencing with Section 1150) of Division 9 of, to add Chapter 2 (commencing with Section 1115) to Division 9 of, and to repeal Sections 1152.5 and 1152.6 of, the Evidence Code, to amend Sections 66032 and 66033 of the Government Code, to amend Sections 10089.80 and 11089.82 of the Insurance Code, to amend Section 65 of the Labor Code, and to amend Section 350 of the Welfare and Institutions Code, relating to mediation.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*



**ASSEMBLY BILL NO. 1357 (Baldwin)**—An act to amend Sections 25200.2, 25218.2, 25218.9, 25404, and 25404.5 of, and to add Section 25201.4.1 to, the Health and Safety Code, relating to hazardous waste.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1425 (Campbell)**—An act relating to highways, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1556 (Committee on Health)**—An act to amend Section 2483 of, and to repeal and add Section 2497.1 of, the Business and Professions Code, relating to podiatric medicine.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 127 (Morrow)**—An act to add and repeal Section 239 of the Code of Civil Procedure, relating to juries.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 152 (Morrow)**—An act to amend Sections 679.02 and 3043.2 of, and to add Sections 1191.16 and 3043.25 to, the Penal Code, relating to victim's rights.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 219 (Alby)**—An act to amend Section 1248.4 of the Health and Safety Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

The Assembly adopted the urgency clause and concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 290 (Alby)**—An act to amend Section 1279.5 of the Code of Civil Procedure, and to amend Sections 243.4, 290, and 290.4 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

The Assembly adopted the urgency clause and concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 605 (Ashburn)**—An act to amend Sections 2073.3, 2073.5, and 2074 of, and to add Sections 2073.4 and 2073.7 to, the Fish and Game Code, relating to endangered species.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 713 (Caldera)**—An act to amend Sections 18640, 18648, 19008, 19049, 19064, 19104, 19111, 19132, 19280, 19290, 19503, 19717, 21013, 21016, and 21019 of, to add Sections 21022, 21023, 21024, 21025, 21026, and 21027 to, and to repeal Section 18525 of, the Revenue and Taxation Code, relating to taxation.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 994 (Sweeney)**—An act to add Section 20103.6 to the Public Contract Code, relating to local agency contracts.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1065 (Goldsmith)**—An act to amend Sections 11167.5 and 11170 of the Penal Code, relating to child abuse.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1082 (Committee on Governmental Organization)**—An act to amend Sections 23355.1, 24045.15, and 25501 of, to amend and repeal Section 25658.4 of, and to add Section 25758.5 to, the Business and Professions Code, and to add Section 172p to the Penal Code, relating to alcoholic beverages.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1391 (Goldsmith)**—An act to amend Section 11461 of the Welfare and Institutions Code, relating to human services.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1480 (Bordonaro)**—An act to amend Sections 21744, 21745, 22001.5, 22008, 55403, 56109, and 56161 of, and to add Sections 22037 and 55462 to, the Food and Agricultural Code, relating to agriculture.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1555 (Committee on Health)**—An act to amend Sections 2076.5, 2111, 2135, 2185, 2290.5, and 2443 of, and to repeal Section 2076 of, the Business and Professions Code, relating to physicians and surgeons, and making an appropriation therefor.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 76 (Miller)**—An act to amend Sections 1368 and 1375 of, and to add Sections 1363.1 and 1375.1 to, the Civil Code, relating to common interest developments.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 178 (Gallegos)**—An act to add and repeal Section 13710.5 of the Business and Professions Code, relating to automotive products.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1172 (Kaloogian)**—An act to amend Section 641 of the Code of Civil Procedure, to amend Sections 39, 250, 1000, 1060, 1061, 1063, 1064, 1890, 2356.5, 8226, 17200, 17203, 20123, 20223, and 21350 of, to add Sections 1460.1, 16060.5, 16061.5, 16061.7, and 16061.8 to, to add Part 3 (commencing with Section 1300) to Division 3 of, to add Part 6 (commencing with Section 21600) to Division 11 of, to repeal and add Section 16063 of, and to repeal Sections 2312, 3024, 4948, 8406, 17207, and 19028 of, to repeal Chapter 11 (commencing with Section 2750) of Part 4 of Division 4, to repeal Chapter 5 (commencing with Section 6560) of Division 6, and to repeal Article 3 (commencing with Section 7240) of Chapter 3 of Part 1 of Division 7, of the Probate Code, and to amend Sections 10850, 14100.2, 15610.30, and 15657 of the Welfare and Institutions Code, relating to estate planning, trusts, and probate.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's  
Special Consent Calendar roll call.)*

**Special Consent Calendar Roll Call**

The roll was called, and the above bills on the Special Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None****CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 84 (Woods)**—An act to add Article 2.5 (commencing with Section 12175) to Chapter 4 of Part 2 of Division 2 of the Public Contract Code, relating to state contracts.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Davis	Leach	Prenter
Aguiar	Ducheny	Lempert	Pringle
Alby	Escutia	Leonard	Runner
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Margett	Shelley
Ashburn	Floyd	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Baldwin	Gallegos	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Mr. Speaker
Cunneen	Kuykendall	Poochigian	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 242 (Honda)**—An act to add Section 50802.1 to the Health and Safety Code, relating to homeless shelters, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—57**

Aguilar	Floyd	Mazzoni	Sweeney
Alquist	Frusetta	Migden	Takasugi
Aroner	Gallegos	Miller	Thomson
Baca	Granlund	Morrissey	Torlakson
Battin	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Woods
Davis	Kuykendall	Prenter	Wright
Ducheny	Lempert	Richter	Mr. Speaker
Escutia	Machado	Scott	
Figueroa	Margett	Shelley	
Firestone	Martinez	Strom-Martin	

**NOES—21**

Ackerman	Bowler	Leach	Pringle
Alby	Brewer	Leonard	Runner
Ashburn	Campbell	McClintock	Thompson
Baldwin	Goldsmith	Morrow	
Baugh	House	Oller	
Bordonaro	Kaloogian	Poochigian	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 352 (Scott)**—An act to amend and renumber Section 69619.1 of, and to add Section 44392 to, the Education Code, relating to teachers.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thomson
Battin	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Bowler	Honda	Napolitano	Washington
Brewer	House	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—6**

Baugh	McClintock	Runner
Kaloogian	Oller	Thompson

Above bill ordered enrolled.

**OBJECTION TO VOTE ADDS**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 242.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Figueroa was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 1553**

September 12, 1997

*E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This letter is to clarify my intent in amending a notification requirement for health insurers in my AB 1553.

Insurance Code Section 10123.87(b)(2), and Health and Safety Code 1367.62(b)(2) were amended to allow insurers to narrow the notification of maternity length of stay benefits to just those women in their reproductive years, as a way of reducing administrative expenses. However, it has come to my attention that some insurers

would find it more cost effective to notify *all* policyholders, instead.

The above amendments were not intended to require duplicative notification, nor require health plans to notify all policyholders or subscribers in order to comply with the notification requirements of existing law.

Sincerely,

LIZ FIGUEROA, Assembly Member  
Twentieth District

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### UNFINISHED BUSINESS (RESUMED)

#### CONSIDERATION OF SENATE AMENDMENTS

**ASSEMBLY BILL NO. 353 (Wildman)**—An act to amend and renumber Section 69619.1 of, to add Section 44392 to, and to repeal and add Section 44391 of, the Education Code, relating to teachers.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—60

Aguiar	Figueroa	Lempert	Richter
Alquist	Firestone	Machado	Scott
Aroner	Floyd	Margett	Shelley
Ashburn	Frusetta	Martinez	Strom-Martin
Baca	Gallegos	Mazzoni	Sweeney
Bordonaro	Goldsmith	Migden	Thomson
Bowen	Granlund	Miller	Torlakson
Brewer	Havice	Morrissey	Villaraigosa
Brown	Hertzberg	Murray	Vincent
Cardenas	Honda	Napolitano	Washington
Cardoza	Keeley	Ortiz	Wayne
Cunneen	Knox	Pacheco	Wildman
Davis	Kuehl	Papan	Woods
Ducheny	Kuykendall	Perata	Wright
Escutia	Leach	Prenter	Mr. Speaker

#### NOES—17

Ackerman	Campbell	Morrow	Takasugi
Alby	House	Oller	Thompson
Battin	Kaloogian	Poochigian	
Baugh	Leonard	Pringle	
Bowler	McClintock	Runner	

Above bill ordered enrolled.

At 5:05 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding

**ASSEMBLY BILL NO. 498 (Wildman)**—An act to amend Sections 14502, 41020, 41341, and 41609 of, to add Sections 14506.1 and 14506.2 to, to add Article 3.1 (commencing with Section 41344) to Chapter 3 of Part 24 of, and to add and repeal Section 41339.1 of, the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—71

Aguiar	Ducheny	Lempert	Richter
Alby	Escutia	Leonard	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Floyd	Margett	Strom-Martin
Ashburn	Frusetta	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Takasugi
Baldwin	Goldsmith	Migden	Thompson
Battin	Granlund	Miller	Thomson
Bordonaro	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Morrow	Villaraigosa
Bowler	Honda	Murray	Vincent
Brewer	House	Napolitano	Washington
Brown	Kaloogian	Oller	Wayne
Campbell	Keeley	Ortiz	Wildman
Cardenas	Knox	Pacheco	Woods
Cardoza	Kuehl	Papan	Wright
Cunneen	Kuykendall	Poohigian	Mr. Speaker
Davis	Leach	Prenter	

#### NOES—5

Ackerman	McClintock	Runner
Baugh	Pringle	

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 498: Assembly Member Morrow, from "No" to "Aye".

Above bill ordered enrolled.

#### OBJECTION TO VOTE ADDS

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 353.



**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 592 (Kuehl)**—An act to amend Section 51010.5 of, to add Sections 51017.1 and 51017.2 to, and to repeal and add Section 51017 of, the Government Code, to amend Sections 25298.5 and 116375 of, to add Section 100886 to, and to add Article 12 (commencing with Section 25299.97) and Article 13 (commencing with Section 25299.99) to Chapter 6.75 of Division 20 of, and to add Article 7.5 (commencing with Section 116610) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, and to add Sections 13272.1 and 13274 to, the Water Code, relating to environmental protection, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1572 BY UNANIMOUS CONSENT**

Assembly Member Aguiar was granted unanimous consent to take up Assembly Bill No. 1572, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 1572 (Villaraigosa)**—An act to amend Section 101755 of the Health and Safety Code, and to add Sections 12693.105, 12693.16, and 12693.365 to the Insurance Code and to amend Sections 14087.51, 14087.52, and 14087.53 of the Welfare and Institutions Code, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Urgency Clause**

Urgency clause read.

**Point of Order**

Assembly Member Martinez arose to the following point of order:

Assembly Member McClintock is not limiting debate to the Senate amendments to Assembly Bill No. 1572.

**Ruling by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore ruled the point of order not well-taken; that Members are not precluded by the Rules from debating the merits of the entire bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Villaraigosa moved a call of the Assembly.

Motion carried. Time, 5:24 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 600 (Kuehl)**—An act to amend Section 24027 of, and to add Section 24025 to, the Welfare and Institutions Code, relating to health.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 5:32 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Kuehl was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 592**

September 11, 1997

*The Honorable Cruz M. Bustamante*  
*Speaker*  
*California State Assembly*

Mr. Speaker: I wish to clarify that Section 11 of AB 592, which adds Section 116610(d) to the Health and Safety Code, simply requires that the state Department of Health Services adopt a secondary drinking water standard that meets the consumer acceptance levels for taste, odor, or appearance as required by the criteria in the existing Health and Safety Code Section 116275(d), and not to add "consumer acceptance" to the criteria for adopting a secondary drinking water standard. Also, Section 116612 of the Health and Safety Code as added by this bill is not intended to require the Office of Environmental Health Hazard Assessment to make a recommendation whether or not to list MTBE as a carcinogenic or reproductive toxin by January 1, 1999, if there is no scientific data available at that time on which the recommendation can be made.

In addition, there is a typographical error in Section 25299.97(d)(4) of the Health and Safety Code as added by AB 592. The word "modification" should in fact read "notification." The sentence should then read, "The pilot projects shall study appropriate notification to public water systems and response times."

Finally, this bill adds Section 13274 to the Water Code. Subdivision (b) of that section is not intended to confer any additional legal right that is not held by a private land owner under the current law that is in effect at the time this bill is enacted.

Sincerely,

SHEILA JAMES KUEHL  
Speaker pro Tempore  
California State Assembly

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 680 (House)**—An act to amend Section 101305 of the Health and Safety Code, and to add Section 14105.11 to the Welfare and Institutions Code, relating to human services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Cunneen	Leach	Prenter
Aguiar	Davis	Lempert	Richter
Alby	Ducheny	Leonard	Runner
Alquist	Escutia	Machado	Scott
Aroner	Figueroa	Margett	Shelley
Ashburn	Firestone	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Baldwin	Gallejos	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Bowler	Honda	Napolitano	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 833 (Ortiz)**—An act to add Sections 138.4 and 109278 to the Health and Safety Code, relating to cancer.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 5:35 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 896 (Napolitano)**—An act to amend Section 15365.8 of, and to add Section 15365.13 to, the Government Code, relating to international trade, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Napolitano moved a call of the Assembly.

Motion carried. Time, 5:40 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 922 (Battin)**—An act to amend Sections 98 and 98.02 of the Revenue and Taxation Code, relating to local government finance.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—72

Ackerman	Cunneen	Leach	Pringle
Aguiar	Davis	Leonard	Richter
Alby	Ducheny	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Oller	Villaraigosa
Bowler	House	Ortiz	Vincent
Brewer	Kaloogian	Pacheco	Washington
Brown	Keeley	Papan	Wayne
Campbell	Knox	Perata	Wildman
Cardenas	Kuehl	Poochigian	Woods
Cardoza	Kuykendall	Prenter	Mr. Speaker

#### NOES—1

Martinez

Above bill ordered enrolled.

#### MEMBERS EXCUSED FOR COMMITTEE MEETING

At 5:42 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue the Floor session.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

September 12, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61 (a) (11), as it relates to the following bills be granted:

Senate Bills Nos. 8 and 1101.

DON PERATA, Chairman

September 12, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61 (a) (11), to allow the Governmental Organization Committee to meet for the purpose of only hearing the subject matter of Senate Bill No. 8 be granted.

DON PERATA, Chairman

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1017 (Aguiar)**—An act to add Sections 14087.330, 14087.331, 14115.8, and 14172.3 to, the Welfare and Institutions Code, relating to Medi-Cal.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Callegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—1**

McClintock

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 738 BY UNANIMOUS CONSENT**

Assembly Member Papan was granted unanimous consent to take up Assembly Bill No. 738, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 738 (Papan)**—An act to amend Sections 10511, 10512, and 10513 of the Public Contract Code, relating to state contracts.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker
Davis	Leach	Prenter	

**NOES—3**

Bowen	McClintock	Sweeney
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Above bill ordered enrolled.

**At 5:44 p.m., Hon. Roderick Wright, 48th District, presiding**

**ASSEMBLY BILL NO. 1029 (Frusetta)**—An act to amend Section 27803 of, and to add Sections 21714, 27315.1, and 27368 to, the Vehicle Code, relating to vehicles.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—65**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Strom-Martin
Alby	Firestone	Mazzoni	Takasugi
Alquist	Floyd	McClintock	Thompson
Aroner	Frusetta	Miller	Thomson
Ashburn	Goldsmith	Morrissey	Torlakson
Baca	Granlund	Morrow	Villaraigosa
Baldwin	Havice	Murray	Vincent
Battin	Hertzberg	Napolitano	Washington
Baugh	Honda	Oller	Wayne
Bordonaro	House	Ortiz	Wildman
Bowler	Kaloogian	Pacheco	Woods
Brewer	Keeley	Papan	Wright
Campbell	Kuehl	Poochigian	Mr. Speaker
Cardenas	Kuykendall	Prenter	
Cardoza	Leach	Pringle	
Cunneen	Leonard	Richter	

**NOES—7**

Bowen	Davis	Lempert	Sweeney
Brown	Knox	Martinez	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1363 (Machado)**—An act to add Section 1295.5 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—65**

Ackerman	Davis	Margett	Runner
Aguiar	Ducheney	Mazzoni	Scott
Alby	Firestone	McClintock	Strom-Martin
Aroner	Frusetta	Miller	Sweeney
Ashburn	Gallegos	Morrissey	Takasugi
Baca	Goldsmith	Morrow	Thompson
Baldwin	Granlund	Murray	Thomson
Battin	Hertzberg	Napolitano	Torlakson
Baugh	Honda	Oller	Vincent
Bordonaro	House	Ortiz	Washington
Bowler	Kaloogian	Pacheco	Wayne
Brewer	Keeley	Papan	Woods
Brown	Kuykendall	Perata	Wright
Campbell	Leach	Poochigian	Mr. Speaker
Cardenas	Lempert	Prenter	
Cardoza	Leonard	Pringle	
Cunneen	Machado	Richter	

**NOES—4**

Bowen	Havice	Martinez	Migden
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**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1363: Assembly Member Shelley, from "No" to "Not Voting".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1479 (Sweeney)**—An act to amend Sections 13390, 13391.5, 13392, 13392.5, 13393.5, 13394, 13394.5, 13394.6, 13395, and 13396.5 of, to add Sections 13394.2 and 13396.8 to, to repeal Sections 13392.6 and 13393 of, and to repeal Chapter 5.6 (commencing with Section 13390) of Division 7 of, the Water Code, relating to water.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—46

Alquist	Firestone	Machado	Sweeney
Aroner	Floyd	Martinez	Thomson
Baca	Gallegos	Mazzoni	Torlakson
Bowen	Havice	Migden	Villaraigosa
Brown	Hertzberg	Murray	Vincent
Cardenas	Honda	Napolitano	Washington
Cardoza	Keeley	Ortiz	Wayne
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Wright
Ducheny	Kuykendall	Scott	Mr. Speaker
Escutia	Leach	Shelley	
Figueroa	Lempert	Strom-Martin	

#### NOES—31

Ackerman	Bowler	Leonard	Poochigian
Aguiar	Brewer	Margett	Prenter
Alby	Campbell	McClintock	Pringle
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Oller	Woods
Bordonaro	Kaloogian	Pacheco	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 115 (Havice)**—An act to amend Section 667.5 of the Penal Code, relating to sentencing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—1**

Migden

Above bill ordered enrolled.

**At 5:53 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**ASSEMBLY BILL NO. 173 (Aguir)**—An act to add Article 13 (commencing with Section 44400) to Chapter 2 of Part 25 of the Education Code, relating to teacher credentialing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—54**

Aguir	Figueroa	Lempert	Shelley
Alquist	Firestone	Leonard	Strom-Martin
Aroner	Floyd	Machado	Sweeney
Ashburn	Frusetta	Martinez	Takasugi
Baca	Gallegos	Miller	Thomson
Bordonaro	Goldsmith	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Havice	Napolitano	Vincent
Brewer	Hertzberg	Ortiz	Wayne
Brown	Honda	Papan	Wildman
Cardenas	Keeley	Perata	Woods
Cardoza	Knox	Prenter	Mr. Speaker
Cunneen	Kuehl	Richter	
Escutia	Kuykendall	Scott	

**NOES—16**

Ackerman	Baugh	McClintock	Poochigian
Alby	Campbell	Morrow	Pringle
Baldwin	Kaloogian	Oller	Runner
Battin	Margett	Pacheco	Thompson

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 173: Assembly Member Alby, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 179 (Bowen)**—An act to amend Sections 6252 and 6258 of, to amend and renumber Section 6253 of, to add the heading of Article 1 (commencing with Section 6250) to Chapter 3.5 of Division 7 of Title 1 of, to add Sections 6252.5 and 6253 to, and to repeal Sections 6253.1, 6256, 6256.1, 6256.2 and 6257 of, the Government Code, relating to public records.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—71

Aguiar	Escutia	Leonard	Pringle
Alby	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thomson
Bowen	Havice	Morrissey	Torlakson
Bowler	Hertzberg	Murray	Villaraigosa
Brewer	Honda	Napolitano	Vincent
Brown	House	Oller	Washington
Campbell	Kaloogian	Ortiz	Wayne
Cardenas	Keeley	Pacheco	Wildman
Cardoza	Knox	Papan	Woods
Cunneen	Kuehl	Perata	Wright
Davis	Kuykendall	Poochigian	Mr. Speaker
Ducheny	Lempert	Prenter	

#### NOES—6

Ackerman	Bordonaro	Runner
Baugh	Leach	Thompson

Above bill ordered enrolled.

#### CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1223 BY UNANIMOUS CONSENT

Assembly Member Strom-Martin was granted unanimous consent to take up Assembly Bill No. 1223, out of order, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 1223 (Strom-Martin)**—An act to amend Section 5164 of the Public Resources Code, relating to parks and recreation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Above bill ordered enrolled.

**OBJECTION WITHDRAWN**

Assembly Member Shelley withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 242.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 278 (Escutia)**—An act to amend Sections 39606, 39655, 39660, 39662, 40451, and 116365 of, and to add Sections 25502.5, 39606.1, 39618, and 39667.5 to, the Health and Safety Code, relating to environmental protection.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Demand for Previous Question**

Assembly Members Washington, Mazzoni, Wayne, Alquist, and Hertzberg demanded the previous question. Demand sustained.

The question being on concurrence in Senate amendments.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Escutia moved a call of the Assembly.

Motion carried. Time, 6:27 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT  
BY UNANIMOUS CONSENT**

Assembly Member Aguiar was granted unanimous consent to take up the Conference Committee Report on Assembly Bill No. 1126, out of order.

**ASSEMBLY BILL NO. 1126** (As proposed by the Conference Committee)—An act to amend Section 6254 of the Government Code, to amend Section 101755 of the Health and Safety Code, and to add and repeal Part 6.2 (commencing with Section 12693) of Division 2 of the Insurance Code, relating to children, and making an appropriation therefor.

Conference Committee Report presented by Assembly Member Villaraigosa.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 6:54 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT  
BY UNANIMOUS CONSENT**

Assembly Member Aguiar was granted unanimous consent to take up the Conference Committee Report on Senate Bill No. 903, out of order.

**SENATE BILL NO. 903** (As proposed by the Conference Committee)—An act to amend Sections 14067 and 14148.75 of, and to add Sections 14005.23, 14011.1 and 14016.11 to, the Welfare and Institutions Code, relating to human services.

Conference Committee Report presented by Assembly Member Figueroa.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 6:59 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 376

Senate Bill No. 903

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT  
BY UNANIMOUS CONSENT**

**SENATE BILL NO. 376 (As proposed by the Conference Committee)**—An act to amend Sections 33050, 60603, 60604, 60605, 60606, 60607, 60613, 60616, and 60630 of, and to repeal and add Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

**At 7:10 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**  
Conference Committee Report presented by Assembly Member Mazzoni.

**Urgency Clause**

Urgency clause read.

**Additional Time for Debate Granted**

Assembly Member Strom-Martin was granted unanimous consent that she be granted 1 minutes additional time for debate.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Mazzoni moved a call of the Assembly.

Motion carried. Time, 8:13 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Brown:

*Resolved*, That Joint Rule 61(a)(11) be suspended to permit the Committee on Governmental Organization to meet for the purpose of only hearing the subject matter of Senate Bill No. 8.

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(a)(11) be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bills Nos. 1101 and 8 for further action.



Resolutions read, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Migden was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting today, off the Floor, at 9:30 p.m., in Room 4202, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 8, 273, and 1101 for hearing.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

September 12, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember George Runner to replace Assemblymember Keith Olberg on the Assembly Appropriations Committee for today, September 12, 1997, only.

Thank you for your attention to this request.

Sincerely,

**CRUZ M. BUSTAMANTE**  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Brown was granted unanimous consent that the Committee on Governmental Organization be permitted to hold a special meeting today, upon adjournment of the Committee on Appropriations, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 8 for hearing.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 57

Assembly Bill No. 208

Assembly Bill No. 1492

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO  
ASSEMBLY RULE 77.2**

Upon request of Assembly Member Murray, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bills Nos. 208, 57, and 1492 to the Committee on Transportation.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Murray was granted unanimous consent that the Committee on Transportation be permitted to hold a special meeting today, at 9:30 p.m., in the Speaker's Conference Room, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 57, 208, and 1492 for hearing.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONFERENCE COMMITTEE REPORTS**

**ASSEMBLY BILL NO. 1581** (As proposed by the Conference Committee)—An act relating to coastal and ocean resources, and making an appropriation therefor.

Conference Committee Report presented by Assembly Member Keeley.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Martinez moved a call of the Assembly.

Motion carried. Time, 8:22 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

At 8:24 p.m., Hon., Fred Keeley, 27th District, presiding

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 287 (Honda)**—An act to amend Sections 8473.3, 8802, 8921, 8925, 8926, 33006, 33050, 33310, 39619, 41601, 44865, 46307, 48661, 49500, 49513, 49516, 49531, 49536, 49550.3, 49553, 49559, 51230, 51747.5, 94153, 94774, and 94778 of, to amend and renumber Section 8277.5 of, to repeal Sections 49514 and 49532 of, and to repeal, amend, and add Sections 44757.4 and 44759.5 of, the Education Code, to amend Section 53646 of the Government Code, and to amend Section 1 of Chapter 58 of the Statutes of 1997 and Section 3 of Chapter 340 of the Statutes of 1997 relating to education, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—72**

Ackerman	Cunneen	Lempert	Prenter
Aguiar	Davis	Leonard	Richter
Alby	Ducheny	Machado	Runner
Alquist	Escutia	Margett	Scott
Aroner	Figueroa	Martinez	Shelley
Ashburn	Firestone	Mazzoni	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker

**NOES—1**

McClintock

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Cunneen	Lempert	Prenter
Aguiar	Davis	Leonard	Richter
Alby	Ducheny	Machado	Runner
Alquist	Escutia	Margett	Scott
Aroner	Figueroa	Martinez	Shelley
Ashburn	Firestone	Mazzoni	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker

**NOES—1**

McClintock

**Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause and concurrence in Senate amendments to Assembly Bill No. 287: Assembly Member Pacheco, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1043 (Committee on Revenue and Taxation)**—An act to add Sections 7284.6 and 7284.7 to the Revenue and Taxation Code, relating to taxation.

Bill presented by Assembly Member Knox.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Davis	Leonard	Prenter
Aguiar	Ducheny	Machado	Richter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Cunneen	Lempert		Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1484 (Hertzberg)**—An act to add and repeal Section 56302 of the Government Code, relating to local government reorganization, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Hertzberg moved a call of the Assembly.

Motion carried. Time, 8:27 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 1015 (Knox)**—An act to amend Section 6425 of the Labor Code and to amend Section 193 of the Penal Code, relating to occupational safety and health.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Knox moved a call of the Assembly.

Motion carried. Time, 8:47 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

#### **REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Woods was granted unanimous consent that the following statement of clarification be printed in the Journal:

#### **Clarification—Assembly Bill No. 84**

September 12, 1997

*The Honorable Cruz Bustamante, Speaker of the Assembly*

*The Honorable Bill Lockyer, Senate President Pro Tempore  
State Capitol*

*Sacramento, California*

The Legislature has approved and sent to the Governor AB 84 (Woods), which establishes a state price preference for products manufactured with rice straw. I am submitting this letter to the journal to clarify my intent that any product that appears in the 1997 "Report of the Advisory Committee on Alternatives to Rice Straw Burning," should be considered eligible to receive a state price preference under the provisions of AB 84.

Sincerely,

TOM WOODS, Assembly Member  
Second District

**ADJOURN IN MEMORY**

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Valerie Vasquez Pasillas, of Hacienda Heights.

**BILLS ORDERED TO THIRD READING**

Assembly Member Villaraigosa was granted unanimous consent that Senate Bills Nos. 5, 524, and 972 on this day's second reading file be ordered to third reading on the Supplemental File.

**At 8:50 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 1595 (Committee on Public Employees, Retirement and Social Security)**—An act to amend Sections 20232, 20405, 21074, 21151, 21221, 21451, 21493, 21494, 21497, 21506, 21674, 22013.3, 22013.6, 22013.7, 22013.75, 22013.76, 22013.8, 22013.85, 22013.9, 22013.95, 22013.955, 22013.96, 22013.97, 22013.10, 22013.11, 22014.5, 22754, 22810, 22810.3, 22811.5, 22811.6, 22818, 22823, 22825.5, 22832, and 22850.2 of, to amend and repeal Section 20903 of, to amend and renumber Section 21296 of, to add Chapter 18 (commencing with Section 21700) to Part 3 of Division 5 of Title 2 of, and to repeal Sections 20234 and 22014.3 of, the Government Code, relating to public employees, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Davis	Leach	Richter
Aguiar	Ducheny	Lempert	Runner
Alby	Escutia	Leonard	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Firestone	Margett	Strom-Martin
Ashburn	Floyd	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Baldwin	Gallegos	Migden	Thompson
Battin	Goldsmith	Miller	Thomson
Baugh	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Bowler	Honda	Napolitano	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cunneen	Kuykendall	Prenter	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 594 (Torlakson)**—An act to amend Section 1375 of, and to repeal Section 1368.4 of, the Civil Code, to add Section 664.7 to, and to add Title 7.5 (commencing with Section 576.5) to Part 2 of, the Code of Civil Procedure, and to amend Section 19719 of the Revenue and Taxation Code, relating to liability.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Morrow moved a call of the Assembly.

Motion carried. Time, 9:20 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 321 (Bordonaro)**—An act to add Sections 20408.5 and 22013.12 to, and to repeal Section 20411 of, the Government Code, relating to public employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—69

Aguiar	Escutia	Leonard	Scott
Alby	Figueroa	Machado	Shelley
Alquist	Firestone	Margett	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Ashburn	Frusetta	Mazzoni	Takasugi
Baca	Gallegos	Migden	Thomson
Battin	Goldsmith	Miller	Torlakson
Baugh	Granlund	Morrissey	Villaraigosa
Bordonaro	Havice	Morrow	Vincent
Bowen	Hertzberg	Murray	Washington
Brewer	Honda	Napolitano	Wayne
Brown	House	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cunneen	Kuykendall	Poochigian	
Davis	Leach	Prenter	
Ducheny	Lempert	Richter	

#### NOES—8

Ackerman	Bowler	McClintock	Runner
Baldwin	Kaloogian	Oller	Thompson

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 321: Assembly Member Poochigian, from "No" to "Aye".

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1092 (Lockyer)**—An act to add Section 13967.6 to the Government Code, to amend and renumber Sections 18966 and 18966.1 of, to amend, renumber, and add Section 18965 of, and to add Sections 18965.1, 18965.2, and 18965.3 to, the Welfare and Institutions Code, relating to victims of crime, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Wayne.

Bill passed by the following vote:

**AYES—73**

Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Ashburn	Floyd	Mazzoni	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Callegos	Miller	Thomson
Battin	Goldsmith	Morrissey	Torlakson
Baugh	Granlund	Murray	Villaraigosa
Bordonaro	Havice	Napolitano	Vincent
Bowen	Hertzberg	Oller	Washington
Bowler	Honda	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	

**NOES—3**

Ackerman	House	Thompson
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Bill ordered transmitted to the Senate.



**SENATE BILL NO. 90 (Sher)**—An act to add Chapter 7.1 (commencing with Section 25620) to Division 15 of, and to add and repeal Section 25620.9 of, the Public Resources Code, and to amend Section 371 of, to add Sections 383.5 and 384 to, and to add Article 5 (commencing with Section 445) to Chapter 2.5 of Part 1 of Division 1 of, and to add and repeal Section 380 of, the Public Utilities Code, relating to energy resources, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Villaraigosa.

Bill passed by the following vote:

**AYES—72**

Aguiar	Figueroa	Leonard	Pringle
Alby	Firestone	Machado	Richter
Alquist	Floyd	Margett	Scott
Aroner	Frusetta	Martinez	Shelley
Ashburn	Gallegos	Mazzoni	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Bordonaro	Havice	Morrissey	Thompson
Bowler	Hertzberg	Morrow	Thomson
Brewer	Honda	Murray	Torlakson
Brown	House	Napolitano	Villaraigosa
Campbell	Kaloogian	Oller	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Pacheco	Wayne
Cunneen	Kuehl	Papan	Wildman
Davis	Kuykendall	Perata	Woods
Ducheny	Leach	Poochigian	Wright
Escutia	Lempert	Prenter	Mr. Speaker

**NOES—5**

Ackerman	Baugh	Runner
Baldwin	McClintock	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 90: Assembly Member Bowen, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 9:34 p.m., by unanimous consent, the Members of the Committee on Appropriations were excused for the purpose of attending a meeting at this time, in Room 4202; and the Members of the Committee on Transportation were excused for the purpose of attending a meeting in the Speaker's Conference Room, and without objection, the House was permitted to continue in Floor session.

**At 9:34 p.m., Hon. Fred Keeley, 27th District, presiding**

**OBJECTION TO VOTE ADDS**

Assembly Member Cunneen withheld unanimous consent on any requests for vote adds or vote changes on the roll call votes taken on this day on Senate Bill No. 990 and Assembly Bill No. 1029.

**OBJECTION WITHDRAWN**

Assembly Member Cunneen withdrew his objection to any requests for vote adds or vote changes on the roll call votes taken on this day on Senate Bill No. 990 and Assembly Bill No. 1029.

**OBJECTION WITHDRAWN**

Assembly Member Shelley withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 353.

**RECESS**

By unanimous consent, at 9:45 p.m., Acting Speaker Keeley declared the Assembly recessed.

**REASSEMBLED**

At 11:10 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**REPORTS OF STANDING COMMITTEES****Committee on Transportation**

Date of Hearing: September 12, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 57

Assembly Bill No. 208

Assembly Bill No. 1492

With the recommendation: That the Senate amendments be concurred in.

MURRAY, Chairman

Above bills ordered to unfinished business.

**Committee on Appropriations**

Date of Hearing: September 12, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1101

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 12, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 273

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 217

Assembly Bill No. 856

Assembly Bill No. 241

Assembly Bill No. 999

Assembly Bill No. 488

Assembly Bill No. 1415

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 32

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE JOINT RESOLUTION NO. 32**—Relative to veterans.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

**Senate Bill No. 1110.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Rosenthal, Watson and Leslie as a Committee on Conference concerning:

**Assembly Bill No. 1344.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 21  
Assembly Concurrent Resolution No. 76  
Assembly Concurrent Resolution No. 77  
Assembly Joint Resolution No. 37  
Assembly Joint Resolution No. 38  
Assembly Joint Resolution No. 39

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolutions ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1188 (Lempert)**—An act to amend and supplement the Budget Act of 1997 (Chapter 282 of the Statutes of 1997), relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Urgency Clause**

Urgency clause read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Lempert moved a call of the Assembly.

Motion carried. Time, 11:13 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 1587 (Committee on Budget)**—An act relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

#### Urgency Clause

Urgency clause read.

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Leonard moved a call of the Assembly.

Motion carried. Time, 11:15 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

#### CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

**SENATE BILL NO. 368 (Peace)**—An act relating to energy resources, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Murray.

Bill passed by the following vote:

#### AYES—72

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Brewer	Kaloogian	Oller	Villaraigosa
Brown	Keeley	Ortiz	Vincent
Campbell	Knox	Pacheco	Washington
Cardenas	Kuehl	Papan	Wayne
Cardoza	Kuykendall	Perata	Wildman
Cunneen	Leach	Poochigian	Woods
Davis	Lempert	Prenter	Mr. Speaker

#### NOES—4

Baugh	Bowler	House	McClintock
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Bill ordered transmitted to the Senate.

**UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 456 (Ducheny)**—An act to add Chapter 8 (commencing with Section 1923) to Title 4 of Part 4 of the Civil Code, and to add Section 818.10 to the Government Code, relating to real property.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	

**NOES—1**

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1055 (Villaraigosa)**—An act to add and repeal Article 4 (commencing with Section 115810) of Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public playgrounds, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—59**

Aguiar	Figueroa	Machado	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thomson
Battin	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Campbell	Honda	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Woods
Davis	Kuykendall	Prenter	Wright
Ducheny	Leach	Runner	Mr. Speaker
Escutia	Lempert	Scott	

**NOES—19**

Ackerman	Bowler	Leonard	Poochigian
Alby	Brewer	Margett	Pringle
Baldwin	Goldsmith	McClintock	Richter
Baugh	House	Morrow	Thompson
Bowen	Kaloogian	Oller	

Above bill ordered enrolled.

**SENATE BILL NO. 535 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Migden was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 535 was refused passage; and that the bill be placed upon the inactive file.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Murray was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Senate Bill No. 368**

September 12, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: As a principal co-author and floor manager for Senate Bill 368 (Peace), I am writing to you to clarify the intent of certain provisions of that bill.

Specifically, the funds appropriated by each subparagraph under paragraphs (2) and (3) of subdivision (a) of Section 1 of the bill and by each subparagraph under paragraphs (2) and (3) of subdivision (c) of Section 1 of the bill are intended to be grants. The provisions specifying that these appropriations are to be grants were

inadvertently omitted from the bill when it was amended in Assembly Appropriations Committee on September 11, 1997.

Thank you for the opportunity to make the above technical clarification of the intent of Senate Bill 368, as amended in Assembly September 11, 1997.

Sincerely,

KEVIN MURRAY  
Assemblymember, 47th  
District

BILL LEONARD  
Assemblymember, 63rd  
District

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**HOUSE RESOLUTION NO. 45 (Committee on Rules)**—Relative to the California Veterans' Week.

Resolution read, presented by Assembly Member Perata, and adopted.

**HOUSE RESOLUTION NO. 46 (Committee on Rules)**—Relative to women veterans.

Resolution read, presented by Assembly Member Perata, and adopted.

**HOUSE RESOLUTION NO. 47 (Bowler)**—Relative to Mother Teresa.

Resolution read.

**Members Made Coauthors of House Resolution No. 47**

Assembly Member Bowler was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 47.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Ackerman, Aguiar, Alby, Ashburn, Baca, Baldwin, Battin, Baugh, Bordonaro, Bowen, Brewer, Campbell, Cardenas, Cardoza, Cunneen, Figueroa, Firestone, Frusetta, Goldsmith, Granlund, Hertzberg, Kaloogian, Kuykendall, Leach, Leonard, Machado, Margett, McClintock, Miller, Morrissey, Morrow, Oller, Pacheco, Perata, Poochigian, Prenter, Pringle, Richter, Runner, Sweeney, Takasugi, Thompson, Vincent, Washington, Woods, and Wright.

**Request for Unanimous Consent**

Assembly Member Bowler was granted unanimous consent to take up House Resolution No. 47, as amended, without reference to print or file.

**Consideration of House Resolution No. 47, as Amended**

**HOUSE RESOLUTION NO. 47**—Relative to Mother Teresa.

Resolution read, as amended, and adopted.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 633 (Cardenas)**—An act to add Section 14069.6 to the Corporations Code, relating to small business, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Ackerman	Escutia	Margett	Scott
Aguiar	Figueroa	Martinez	Shelley
Alby	Firestone	Mazzoni	Strom-Martin
Alquist	Frusetta	Migden	Sweeney
Aroner	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Oller	Vincent
Bowen	Kaloogian	Ortiz	Washington
Bowler	Keeley	Pacheco	Wayne
Brown	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	
Ducheny	Machado	Runner	

**NOES—4**

Brewer	Floyd	House	McClintock
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Above bill ordered enrolled.



**ASSEMBLY BILL NO. 29 (Villaraigosa)**—An act to amend Section 1170 of the Penal Code, relating to prisoners.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—54**

Alby	Escutia	Machado	Strom-Martin
Alquist	Figueroa	Martinez	Sweeney
Aroner	Firestone	Mazzoni	Thompson
Ashburn	Gallegos	Migden	Thomson
Baca	Granlund	Morrissey	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Ortiz	Washington
Brewer	Keeley	Papan	Wayne
Brown	Knox	Perata	Wildman
Cardenas	Kuehl	Prenter	Wright
Cunneen	Kuykendall	Richter	Mr. Speaker
Davis	Lempert	Scott	
Ducheny	Leonard	Shelley	

**NOES—22**

Ackerman	Cardoza	Margett	Poochigian
Aguiar	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Battin	Havice	Morrow	Takasugi
Baugh	Kaloogian	Oller	
Campbell	Leach	Pacheco	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 29: Assembly Members Cardoza and Frusetta, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 258 (Floyd)**—An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 412 (Wildman)**—An act to amend Section 48900 of, and to add Section 48900.8 to, the Education Code, relating to pupils.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	McClintock	Takasugi
Baca	Gallegos	Migden	Thompson
Baldwin	Goldsmith	Miller	Thomson
Battin	Granlund	Morrissey	Torlakson
Baugh	Havice	Morrow	Villaraigosa
Bordonaro	Hertzberg	Murray	Vincent
Bowen	Honda	Napolitano	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Richter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 670 (Mazzoni)**—An act to amend Section 41862 of, to amend and repeal Sections 44757.4 and 44759.5 of, and to add Section 17203.5 to, the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

**The roll was opened, and the Assembly concurred in Senate amendments by the following vote:**

**AYES—75**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueron	Margett	Shelley
Aroner	Firestone	Martinez	Strom Martin
Ashburn	Floyd	Mazzoni	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Oller	Vincent
Bowler	House	Ortiz	Washington
Brewer	Kaleogian	Pacheco	Wayne
Brown	Keeley	Papan	Wildman
Campbell	Knox	Perata	Woods
Cardenas	Kuehl	Poochigian	Wright
Cardoza	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Pringle	

**NOES—1**

McClintock

**Above bill ordered enrolled.**

(NOTE: Later this day, the action was rescinded whereby the Assembly concurred in Senate amendments to Assembly Bill No. 670 and whereby the bill was ordered enrolled. See page 4706.)

**ASSEMBLY BILL NO. 1544 (Committee on Human Services)**—An act to amend Section 1228.1 of the Evidence Code, to amend Sections 8614, 8700, and 8715 of, and to add Sections 8714.5 and 8714.7 to, the Family Code, to amend Sections 1502 and 1505 of, and to add Section 1505.2 to, the Health and Safety Code, and to amend Sections 309, 319, 355, 358.1, 361, 361.3, 361.5, 366, 366.21, 366.22, 366.23, 366.26, 366.3, 387, 11400, 16206, and 16501.1 of, and to add Section 316.2 to, the Welfare and Institutions Code, relating to minors.

Bill presented by Assembly Member Aroner.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### **AYES—74**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Firestone	Margett	Shelley
Aroner	Floyd	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	McClintock	Thompson
Baldwin	Goldsmith	Migden	Thomson
Battin	Granlund	Miller	Torlakson
Baugh	Havice	Morrissey	Villaraigosa
Bordonaro	Hertzberg	Murray	Vincent
Bowen	Honda	Napolitano	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

#### **NOES—1**

Morrow

#### **Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1544: Assembly Member Havice, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 181 (Kuykendall)**—An act to amend Section 288.2 of the Penal Code, relating to crimes.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Ashburn	Floyd	Martinez	Shelley
Baca	Frusetta	Mazzoni	Strom-Martin
Baldwin	Callegos	McClintock	Sweeney
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Oller	Vincent
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 158 (Papan)**—An act to add Section 19852.5 to the Business and Professions Code, relating to gaming.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Martinez moved a call of the Assembly.

Motion carried. Time, 11:47 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 571 (House)**—An act to amend Section 3212.1 of the Labor Code, relating to workers' compensation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Escutia	Leonard	Pringle
Aguiar	Figueroa	Machado	Richter
Alby	Firestone	Margett	Scott
Alquist	Floyd	Martinez	Shelley
Aroner	Fruetta	Mazzoni	Strom-Martin
Ashburn	Goldsmith	Migden	Sweeney
Baca	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Thomson
Bowen	Honda	Murray	Torlakson
Bowler	House	Napolitano	Villaraigosa
Brown	Kaloogian	Oller	Vincent
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker
Ducheny	Lempert	Prenter	

**NOES—5**

Baldwin	Brewer	Runner
Baugh	McClintock	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 571: Assembly Members Baldwin and Baugh, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 560 (Perata)**—An act to amend Sections 1725, 1741, 1750, 1751, and 1764 of, and to add Sections 1765, 1768, and 1770 to, the Business and Professions Code, and to amend Section 14132 of the Welfare and Institutions Code, relating to dentistry, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Oller	Vincent
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**MOTION TO SUSPEND JOINT RULE 28.1**

Assembly Member Villaraigosa moved that Joint Rule 28.1 be suspended to permit the appointment of conferees to the Conference Committee on Senate Bill No. 406.

Motion carried by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**



**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 406:

Gallegos, Alby, and Davis.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 280 (Keeley)**—An act to amend Section 100.3 of the Revenue and Taxation Code, relating to public finance.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—61**

Ackerman	Escutia	Mazzoni	Sweeney
Aguiar	Figueroa	Migden	Takasugi
Alquist	Frusetta	Miller	Thompson
Aroner	Gallegos	Morrissey	Thomson
Ashburn	Granlund	Murray	Torlakson
Baca	Hertzberg	Napolitano	Villaraigosa
Battin	Honda	Oller	Vincent
Bordonaro	House	Ortiz	Washington
Bowen	Kaloogian	Papan	Wayne
Brown	Keeley	Perata	Wildman
Campbell	Knox	Poochigian	Woods
Cardenas	Kuehl	Prenter	Wright
Cardoza	Kuykendall	Runner	Mr. Speaker
Cunneen	Lempert	Scott	
Davis	Leonard	Shelley	
Ducheny	Machado	Strom-Martin	

**NOES—8**

Baldwin	Firestone	Leach	Pacheco
Baugh	Goldsmith	Martinez	Pringle

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 280: Assembly Member Havice, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1561 (Committee on Transportation)**—An act to amend Sections 25161, 25167.4, and 25323.6 of, and to add Section 25168.1 to, the Health and Safety Code, to amend Section 1463.22 of the Penal Code, to amend Sections 20281 and 20291 of the Public Contract Code, to amend Section 391 of, and to add Section 391.1 to, the Streets and Highways Code, and to amend Sections 2256, 4456, 5066, 5204, 11520, 16028, 22507.8, 22651.5, 22653, 24953, 25251, 25258, 25259, 26101, 27000, 34001, 34060, 34622, and 40000.16 of, to add Sections 2420, 21718, and 34500.5 to, and to repeal Section 22520 of, the Vehicle Code, relating to transportation.

Bill presented by Assembly Member Murray.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—73

Ackerman	Davis	Lempert	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Margett	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Callegos	Miller	Thomson
Baldwin	Goldsmith	Morrissey	Torlakson
Battin	Granlund	Morrow	Villaraigosa
Baugh	Havice	Murray	Vincent
Bordonaro	Hertzberg	Napolitano	Washington
Bowen	Honda	Oller	Wayne
Bowler	House	Ortiz	Wildman
Brewer	Kaloogian	Pacheco	Woods
Brown	Keeley	Papan	Wright
Campbell	Knox	Perata	Mr. Speaker
Cardenas	Kuehl	Poochigian	
Cardoza	Kuykendall	Prenter	
Cunneen	Leach	Richter	

#### NOES—1

McClintock

Above bill ordered enrolled.

#### TWO HUNDRED EIGHTY-SIXTH CALENDAR DAY AT SACRAMENTO, CALIFORNIA

Assembly Chamber, September 13, 1997

At 12 midnight.

Speaker pro Tempore Sheila James Kuehl, presiding.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 949**

At 12:01 a.m., on motion of Assembly Member Runner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Ducheny moved to continue the call of the Assembly.

Motion carried. Time, 12:01 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 62**

At 12:01 a.m., on motion of Assembly Member Murray, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 62 by the following vote:

**AYES—50**

Ackerman	Cardoza	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	Martinez	Richter
Ashburn	Frusetta	Mazzoni	Runner
Baldwin	Goldsmith	McClintock	Scott
Battin	Granlund	Miller	Takasugi
Baugh	Hertzberg	Morrissey	Thompson
Bordonaro	Kaloogian	Morrow	Villaraigosa
Bowen	Keeley	Napolitano	Wildman
Bowler	Knox	Oller	Woods
Brewer	Kuehl	Pacheco	Mr. Speaker
Campbell	Kuykendall	Perata	
Cardenas	Leach	Poochigian	

**NOES—15**

Aroner	House	Papan	Washington
Figueroa	Migden	Sweeney	Wayne
Floyd	Murray	Thomson	Wright
Honda	Ortiz	Vincent	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1572**

At 12:02 a.m., on motion of Assembly Member Villaraigosa, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Miller moved to continue the call of the Assembly.

Motion carried. Time, 12:02 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 600**

At 12:03 a.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 600 by the following vote:

**AYES—46**

Alquist	Firestone	Machado	Strom-Martin
Aróner	Floyd	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Thomson
Bowen	Goldsmith	Migden	Torlakson
Brown	Havice	Murray	Villaraigosa
Cardenas	Hertzberg	Napolitano	Vincent
Cardoza	Honda	Ortiz	Wayne
Cunneen	Keeley	Pacheco	Wildman
Davis	Knox	Papan	Wright
Ducheny	Kuehl	Perata	Mr. Speaker
Escutia	Kuykendall	Scott	
Figueroa	Lempert	Shelley	

**NOES—30**

Ackerman	Bowler	Margett	Pringle
Aguiar	Brewer	McClintock	Richter
Alby	Campbell	Miller	Runner
Ashburn	Granlund	Morrissey	Takasugi
Baldwin	House	Morrow	Thompson
Battin	Kaloogian	Oller	Woods
Baugh	Leach	Poochigian	
Bordonaro	Leonard	Prenter	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 833**

At 12:03 a.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 833 by the following vote:

**AYES—70**

Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Margett	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Ashburn	Gallejos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	House	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	
Ducheny	Leonard	Richter	

**NOES—7**

Ackerman	Baugh	McClintock	Runner
Baldwin	Kaloogian	Pringle	

Above bill ordered enrolled.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1126

Assembly Bill No. 1581

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 896**

At 12:03 a.m., on motion of Assembly Member Napolitano, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 896 by the following vote:

**AYES—57**

Aguiar	Figueroa	Mazzoni	Strom-Martin
Alquist	Floyd	Migden	Sweeney
Aróner	Gallegos	Morrissey	Takasugi
Baca	Goldsmith	Murray	Thomson
Battin	Granlund	Napolitano	Torlakson
Bowen	Havice	Ortiz	Villaraigosa
Bowler	Hertzberg	Pacheco	Vincent
Brown	Honda	Papan	Washington
Campbell	Keeley	Perata	Wayne
Cardenas	Knox	Poochigian	Wildman
Cardoza	Kuehl	Prenter	Wright
Cunneen	Lempert	Richter	Mr. Speaker
Davis	Machado	Runner	
Ducheny	Margett	Scott	
Escutia	Martinez	Shelley	

**NOES—19**

Ackerman	Bordonaro	Leach	Oller
Alby	Brewer	Leonard	Pringle
Ashburn	Firestone	McClintock	Thompson
Baldwin	Frusetta	Miller	Woods
Baugh	Kaloogian	Morrow	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 278**

At 12:03 a.m., on motion of Assembly Member Escutia, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Escutia moved to continue the call of the Assembly.

Motion carried. Time, 12:04 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONFERENCE COMMITTEE REPORT ON ASSEMBLY BILL NO. 1126**

At 12:06 a.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Miller moved to continue the call of the Assembly.

Motion carried. Time, 12:06 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 903**

At 12:06 a.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Conference Committee Report on Senate Bill No. 903 adopted by the following vote:

**AYES—53**

Alquist	Frusetta	Mazzoni	Sweeney
Aroner	Callegos	Migden	Takasugi
Baca	Granlund	Morrissey	Thomson
Bowen	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Pacheco	Washington
Cunneen	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Kuykendall	Prenter	Wright
Escutia	Lempert	Richter	Mr. Speaker
Figueroa	Leonard	Scott	
Firestone	Machado	Shelley	
Floyd	Martinez	Strom-Martin	

**NOES—21**

Ackerman	Bowler	McClintock	Runner
Alby	Brewer	Miller	Thompson
Ashburn	Campbell	Morrow	Woods
Baldwin	Goldsmith	Oller	
Baugh	Kaloogian	Poochigian	
Bordonaro	Margett	Pringle	

**Vote Changes**

By unanimous consent, the following vote change was permitted on the Conference Committee report on Senate Bill No. 903: Assembly Member Leach, from "Aye" to "Not Voting".

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 376**

At 12:06 a.m., on motion of Assembly Member Mazzoni, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Mazzoni moved to continue the call of the Assembly.

Motion carried. Time, 12:06 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONFERENCE COMMITTEE REPORT ON ASSEMBLY BILL NO. 1581**

At 12:06 a.m., on motion of Assembly Member Martinez, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Conference Committee Report on Assembly Bill No. 1581 adopted by the following vote:

**AYES—59**

Aguiar	Figueroa	Lempert	Shelley
Alquist	Firestone	Machado	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Bordonaro	Gallegos	Migden	Thomson
Bowen	Granlund	Miller	Torlakson
Bowler	Havice	Morrissey	Villaraigosa
Brewer	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Cardenas	House	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Woods
Davis	Kuehl	Prenter	Wright
Ducheny	Kuykendall	Richter	Mr. Speaker
Escutia	Leach	Scott	

**NOES—13**

Ackerman	Baugh	Morrow	Thompson
Alby	Leonard	Pacheco	
Ashburn	Margett	Poochigian	
Baldwin	McClintock	Runner	

Above bill ordered enrolled.



**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1484**

At 12:08 a.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1484 by the following vote:

**AYES—58**

Aguilar	Floyd	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	McClintock	Sweeney
Baca	Granlund	Migden	Thomson
Battin	Havice	Miller	Torlakson
Baugh	Hertzberg	Morrissey	Villaraigosa
Bowen	Honda	Murray	Vincent
Brown	House	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Pacheco	Wildman
Cunneen	Kuehl	Papan	Woods
Davis	Kuykendall	Perata	Wright
Ducheny	Lempert	Pringle	Mr. Speaker
Figueroa	Machado	Richter	
Firestone	Margett	Scott	

**NOES—17**

Ackerman	Brewer	Leonard	Runner
Ashburn	Campbell	Morrow	Thompson
Baldwin	Goldsmith	Oller	
Bordonaro	Kaloogian	Poochigian	
Bowler	Leach	Prenter	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1015**

At 12:08 a.m., on motion of Assembly Member Knox, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Knox moved to continue the call of the Assembly.

Motion carried. Time, 12:08 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 594**

At 12:08 a.m., on motion of Assembly Member Morrow, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Morrow moved to continue the call of the Assembly.

Motion carried. Time, 12:08 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1188**

At 12:09 a.m., on motion of Assembly Member Lempert, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Leonard moved to continue the call of the Assembly.

Motion carried. Time, 12:09 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1587**

At 12:10 a.m., on motion of Assembly Member Leonard, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Leonard moved to continue the call of the Assembly.

Motion carried. Time, 12:10 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 158**

At 12:11 a.m., on motion of Assembly Member Martinez, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Martinez moved to continue the call of the Assembly.

Motion carried. Time, 12:11 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**PARLIAMENTARY INQUIRY**

Assembly Member Floyd arose to the following parliamentary inquiry:

Do the Rules preclude a Member from moving a Call of the Assembly more than once?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied in the negative.

**MOTION TO DISPENSE WITH CALL OF THE ASSEMBLY**

Assembly Member Floyd moved that the Call of the Assembly be dispensed with on Assembly Bill No. 158.

Assembly Member Kaloogian seconded the motion.

Motion carried by the following vote:

**AYES—67**

Ackerman	Cardoza	Leach	Poochigian
Aguiar	Cunneen	Lempert	Prenter
Alby	Davis	Leonard	Pringle
Alquist	Escutia	Machado	Richter
Aroner	Figueroa	Margett	Runner
Ashburn	Firestone	Martinez	Scott
Baca	Floyd	Mazzoni	Shelley
Baldwin	Frusetta	McClintock	Strom-Martin
Battin	Gallegos	Migden	Thompson
Baugh	Goldsmith	Miller	Thomson
Bordonaro	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Morrow	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brewer	Honda	Oller	Wayne
Brown	House	Pacheco	Woods
Campbell	Kaloogian	Papan	Wright
Cardenas	Kuykendall	Perata	

**NOES—None****CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 158**

At 12:14 a.m., further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 158 by the following vote:

**AYES—54**

Alby	Ducheny	Leonard	Richter
Alquist	Escutia	Machado	Runner
Aroner	Firestone	Mazzoni	Scott
Ashburn	Floyd	Migden	Shelley
Baca	Gallegos	Morrissey	Strom-Martin
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Murray	Torlakson
Bowler	Havice	Ortiz	Villaraigosa
Brewer	Hertzberg	Pacheco	Vincent
Brown	Honda	Papan	Washington
Campbell	Keeley	Perata	Wright
Cardenas	Knox	Poochigian	Mr. Speaker
Cardoza	Kuehl	Prenter	
Cunneen	Lempert	Pringle	

**NOES—15**

Ackerman	Frusetta	Martinez	Takasugi
Aguiar	House	McClintock	Wildman
Baugh	Leach	Miller	Woods
Bordonaro	Margett	Sweeney	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 158: Assembly Member Davis, from "Aye" to "Not Voting".

Above bill ordered enrolled.

At 12:19 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1101**—An act to amend Section 6366 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading by unanimous consent.

**SENATE BILL NO. 273**—An act to add Chapter 2.5 (commencing with Section 104150) to Part 1 of Division 103 of, and to add and repeal Section 109281 of, the Health and Safety Code, relating to prostate cancer, making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be placed upon the third reading file by unanimous consent.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 9, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this passed:

Assembly Bill No. 993

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1101 (Alpert)**—An act to amend Section 6366 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Wayne.

Bill passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Lempert	Runner
Aguiar	Escutia	Leonard	Scott
Alby	Figueroa	Machado	Shelley
Alquist	Firestone	Margett	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Ashburn	Fruetta	Mazzoni	Takasugi
Baca	Callegos	Migden	Thompson
Baldwin	Goldsmith	Miller	Thomson
Battin	Granlund	Morrissey	Torlakson
Baugh	Havice	Morrow	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Perata	Woods
Campbell	Knox	Poochigian	Wright
Cardoza	Kuehl	Prenter	Mr. Speaker
Cunneen	Kuykendall	Pringle	
Davis	Leach	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 273 (Burton)**—An act to add Article 2 (commencing with Section 104175) to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, relating to cancer.

Bill read third time, and presented by Assembly Member Perata.

Bill passed by the following vote:

**AYES—73**

Ackerman	Escutia	Leonard	Runner
Aguiar	Figueroa	Machado	Scott
Alby	Firestone	Margett	Shelley
Alquist	Floyd	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cunneen	Kuykendall	Prenter	
Davis	Leach	Pringle	
Ducheny	Lempert	Richter	

**NOES—2**

Baldwin                      McClintock

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 273: Assembly Member Baldwin, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**REQUEST TO RESCIND ACTION**

Assembly Member Mazzoni requested unanimous consent to rescind the action whereby the Assembly, earlier this day (Assembly Journal, page 4686), concurred in Senate amendments to Assembly Bill No. 670, and whereby the bill was ordered enrolled.

Unanimous consent was withheld.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 217 (Figueroa)**—An act to repeal and add Section 14005.23 of the Welfare and Institutions Code, relating to Medi-Cal.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—57**

Alquist	Callegos	Mazzoni	Strom-Martin
Aroner	Goldsmith	Migden	Sweeney
Ashburn	Granlund	Miller	Takasugi
Baca	Havice	Morrissey	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cardenas	House	Ortiz	Vincent
Cardoza	Keeley	Pacheco	Washington
Cunneen	Knox	Perata	Wayne
Davis	Kuehl	Poochigian	Wildman
Ducheny	Kuykendall	Prenter	Wright
Escutia	Lempert	Richter	Mr. Speaker
Figueroa	Leonard	Runner	
Floyd	Machado	Scott	
Frusetta	Martinez	Shelley	

**NOES—15**

Ackerman	Bordonaro	Kaloogian	Oller
Alby	Bowler	Margett	Thompson
Baldwin	Brewer	McClintock	Woods
Baugh	Campbell	Morrow	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 217: Assembly Members Ashburn, Goldsmith, Miller, Poochigian, Richter, and Runner, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 241 (Lempert)**—An act to add Chapter 6.5 (commencing with Section 31275) to Division 21 of the Public Resources Code, relating to natural resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—64

Aguiar	Escutia	Lempert	Richter
Alquist	Figueroa	Leonard	Scott
Aroner	Firestone	Machado	Shelley
Baca	Floyd	Margett	Strom-Martin
Battin	Frusetta	Martinez	Sweeney
Baugh	Gallegos	Mazzoni	Thompson
Bordonaro	Goldsmith	Migden	Thomson
Bowen	Granlund	Miller	Torlakson
Brewer	Havice	Morrissey	Villaraigosa
Brown	Hertzberg	Morrow	Vincent
Campbell	Honda	Murray	Washington
Cardenas	Keeley	Napolitano	Wayne
Cardoza	Knox	Ortiz	Wildman
Cunneen	Kuehl	Pacheco	Woods
Davis	Kuykendall	Perata	Wright
Ducheny	Leach	Prenter	Mr. Speaker

#### NOES—12

Ackerman	Baldwin	Kaloogian	Poochigian
Alby	Bowler	McClintock	Runner
Ashburn	House	Oller	Takasugi

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—64

Aguiar	Escutia	Lempert	Richter
Alquist	Figueroa	Leonard	Scott
Aroner	Firestone	Machado	Shelley
Baca	Floyd	Margett	Strom-Martin
Battin	Frusetta	Martinez	Sweeney
Baugh	Gallegos	Mazzoni	Thompson
Bordonaro	Goldsmith	Migden	Thomson
Bowen	Granlund	Miller	Torlakson
Brewer	Havice	Morrissey	Villaraigosa
Brown	Hertzberg	Morrow	Vincent
Campbell	Honda	Murray	Washington
Cardenas	Keeley	Napolitano	Wayne
Cardoza	Knox	Ortiz	Wildman
Cunneen	Kuehl	Pacheco	Woods
Davis	Kuykendall	Perata	Wright
Ducheny	Leach	Prenter	Mr. Speaker

#### NOES—12

Ackerman	Baldwin	Kaloogian	Poochigian
Alby	Bowler	McClintock	Runner
Ashburn	House	Oller	Takasugi

#### Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause and concurrence in Senate amendments to Assembly Bill No. 241: Assembly Member Poochigian, from "Aye" to "No".

Above bill ordered enrolled.

**ACTION RESCINDED ON ASSEMBLY BILL NO. 670**

Assembly Member Mazzoni was granted unanimous consent to rescind the action whereby the Assembly, earlier this day (Assembly Journal, page 4686), concurred in Senate amendments to Assembly Bill No. 670, and whereby the bill was ordered enrolled; and that the bill be returned to the Senate for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 488 (Scott)**—An act to add Section 12131 to the Penal Code, relating to firearms.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Motion to Re-refer Assembly Bill No. 488 to Committee**

Assembly Member Pringle moved that Assembly Bill No. 488 be re-referred to the Committee on Public Safety.

Assembly Member Prenter seconded the motion.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Pringle moved a call of the Assembly.

Motion carried. Time, 1:09 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.



**ASSEMBLY BILL NO. 856 (Hertzberg)**—An act to add Title 7.5 (commencing with Section 14020) to Part 4 of the Penal Code, relating to crime prevention, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Ackerman	Escutia	Machado	Richter
Aguar	Figueroa	Margett	Runner
Alby	Firestone	Martinez	Scott
Alquist	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Migden	Takasugi
Baldwin	Granlund	Miller	Thompson
Battin	Havice	Morrissey	Thomson
Baugh	Hertzberg	Morrow	Torlakson
Bordonaro	Honda	Murray	Vincent
Bowen	House	Napolitano	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	
Ducheny	Leonard	Pringle	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 999 (Thomson)**—An act to add Section 40007 to the Health and Safety Code, relating to air pollution.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 1:12 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 57 (Escutia)**—An act to amend Sections 44015, 44017, and 44056 of, to add Sections 44001.3 and 44017.1 to, to repeal Section 44015.3 of, and to repeal and add Section 44062.1 of, the Health and Safety Code, relating to air pollution.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Richter
Aguiar	Escutia	Margett	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Frusetta	McClintock	Strom-Martin
Ashburn	Gallegos	Migden	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Torlakson
Battin	Havice	Morrow	Villaraigosa
Baugh	Hertzberg	Murray	Vincent
Bordonaro	Honda	Napolitano	Washington
Bowen	Kaloogian	Oller	Wayne
Bowler	Keeley	Ortiz	Wildman
Brewer	Knox	Pacheco	Woods
Brown	Kuehl	Papan	Wright
Campbell	Kuykendall	Perata	Mr. Speaker
Cardenas	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

**NOES—4**

Cardoza	House	Thompson	Thomson
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**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 57: Assembly Member Thomson, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 208 (Migden)**—An act to amend Sections 44003, 44021, 44037.1, 44060, 44081, 44091, and 44101 of, to add Section 44024.5 to, and to add and repeal Section 44091.1 of, the Health and Safety Code, to amend Section 6262 of the Revenue and Taxation Code, and to repeal Section 4000.7 of the Vehicle Code, relating to air pollution.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—41

Ackerman	Figueroa	Martinez	Sweeney
Alquist	Floyd	Mazzoni	Torlakson
Aroner	Gallegos	Migden	Villaraigosa
Baca	Granlund	Murray	Vincent
Baugh	Hertzberg	Napolitano	Washington
Bowen	Honda	Ortiz	Wildman
Brewer	Keeley	Pacheco	Wright
Brown	Knox	Perata	Mr. Speaker
Davis	Kuehl	Runner	
Ducheny	Lempert	Shelley	
Escutia	Leonard	Strom-Martin	

#### NOES—19

Aguiar	Cardoza	Leach	Poochigian
Alby	Goldsmith	McClintock	Prenter
Baldwin	Havice	Miller	Thompson
Bordonaro	Kaloogian	Morrissey	Thomson
Bowler	Kuykendall	Morrow	

#### Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 208: Assembly Members Leach and Morrissey, from "Aye" to "No"; Assembly Members Firestone and Frusetta, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1492 (Baugh)**—An act to amend Sections 44001, 44005, 44011, 44014, 44014.5, 44015, 44017, 44036, and 44040 of, to add Section 44017.1 to, and to repeal Section 44015.3 of, the Health and Safety Code, and to repeal Section 4000.7 of the Vehicle Code, relating to air pollution.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—76

Ackerman	Ducheny	Lempert	Prenter
Aguiar	Escutia	Leonard	Pringle
Alby	Figueroa	Machado	Richter
Alquist	Firestone	Margett	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Sweeney
Battin	Granlund	Miller	Takasugi
Baugh	Havice	Morrissey	Thompson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker

#### NOES—1

Cardoza

#### Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1492: Assembly Member Cardoza, from "Aye" to "No".

Above bill ordered enrolled.

At 1:18 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 524 (Thompson)**—An act to add Section 366.1 to the Public Utilities Code, relating to public utilities.

Bill read third time, and presented by Assembly Member Granlund.

Bill passed by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figuerola	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poohigian	Mr. Speaker

**NOES—1**

Honda

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 972 (Greene)**—An act to repeal and add Section 19622.2 of the Business and Professions Code, to amend Sections 3311 and 3332 of, and to repeal Sections 3335 and 3336 of, the Food and Agricultural Code, and to amend Sections 11272, 12470, and 16310 of the Government Code, relating to the California Exposition and State Fair, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Thomson.

Bill passed by the following vote:

**AYES—71**

Ackerman	Escutia	Machado	Richter
Aguiar	Figuerola	Margett	Runner
Alquist	Floyd	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker
Ducheny	Lempert	Prenter	

**NOES—5**

Alby	Bowler	Thompson
Baugh	Leonard	

Bill ordered transmitted to the Senate.

**CAUCUS ANNOUNCEMENTS**

At 1:25 a.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 1:26 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 3:22 a.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 308

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1297

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 130

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 8, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 915

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 11, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 4

Assembly Bill No. 366

Assembly Bill No. 1217

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 55

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, August 28, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 99

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 670

Assembly Bill No. 1318

Assembly Bill No. 1447

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1571

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

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September 13, 1997

*Hon. E. Dotson Wilson*

*Chief Clerk of the Assembly*

*Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Assembly Bill 233 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT

Secretary of the Senate

**BILL RETURNED TO SENATE**

By unanimous consent Assembly Bill No. 233 was returned to the Senate for further action.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 78

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 367

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.



Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 602

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1554

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 45

Senate Bill No. 443

Senate Bill No. 521

Senate Bill No. 824

Senate Bill No. 1305

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 273

Senate Bill No. 828

Senate Bill No. 972

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 85

Senate Bill No. 88

Senate Bill No. 110

Senate Bill No. 230

Senate Bill No. 231

Senate Bill No. 255

Senate Bill No. 318

Senate Bill No. 431

Senate Bill No. 466

Senate Bill No. 513

Senate Bill No. 614

Senate Bill No. 638

Senate Bill No. 660

Senate Bill No. 673

Senate Bill No. 721

Senate Bill No. 782

Senate Bill No. 802

Senate Bill No. 812

Senate Bill No. 853

Senate Bill No. 879

Senate Bill No. 940

Senate Bill No. 965

Senate Bill No. 1027

Senate Bill No. 1039

Senate Bill No. 1052

Senate Bill No. 1066

Senate Bill No. 1163

Senate Bill No. 1189

Senate Bill No. 1195

Senate Bill No. 1198

Senate Bill No. 1238

Senate Bill No. 1268

Senate Bill No. 1273

Senate Bill No. 1329

Senate Concurrent Resolution No. 50

Senate Concurrent Resolution No. 55

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 66  
Senate Bill No. 90  
Senate Bill No. 93  
Senate Bill No. 163  
Senate Bill No. 172  
Senate Bill No. 200  
Senate Bill No. 202  
Senate Bill No. 227  
Senate Bill No. 247  
Senate Bill No. 298  
Senate Bill No. 445  
Senate Bill No. 526

Senate Bill No. 540  
Senate Bill No. 550  
Senate Bill No. 682  
Senate Bill No. 825  
Senate Bill No. 941  
Senate Bill No. 1026  
Senate Bill No. 1062  
Senate Bill No. 1068  
Senate Bill No. 1092  
Senate Bill No. 1155  
Senate Bill No. 1161  
Senate Bill No. 1328

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### CONSIDERATION OF DAILY FILE (RESUMED)

### UNFINISHED BUSINESS (RESUMED)

### CONSIDERATION OF SENATE AMENDMENTS

**ASSEMBLY BILL NO. 308 (Leonard)**—An act to amend Section 10177.4 of the Business and Professions Code, and to add Section 641.4 to the Penal Code, relating to real estate.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—71

Ackerman  
Aguiar  
Alby  
Alquist  
Aroner  
Ashburn  
Baca  
Baldwin  
Battin  
Baugh  
Bordonaro  
Bowen  
Bowler  
Brewer  
Brown  
Campbell  
Cardenas  
Cardoza

Cunneen  
Davis  
Ducheny  
Escutia  
Figueroa  
Firestone  
Frusetta  
Gallegos  
Goldsmith  
Granlund  
Havice  
Hertzberg  
Honda  
House  
Kaloogian  
Keeley  
Knox  
Kuehl

Kuykendall  
Leach  
Lempert  
Leonard  
Machado  
Margett  
Mazzoni  
Migden  
Miller  
Morrissey  
Morrow  
Murray  
Oller  
Ortiz  
Pacheco  
Papan  
Perata

Poochigian  
Prenter  
Pringle  
Runner  
Scott  
Shelley  
Strom-Martin  
Sweeney  
Takasugi  
Thompson  
Torlakson  
Villaraigosa  
Vincent  
Washington  
Wayne  
Wildman  
Woods  
Wright

#### NOES—1

McClintock

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1297 (Morrow)**—An act to add Section 39831.3 to the Education Code, and to amend Section 22112 of the Vehicle Code, relating to vehicles.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 130 (Battin)**—An act to amend Sections 13350, 13352, 14601.2, 14601.3, 23159, and 23206.5 of, and to add Section 23175.5 to, the Vehicle Code, relating to vehicles.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poohigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 915 (Baugh)**—An act to add and repeal Section 115800.1 of the Health and Safety Code, relating to liability.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Baugh moved a call of the Assembly.

Motion carried. Time, 3:29 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 915**

At 3:30 a.m., on motion of Assembly Member Baugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendment to Assembly Bill No. 915 by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	House	Ortiz	Washington
Brown	Kaloogian	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuykendall	Poohigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—2**

Kuehl                      Martinez

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Villaraigosa was granted unanimous consent that the following statements of legislative intent, communication, and Legislative Counsel opinion to be printed in the Journal.

**Legislative Intent—Assembly Bill No. 1890**

September 11, 1997

*E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: AB 1890 Legislative Intent Letter

Dear Dotson: I submit the following declaration to clarify the intent of AB 1890 (Chaptered 854, 1996).

It was not my intent in the conference committee which produced AB 1890 that the percentage of the allocated \$540 million designated for the emerging technologies fund be directed to only those technologies that must be installed on the premises of the electricity consumer.

Respectfully submitted,

ASSEMBLYWOMAN DIANE MARTINEZ

Chair of the Assembly Utilities and Commerce Committee

**Legislative Intent—Senate Bill No. 45**

September 12, 1997

*The Honorable Cruz M. Bustamante  
Speaker of the Assembly  
California Assembly  
State Capitol  
Sacramento, California*

Dear Speaker Bustamante: Senate Bill 45 changes the method by which transportation projects are programmed for the use of state and federal funds. It does not, and shall not be construed to, change the way projects are nominated for inclusion in the regional programs and does not change the relationship between cities, counties, transportation providers and the regional programming entities.

Existing law, the California Constitution and court actions establish the conditions and authorities relative to which entity of government must perform the actual work of designing, constructing, operating and maintaining highways, including state highways. SB 45 is not intended to, nor should it, be construed to change the responsibility of the Department of Transportation as it relates to the performance of work on state highways, including, but not limited to, maintenance, environmental clearance, design, construction, construction engineering and construction management on state highways. SB 45 is not intended to, nor should it, be construed to alter the authority and responsibility of the Department of Transportation as it relates to the above-mentioned activities on state highways.

Sincerely yours,

SENATOR QUENTIN L. KOPP

**Legislative Intent—Assembly Bill No. 156**

September 12, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: I respectfully request that this letter be printed in the Assembly Journal for purposes of clarifying the intent of AB 156.

The new crime of identity theft established by AB 156 is needed because current statutes have proven difficult to use in this context, and police agencies have been reluctant to write police reports based on existing law.

However, a prosecutor member of the California District Attorneys Association has correctly pointed out that it is theoretically possible for some kinds of identity theft to be prosecuted under existing laws. AB 156 is not intended to preclude prosecution under other laws.

In particular, Penal Code section 529.3 prohibits specific types of "false impersonation" (wrongfully impersonating another where the result might be to cause the victim to incur a "charge forfeiture or penalty"). Section 529.3 has not yet been used in identity theft cases and would not serve as good substitute for the crime created by AB 156. However, it is a felony/misdemeanor statute, while AB 156 creates a misdemeanor statute, and if a prosecutor can somehow

utilize section 529.3 for the prosecution of identity theft cases, nothing in AB 156 should preclude that use.

AB 156 is not intended to limit the applicability of Penal Code section 529.3 or any other related statutes.

Thank you for your consideration.

Sincerely,

KEVIN MURRAY, Assembly Member  
Forty-seventh District

**Legislative Counsel Opinion—Assembly Bill No. 530**

September 11, 1997

*The Honorable Cruz Bustamante, Speaker  
California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: In drafting AB 530 (Committee on Higher Education), we relied upon the attached opinion completed by Legislative Counsel as to the status of the funds that will be invested by the Scholarshare Investment Board. We respectfully request that this opinion be printed in the Assembly Journal so as to clarify the Assembly's intent in passing this legislation.

Thank you for your attention to this matter.

Best regards,

BROOKS FIRESTONE  
Vice-Chair,  
Committee on Higher  
Education

TED LEMPert  
Chair,  
Committee on Higher  
Education

Sacramento, California  
August 27, 1997

*The Honorable Ted Lempert*  
*2188 State Capitol*

*Golden State Scholarshare Trust Act—#21168*

Dear Mr. Lempert:

*QUESTION NO. 1*

Would Section 17 of Article XVI of the California Constitution, or any other provision of the California Constitution, prohibit funds in the Golden State Scholarshare Trust, as proposed to be created by Assembly Bill No. 530, as amended July 18, 1997, from being invested in mutual funds, stocks, or similar investments?

*OPINION NO. 1*

Neither Section 17 of Article XVI of the California Constitution, nor any other provision of the California Constitution, would prohibit funds in the Golden State Scholarshare Trust, as proposed to be created by Assembly Bill No. 530, as amended July 18, 1997, from being invested in mutual funds, stocks, or similar investments.

*ANALYSIS NO. 1*

Assembly Bill No. 530, as amended July 18, 1997 (hereafter A.B. 530), if enacted, would establish the Golden State Scholarshare Trust Act, pursuant to which, under regulations adopted by the Student Aid Commission (hereafter the commission), participants would invest money in the Golden State Scholarshare Trust for the benefit of a specific beneficiary for the advance savings for the beneficiary's higher education expenses at certain postsecondary educational institutions (see proposed Art. 19 (commencing with Sec. 69980), Ch. 2, Pt. 42, Ed. C.<sup>1</sup>).

With respect to the provisions of A.B. 530 that are pertinent to this inquiry, A.B. 530 would express the intent of the Legislature to create the Golden State Scholarshare Trust as a self-sustaining trust, paying all costs of administration out of earnings on moneys on deposit therein (subd. (f), Section 1, A.B. 530). A.B. 530 would require moneys received by the trust to be segregated into two funds, the program fund and the administrative fund (Sec. 69984). A.B. 530 would require all moneys paid by participants in connection with participation agreements to be deposited as received into the program fund and to be promptly invested and accounted for separately (subd. (c), Sec. 69984). A.B. 530 would specify that the participant shall retain ownership of all payments made under any participation agreement up to the date of utilization for payment of higher education costs for the beneficiary and that all interest derived from the investment of the payments made by the participant shall be deemed to be held in trust for the benefit of the beneficiary (subd. (a), Sec. 69986). A.B. 530 would authorize the commission, in the capacity of trustee, to invest moneys within the

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<sup>1</sup> All statutory references are to sections proposed to be added to the Education Code by A.B. 530, unless otherwise indicated.



program fund in any investments determined by the commission to be appropriate and prudent (para. (4), subd. (c), Sec. 69981) and to procure insurance against any loss in connection with the property, assets, or activities of the trust (subd. (f), Sec. 69982). A.B. 530 would require the assets of the trust, including the program fund, at all times, to be preserved, invested, and expended solely and only for the purposes of the trust and to be held in trust for the program participants and beneficiaries (Sec. 69991). A.B. 530 would specify that no property rights in the trust shall exist in favor of the state (Sec. 69991). A.B. 530 would prohibit the assets from being transferred or used by the State of California for any purposes other than the purposes of the trust (Sec. 69991).

With those pertinent provisions of A.B. 530 in mind, we turn now to a discussion of Section 17 of Article XVI of the California Constitution (hereafter Section 17), which reads as follows:

*“SEC. 17. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the State and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when the stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and the holding of the stock shall entitle the holder thereof to all of the rights, powers and privileges, and shall subject the holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which the stock is so held.”*

“Notwithstanding any other provisions of law or this Constitution to the contrary, the retirement board of a public pension or retirement system shall have plenary authority and fiduciary responsibility for investment of moneys and administration of the system, subject to all of the following:

“(a) The retirement board of a public pension or retirement system shall have the sole and exclusive fiduciary responsibility over the assets of the public pension or retirement system. The retirement board shall also have sole and exclusive responsibility to administer the system in a manner that will assure prompt delivery of benefits and related services to the participants and their beneficiaries. The assets of a public pension or retirement system are trust funds and shall be held for the exclusive purposes of providing benefits to participants in the pension or retirement system and their beneficiaries and defraying reasonable expenses of administering the system.

“(b) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system solely in the interest of, and for the exclusive purposes of providing benefits to, participants and their beneficiaries, minimizing employer contributions thereto, and defraying reasonable expenses of

administering the system. A retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty.

“(c) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

“(d) The members of the retirement board of a public pension or retirement system shall diversify the investments of the system so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly not prudent to do so.

“(e) The retirement board of a public pension or retirement system, consistent with the exclusive fiduciary responsibilities vested in it, shall have the sole and exclusive power to provide for actuarial services in order to assure the competency of the assets of the public pension or retirement system.

“(f) With regard to the retirement board of a public pension or retirement system which includes in its composition elected employee members, the number, terms, and method of selection or removal of members of the retirement board which were required by law or otherwise in effect on July 1, 1991, shall not be changed, amended, or modified by the Legislature unless the change, amendment, or modification enacted by the Legislature is ratified by a majority vote of the electors of the jurisdiction in which the participants of the system are or were, prior to retirement, employed.

“(g) The Legislature may by statute continue to prohibit certain investments by a retirement board where it is in the public interest to do so, and provided that the prohibition satisfies the standards of fiduciary care and loyalty required of a retirement board pursuant to this section.

“(h) As used in this section, the term ‘retirement board’ shall mean the board of administration, board of trustees, board of directors, or other governing body or board of a public employees’ pension or retirement system; provided, however, that the term ‘retirement board’ shall not be interpreted to mean or include a governing body or board created after July 1, 1991 which does not administer pension or retirement benefits, or the elected legislative body of a jurisdiction which employs participants in a public employees’ pension or retirement system.” (Emphasis added.)

The question here is whether Section 17 would prohibit funds in the Golden State Scholarshare Trust from being invested in mutual funds, stocks, or similar investments.

In *Carpenter v. Pacific Mut. Life Ins. Co.*, 10 Cal. 2d 307 (hereafter *Carpenter*), the California Supreme Court considered a predecessor to Section 17 in a case concerning the investment of funds by the state Insurance Commissioner (*Carpenter*, supra, construing former Sec. 13, Art. XII, Cal. Const.). The predecessor to Section 17 was former Section 13 of Article XII of the California Constitution which provided that "[t]he State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation." In the *Carpenter* case, the business and assets of an insolvent insurance company were taken over by the Insurance Commissioner, pursuant to statutory authority, as conservator of the insolvent company, for the purpose of conserving them in the interest of all the policyholders, creditors, stockholders, and the public in general (*Id.*, at pp. 315-316, 318). The court approved the Insurance Commissioner's rehabilitation and reinsurance plan, which provided for the organization of a new company by the Insurance Commissioner to which he transferred certain assets of the insolvent company, and under which he held all the new company's stock as conservator of the insolvent company (*Id.*, at pp. 321-322). Under the plan, the Insurance Commissioner continued to hold all the stock of the new company as a protection to all of the insolvent company policyholders (*Id.*, at p. 322). The validity of the provisions of the Insurance Code under which the orders had been made were challenged as being unconstitutional and the rehabilitation plan was challenged as being unfair, discriminatory, and illegal (*Id.*, at pp. 318, 325, 329, and 339).

Relevant to the question here is the appellants' contention that since the Insurance Commissioner, as conservator, and as a state officer acting on behalf of the state, subscribed to all of the stock of the new company, the state, in effect, had subscribed to the stock of the new company, in violation of the predecessor to Section 17 (*Id.*, at p. 339). In response to that contention, the court stated as follows:

"Appellants . . . urge that section 1043 of the Insurance code,<sup>2</sup> and the plan as approved, are violative of section 13 of article XII of the state Constitution which provides: 'The state shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation.' Relying on *Mitchell v Taylor*, 3 Cal. (2d) 217 . . . , where it was held that the insurance commissioner in taking charge of insolvent companies is a state officer acting on behalf of the state, it is contended that since the commissioner as conservator has subscribed to all of the stock of the new company, the state has so subscribed and the Constitution violated. *Of course the insurance commissioner is a state officer, and of course the state has an interest in rehabilitating insolvent insurance companies, but that*

<sup>2</sup> Section 1043 of the Insurance Code, both at the time this case was decided and under existing law, confers on the Insurance Commissioner, either as conservator or as liquidator, in cases of insolvency or delinquency, subject to the approval of the court, the power to mutualize or reinsure the business of the company or to enter into rehabilitation agreements (see *Carpenter*, supra, at p. 330).

*interest is not a vested interest as is contemplated by the above constitutional provision. [The applicable statute] . . . expressly provides that in all proceedings thereunder the commissioner acts as trustee for the benefit of all of the creditors of the insolvent company. It is quite clear that the commissioner by subscribing to the stock of the new company has not loaned the credit of the state to the new company. Not a penny of state money has gone into the treasury of the new company. No liability under the agreement is imposed on the conservator either in his official or personal capacity. There was no loan of credit at all. The commissioner acting pursuant to a statute, with court approval, took certain assets of the old company and transferred them to the new company in exchange for the stock which he holds as trustee for the benefit of the creditors of the old company. Obviously, the commissioner as state officer did not subscribe to the stock of the new company so as to make the state a stockholder. The point is without merit.” (Carpenter, supra, at pp. 339-340, emphasis added.)*

In our view, a court could draw upon this reasoning to find that the investment of funds in the Golden State Scholarshare Trust in mutual funds, stocks, or similar investments would not violate Section 17. In this connection, in a manner analogous to that at issue in *Carpenter*, when the commission invests moneys within the program fund, it would do so as trustee for the benefit of the program participants and beneficiaries and not on behalf of the state, since no property rights would exist in favor of the state (Secs. 69981 and 69991). The commission, as a state entity, would not subscribe to, or be interested in, the stock of any company, association, or corporation so as to make the state a stockholder. Further, the commission would be authorized to procure insurance against any loss in connection with the property, assets, or activities of the trust (subd. (f), Sec. 69982). Thus, the commission would not invest state funds in any manner in connection with the trust.<sup>3</sup>

Based on the foregoing analysis, we conclude that Section 17 would not prohibit funds in the Golden State Scholarshare Trust from being invested in mutual funds, stocks, or similar investments.

As to whether any other provision of the California Constitution would prohibit the investment of funds in the Golden State Scholarshare Trust in mutual funds, stocks, or similar investments, Section 6 of Article XVI of the California Constitution (hereafter Section 6) prohibits the Legislature from authorizing the giving or lending of the credit of the state to any person, association, or corporation and from authorizing the state to subscribe for stock or become a stockholder in any corporation as specified. Section 6 of

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<sup>3</sup> The only state funds that would be involved are described in Section 69993, which would express the intent of the Legislature that startup and first-year administrative costs may be paid out of the General Fund. In future years, necessary administrative costs would be required to be paid out of the administrative fund (Sec. 69993).

Article XVI reads as follows:

*“SEC. 6. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and*

*“Provided, further, that this section shall not prohibit any county, city and county, city, township, or other political corporation or subdivision of the State from joining with other such agencies in providing for the payment of workers’ compensation, unemployment compensation, tort liability, or public liability losses incurred by such agencies, by entry into an insurance pooling arrangement under a joint exercise of powers agreement, or by membership in such publicly-owned nonprofit corporation or other public agency as may be authorized by the Legislature; and*

*“Provided, further, that nothing contained in this Constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools,*

to be used by the veteran in pursuing a gainful occupation; and

“Provided, further, that nothing contained in this Constitution shall prohibit the State, or any county, city and county, city, township, or other political corporation or subdivision of the State from providing aid or assistance to persons, if found to be in the public interest, for the purpose of clearing debris, natural materials, and wreckage from privately owned lands and waters deposited thereon or therein during a period of a major disaster or emergency, in either case declared by the President. In such case, the public entity shall be indemnified by the recipient from the award of any claim against the public entity arising from the rendering of such aid or assistance. Such aid or assistance must be eligible for federal reimbursement for the cost thereof.

“And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and the duty to make such temporary transfers from the funds in custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and are paid out solely through the treasurer’s office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the anticipated revenues accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the revenues accruing to such political subdivision before any other obligation of such political subdivision is met from such revenue.” (Emphasis added.)

As can be seen, Section 6 generally prohibits the Legislature from authorizing the lending of the credit of the state to any person, association, or corporation and from authorizing the state to subscribe for stock, or to become a stockholder, in any corporation. Based on our previous conclusion that no state funds would be invested pursuant to A.B. 530, we conclude that Section 6 would not prohibit funds in the Golden State Scholarshare Trust from being invested in mutual funds, stocks, or similar investments.

There is no other provision of the California Constitution that would prohibit funds in the Golden State Scholarshare Trust from being invested in mutual funds, stocks, or similar investments.

Hence, we conclude that neither Section 17 of Article XVI of the California Constitution, nor any other provision of the California Constitution, would prohibit funds in the Golden State Scholarshare

Trust, as proposed to be created by Assembly Bill No. 530, as amended July 18, 1997, from being invested in mutual funds, stocks, or similar investments.

### *QUESTION NO. 2*

If the funds in the Golden State Scholarshare Trust that are to be invested are deemed not to be state funds for purposes of Question No. 1, would that classification jeopardize the tax benefits under Section 529 of Title 26 of the United States Code?

### *OPINION NO. 2*

Although we concluded in Question No. 1 that funds in the Golden State Scholarshare Trust that are to be invested are not state funds, that classification would not jeopardize the tax benefits under Section 529 of Title 26 of the United States Code.

### *ANALYSIS NO. 2*

Section 529 of Title 26 of the United States Code (hereafter Section 529) reads as follows:

#### **"529. Qualified State tuition program**

"(a) **General rule.**—A qualified State tuition program shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such program shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

"(b) **Qualified State tuition program.**—For purposes of this section—

"(1) **In general.**—The term 'qualified State tuition program' means a program established and maintained by a State or agency or instrumentality thereof—

"(A) under which a person—

"(i) may purchase tuition credits or certificates on behalf of a designated beneficiary which entitle the beneficiary to the waiver or payment of qualified higher education expenses of the beneficiary, or

"(ii) may make contributions to an account which is established for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account, and

"(B) which meets the other requirements of this subsection.

"(2) **Cash contributions.**—A program shall not be treated as a qualified State tuition program unless it provides that purchases or contributions may only be made in cash.

"(3) **Refunds.**—A program shall not be treated as a qualified State tuition program unless it imposes a more than de minimis penalty on any refund of earnings from the account which are not—

"(A) used for qualified higher education expenses of the designated beneficiary,

"(B) made on account of the death or disability of the designated beneficiary, or

“(C) made on account of a scholarship (or allowance or payment described in section 135(d)(1)(B) or (C)) received by the designated beneficiary to the extent the amount of the refund does not exceed the amount of the scholarship, allowance, or payment.

“(4) **Separate accounting.**—A program shall not be treated as a qualified State tuition program unless it provides separate accounting for each designated beneficiary.

“(5) **No investment direction.**—A program shall not be treated as a qualified State tuition program unless it provides that any contributor to, or designated beneficiary under, such program may not direct the investment of any contributions to the program (or any earnings thereon).

“(6) **No pledging of interest as security.**—A program shall not be treated as a qualified State tuition program if it allows any interest in the program or any portion thereof to be used as security for a loan.

“(7) **Prohibition on excess contributions.**—A program shall not be treated as a qualified State tuition program unless it provides adequate safeguards to prevent contributions on behalf of a designated beneficiary in excess of those necessary to provide for the qualified higher education expenses of the beneficiary.

“(c) **Tax treatment of designated beneficiaries and contributors.**—

“(1) **In general.**—Except as otherwise provided in this subsection, no amount shall be includible in gross income of—

“(A) a designated beneficiary under a qualified State tuition program, or

“(B) a contributor to such program on behalf of a designated beneficiary, with respect to any distribution or earnings under such program.

“(2) **Contributions.**—In no event shall a contribution to a qualified State tuition program on behalf of a designated beneficiary be treated as a taxable gift for purposes of chapter 12.

“(3) **Distributions.**—

“(A) **In general.**—Any distribution under a qualified State tuition program shall be includible in the gross income of the distributee in the manner as provided under section 72 to the extent not excluded from gross income under any provision of this chapter.

“(B) **In-kind distributions.**—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary.

“(C) **Change in beneficiaries.**—

“(i) **Rollovers.**—Subparagraph (A) shall not apply to that portion of any distribution which, within 60 days of such



distribution, is transferred to the credit of another designated beneficiary under a qualified State tuition program who is a member of the family of the designated beneficiary with respect to which the distribution was made.

“(ii) **Change in designated beneficiaries.**—Any change in the designated beneficiary of an interest in a qualified State tuition program shall not be treated as a distribution for purposes of subparagraph (A) if the new beneficiary is a member of the family of the old beneficiary.

“(D) **Operating rules.**—For purposes of applying section 72—

“(i) to the extent provided by the Secretary, all qualified State tuition programs of which an individual is a designated beneficiary shall be treated as one program,

“(ii) all distributions during a taxable year shall be treated as one distribution, and

“(iii) the value of the contract, income on the contract, and investment in the contract shall be computed as of the close of the calendar year in which the taxable year begins.

“(4) **Estate tax inclusion.**—The value of any interest in any qualified State tuition program which is attributable to contributions made by an individual to such program on behalf of any designated beneficiary shall be includible in the gross estate of the contributor for purposes of chapter 11.

“(5) **Special rule for applying section 2503(e).**—For purpose of section 2503(e), the waiver (or payment to an educational institution) of qualified higher education expenses of a designated beneficiary under a qualified State tuition program shall be treated as a qualified transfer.

“(d) **Reporting requirements.**—

“(1) **In general.**—If there is a distribution to any individual with respect to an interest in a qualified State tuition program during any calendar year, each officer or employee having control of the qualified State tuition program or their designee shall make such reports as the Secretary may require regarding such distribution to the Secretary and to the designated beneficiary or the individual to whom the distribution was made. Any such report shall include such information as the Secretary may prescribe.

“(2) **Timing of reports.**—Any report required by this subsection—

“(A) shall be filed at such time and in such matter [sic] as the Secretary prescribes, and

“(B) shall be furnished to individuals not later than January 31 of the calendar year following the calendar year to which such report relates.

“(e) **Other definitions and special rules.**—For purposes of this section—

“(1) **Designated beneficiary.**—The term ‘designated beneficiary’ means—

“(A) the individual designated at the commencement of participation in the qualified State tuition program as the beneficiary of amounts paid (or to be paid) to the program,

“(B) in the case of a change in beneficiaries described in subsection (c) (2) (C), the individual who is the new beneficiary, and

“(C) in the case of an interest in a qualified State tuition program purchased by a State or local government or an organization described in section 501(c) (3) and exempt from taxation under section 501(a) as part of a scholarship program operated by such government or organization, the individual receiving such interest as a scholarship.

“(2) **Member of family.**—The term ‘member of the family’ has the same meaning given such term as Section 2032A(e) (2).

“(3) **Qualified higher education expenses.**—The term ‘qualified higher education expenses’ means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution (as defined in section 135(c) (3)).

“(4) **Application of section 514.**—An interest in a qualified State tuition program shall not be treated as debt for purposes of section 514.”

As can be seen, Section 529 of Title 26 of the United States Code (hereafter Section 529) exempts qualified state tuition programs from certain federal taxation and describes qualified state programs for this purpose (26 U.S.C.A. 529(a), (b)). Subsection (c) of Section 529 addresses the matter of the tax treatment of designated beneficiaries and contributors under a qualified state tuition program.

Under Section 529, a qualified state tuition program is one that is established and maintained by a state or an agency or instrumentality of a state under which a person may (1) purchase tuition credits or certificates on behalf of a designated beneficiary, which entitle the beneficiary to the waiver or payment of qualified higher education expenses of the beneficiary or (2) make contributions to an account that is established for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account (26 U.S.C.A. 529(b) (1) (A) (i), (ii)). Nothing in the definition of “qualified state tuition program,” or in any other provision of Section 529, requires a state or an agency or instrumentality of a state to maintain possession or control of funds under the program in order to be a qualified state tuition program.

Accordingly it is our opinion that although we concluded in Question No. 1 that funds in the Golden State Scholarshare Trust that

are to be invested are not state funds, that classification would not jeopardize the tax benefits under Section 529 of Title 26 of the United States Code.

Very truly yours,

BION M. GREGORY  
Deputy Legislative Counsel  
Legislative Counsel

By  
JANA T. HARRINGTON

**Explanation of Absence**

5 September 1997

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: During the preceding 5 days of legislative session, I attended the annual, national conference of the National Foundation for Women Legislators. I serve as California State Director and National Legislative Director for this bi-partisan organization which serves as a forum to exchange valuable information between state legislators.

These conferences are very helpful in my broader fight to achieve my legislative agenda here in the California Assembly. As an example, Megan's Law which I authored last year is a bill that receives keen interest and presents the opportunity to spread this important idea to other states. In addition to chairing a number of panels, I also made a presentation on my school employee background check bill that came on the heels of Michelle Montoya's death.

I submit this letter as an explanation for the votes I missed, pursuant to Assembly Rule 104, due to my attendance at this unparalleled, national forum.

Cordially,

BARBARA ALBY, Assembly Member  
Fifth District

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 4 (Bordonaro)**—An act to add Section 12022.53 to the Penal Code, relating to sentencing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Davis	Leach	Poohigian
Aguiar	Ducheny	Lempert	Prenter
Alby	Escutia	Leonard	Pringle
Alquist	Figueroa	Machado	Richter
Ashburn	Firestone	Margett	Runner
Baca	Floyd	Martinez	Scott
Baldwin	Frusetta	Mazzoni	Shelley
Battin	Gallegos	McClintock	Strom-Martin
Baugh	Goldsmith	Miller	Sweeney
Bordonaro	Granlund	Morrissey	Takasugi
Bowen	Havice	Morrow	Thompson
Bowler	Hertzberg	Murray	Thomson
Brewer	Honda	Napolitano	Torlakson
Brown	House	Oller	Vincent
Campbell	Kaloogian	Ortiz	Wayne
Cardenas	Keeley	Pacheco	Wildman
Cardoza	Knox	Papan	Woods
Cunneen	Kuykendall	Perata	Mr. Speaker

**NOES—4**

Kuehl	Migden	Washington	Wright
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 55 (Mazzoni)**—An act to amend Section 26802.5 of the Government Code, relating to counties.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Floyd	McClintock	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Callegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 99 (Runner)**—An act to amend, repeal, and add Section 19.8 of, and to add and repeal Section 652 of, the Penal Code, relating to body piercing.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Ackerman	Ducheny	Machado	Scott
Aguiar	Escutia	Margett	Shelley
Alby	Figueroa	Mazzoni	Strom-Martin
Alquist	Firestone	McClintock	Sweeney
Aroner	Frusetta	Migden	Takasugi
Ashburn	Callegos	Miller	Thompson
Baca	Goldsmith	Morrissey	Thomson
Baldwin	Granlund	Morrow	Torlakson
Battin	Havice	Murray	Villaraigosa
Baugh	Hertzberg	Napolitano	Vincent
Bordonaro	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Perata	Woods
Campbell	Kuehl	Poochigian	Wright
Cardenas	Kuykendall	Prenter	Mr. Speaker
Cardoza	Leach	Pringle	
Cunneen	Lempert	Richter	
Davis	Leonard	Runner	

**NOES—2**

Bowen                      Martinez

Above bill ordered enrolled.

**RECESS**

By unanimous consent, at 3:34 a.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed.

**REASSEMBLED**

At 3:36 a.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1415 (Bustamante)**—An act to add Chapter 3.5 (commencing with Section 66150) to Part 40 of the Education Code, relating to postsecondary education.

Bill presented by Assembly Member Villaraigosa.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—49**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Woods
Davis	Kuehl	Prenter	Wright
Ducheny	Kuykendall	Scott	Mr. Speaker
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	
Firestone	Martinez	Sweeney	

**NOES—24**

Ackerman	Bordonaro	Kaloogian	Morrow
Aguiar	Bowler	Leach	Oller
Alby	Brewer	Leonard	Poochigian
Ashburn	Campbell	Margett	Runner
Baldwin	Goldsmith	McClintock	Takasugi
Baugh	House	Miller	Thompson

Above bill ordered enrolled.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 3:50 a.m., by unanimous consent, the Members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in Room 4202, and without objection, the House was permitted to continue in Floor session.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 5 (Lockyer)**—An act to amend Sections 17152, 18042, 18510, 18601, 23732, 23801, 23802, 23806, and 24611 of, and to add Sections 17275.6, 17731.5, 18037.5, 19136.4, 19365, 23800.5, 23802.5, 23804, 23804.5, 23813, 24954, and 24990.4 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Knox.

**Point of Order**

Assembly Member Goldsmith arose to the following point of order: Senate Bill No. 5 is a tax levy and requires  $\frac{2}{3}$  vote for passage.

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore replied that Legislative Counsel has keyed Senate Bill No. 5 to require a majority vote for passage.

The question being on the passage of the bill

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Leonard moved a call of the Assembly.

Motion carried. Time, 3:56 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**At 4 a.m., Hon. Fred Keeley, 27th District, presiding**

**SENATE BILL NO. 455 (Alpert)**—An act to amend Sections 17008.5, 17020.6, 17024.5, 17041, 17052.12, 17054, 17062, 17063, 17072, 17077, 17085, 17088, 17139, 17250, 17273, 17279, 17507, 17561, 17750, 17860, 18037, 18180, 18601, 18624, 18645, 19144, 19164, 19184, 23038.5, 23045, 23453, 23456, 23457, 23609, 23732, 23801, 23802, 23806, 24326, 24343.3, 24349, 24355, 24355.5, 24357, 24443, 24692, 24870, 24916, and 24993 of, to amend the heading of Chapter 14.5 (commencing with Section 24870) of Part 11 of, to add Sections 17088.3, 17132.5, 17154, 17215, 17250.5, 17251.5, 17270.5, 17275.5, 17278.5, 17731.5, 18044, 18152, 18648.5, 19136.2, 19136.3, 19141.2, 19182.5, 19365, 23800.5, 23813, 24272.5, 24343.7, 24429, 24875, 24949.5, 24954, and 24956 to, to repeal Sections 17131.5, 17132, 17137, 17138.5, 17141.5, 17150, 17201.5, 17210, 17213, 17249, 17267, 17283, 17748, 18035, 18040, 18060, 18166, 18173, 24371.5, 24966.3, 24971, 24990.8, and 24990.9 of, and to repeal and add Sections 17255, 17271, 23701h, 24372.5, and 24947 of, the Revenue and Taxation Code, and to amend Sections 928.5 and 934 of the Unemployment Insurance Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Knox.

**Parliamentary Inquiry**

Assembly Member Goldsmith arose to the following parliamentary inquiry:

Does Senate Bill No. 455 require a majority vote or  $\frac{2}{3}$  vote for passage?

**Reply by Acting Speaker Keeley**

The Acting Speaker replied that Senate Bill No. 455 is a majority vote bill.

**Motion to Appeal from the Decision of the Chair**

Assembly Member Goldsmith moved to appeal from the decision of the Chair.

Assembly Member Bowler seconded the motion.

The question being: Shall the decision of the Chair that Senate Bill No. 455 is a majority vote bill be overruled?



The roll was opened and the decision of the Chair sustained by the following vote:

**AYES—36**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	Margett	Pringle
Baldwin	Frusetta	McClintock	Richter
Battin	Goldsmith	Miller	Runner
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Oller	Woods

**NOES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Havice	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Scott	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	
Figueroa	Mazzoni	Thomson	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—67**

Ackerman	Ducheny	Margett	Runner
Aguiar	Escutia	Martinez	Scott
Alquist	Figueroa	Mazzoni	Shelley
Aroner	Firestone	Migden	Strom-Martin
Ashburn	Floyd	Morrissey	Sweeney
Baca	Frusetta	Morrow	Takasugi
Baldwin	Gallegos	Murray	Thomson
Baugh	Granlund	Napolitano	Torlakson
Bowen	Havice	Oller	Villaraigosa
Bowler	Hertzberg	Ortiz	Vincent
Brewer	Honda	Pacheco	Washington
Brown	Keeley	Papan	Wayne
Campbell	Knox	Perata	Wildman
Cardenas	Kuehl	Poochigian	Woods
Cardoza	Kuykendall	Prenter	Wright
Cunneen	Lempert	Pringle	Mr. Speaker
Davis	Machado	Richter	

**NOES—7**

Bordonaro	Kaloogian	Leonard	Thompson
House	Leach	Miller	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 455: Assembly Member Havice, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**OBJECTION TO VOTE CHANGES**

Assembly Member Shelley withheld unanimous consent on any requests for vote changes on the roll call vote taken on this day on Senate Bill No. 455.

**OBJECTION TO VOTE CHANGES**

Assembly Member Thompson withheld unanimous consent on any requests for vote changes on the roll call vote taken on this day on Assembly Bill No. 1492.

**ANNOUNCEMENT**

Acting Speaker Keeley announced that Members of the Committees on Appropriations and Transportation, who are off the Floor attending a meeting at this time, would be permitted to add their votes to those measures where unanimous consent was withheld.

**OBJECTION WITHDRAWN**

Assembly Member Shelley withdrew his objection to any requests for vote changes on the roll call vote taken on this day on Senate Bill No. 455.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Leonard was granted unanimous consent that the following communication be printed in the Journal:

September 12, 1997

*Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: I am submitting this letter for publication in the Daily Journal as a result of my absence from Session today.

As I have already indicated to my Assembly colleagues, my absence is due to the recent passing of my grandmother, and my participation in her memorial services that are being conducted out-of-state.

There are several outstanding issues that likely will be addressed today, and I want to indicate my positions on those issues of importance to me and my constituents.

I support the efforts to establish a statewide standardized achievement test for our state's school children, as embodied in the Conference Report of Senate Bill 376 (Alpert).

Earlier this year, I proposed an amendment to Smog Check II legislation that would have eliminated the fee charged for the first renewal of registration for new vehicles. To the extent that the principles embodied by my proposal are incorporated into the several-bill package relating to Smog Check II, I would be supportive of those legislative proposals.

I have consistently supported tax credit legislation for California's businesses and families. Senate Bill 1101 (Alpert) provides a sales tax exemption for ground control stations sold for use outside this state. My Assembly District has demonstrated its ability to compete in this technology, and the benefits provided to the Inland Empire have led me to strongly support this proposal.

Additionally, I would like to extend my appreciation to my colleagues and staff who worked to provide relief to school districts facing increasing home-to-school transportation costs. The efforts to provide the additional funding complement my Assembly Bill 1346 already adopted by the Legislature.

While there were many other issues that came before the Assembly today, these have broad statewide implications and I wanted my constituents to know my positions on these issues.

I appreciate your inclusion of this letter in the Assembly Daily Journal.

Best regards,

KEITH OLBERG, Assembly Member  
Thirty-fourth District

**BILL RETURNED TO GOVERNOR**

At the request of Assembly Member Shelley Assembly Bill No. 730 was ordered returned to the Governor.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Shelley was granted unanimous consent that the following communication be printed in the Journal:

12 September 1997

*Mr. E. Dotson Wilson  
Chief Clerk, State Assembly  
State Capitol, Room 3196  
Sacramento, California 95814*

Dear Mr. Wilson: In passing Assembly Bill 280 tonight, the Legislature adopted a legislative measure requested by Santa Cruz County. The bill allows the county to reallocate property tax revenues among its enterprise districts and a specified park district. The enterprise districts must agree to the reallocation. The county has used a similar authority since 1993. However, the current statutory authority sunsetted on June 30, 1997. The bill only applies to Santa Cruz County.

The bill is permissive. The county may, but is not required to, negotiate with the enterprise districts about the disposition of the districts' property tax allocation.

Legislative Counsel has keyed this bill a "state-mandated local program" in his digest but the statutory language in the bill is silent on the nature of the mandate. Counsel also advises that the bill does not result in a reimbursable mandate. There is no new level of service required by the provisions of the bill. Moreover, the county requested this statutory change in a letter to me on July 1, 1997.

I ask that you include this letter in the *Assembly Journal* at your earliest convenience. Thank you for your assistance.

Sincerely,

FRED KEELEY, Assembly Member  
Twenty-seventh District

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1318 (Ducheny)**—An act to add Section 66025 to the Education Code, relating to postsecondary education, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—73**

Aguiar	Escutia	Martinez	Scott
Alby	Figueroa	Mazzoni	Shelley
Alquist	Firestone	McClintock	Strom-Martin
Aroner	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Callegos	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Oller	Vincent
Bowler	Keeley	Ortiz	Washington
Brewer	Knox	Pacheco	Wayne
Brown	Kuehl	Papan	Wildman
Campbell	Kuykendall	Perata	Woods
Cardenas	Leach	Poochigian	Wright
Cardoza	Lempert	Prenter	Mr. Speaker
Cunneen	Leonard	Pringle	
Davis	Machado	Richter	
Ducheny	Margett	Runner	

**NOES—1**

Ackerman

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 366 (Havice)**—An act to amend Section 6385 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Floyd	McClintock	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1217 (Bustamante)**—An act to add Chapter 12.93 (commencing with Section 7097) to Division 7 of Title 1 of the Government Code, and to amend Sections 17039, 17276.2, 23036, and 24416.2 of, and to add Sections 17053.33, 17053.34, 17267.6, 23633, 23634, and 24356.6 to, the Revenue and Taxation Code, relating to economic development.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—68**

Aguiar	Ducheny	Machado	Runner
Alby	Escutia	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Frusetta	Mazzoni	Strom-Martin
Ashburn	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Migden	Takasugi
Baldwin	Granlund	Miller	Thompson
Battin	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Brewer	Keeley	Napolitano	Vincent
Brown	Knox	Ortiz	Washington
Campbell	Kuehl	Pacheco	Wayne
Cardenas	Kuykendall	Papan	Wildman
Cardoza	Leach	Poochigian	Woods
Cunneen	Lempert	Prenter	Wright
Davis	Leonard	Richter	Mr. Speaker

**NOES—6**

Ackerman	Bowler	Kaloogian
Baugh	Floyd	Oller

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 670 (Mazzoni)**—An act to amend Section 41862 of, to amend and repeal Sections 44757.4 and 44759.5 of, and to add Section 17203.5 to, the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—74

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Napolitano	Villaraigosa
Bordonaro	House	Oller	Vincent
Bowen	Kaloogian	Ortiz	Washington
Bowler	Keeley	Pacheco	Wayne
Brewer	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

#### NOES—None

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1571 (Committee on Budget)**—An act to amend and supplement the Budget Act of 1997 (Chapter 282 of the Statutes of 1997), relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Ducheny.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

#### Urgency Clause

Urgency clause read.

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Leonard moved a call of the Assembly.

Motion carried. Time, 4:30 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 367 (Havice)**—An act to add Article 5 (commencing with Section 49350) to Chapter 8 of Part 27 of the Education Code, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—45**

Alquist	Firestone	Migden	Thomson
Aroner	Gallegos	Morrissey	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cunneen	Kuehl	Prenter	Wright
Davis	Lempert	Scott	Mr. Speaker
Ducheny	Machado	Shelley	
Escutia	Martinez	Strom-Martin	
Figueroa	Mazzoni	Sweeney	

**NOES—29**

Ackerman	Brewer	Leonard	Richter
Aguiar	Campbell	Margett	Runner
Alby	Frusetta	McClintock	Takasugi
Ashburn	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrow	Woods
Baugh	House	Oller	
Bordonaro	Kaloogian	Pacheco	
Bowler	Leach	Poochigian	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 602 (Davis)**—An act to amend Sections 44903.7, 48915.5, 56100, 56140, 56156.5, 56167, 56190, 56200, 56325, 56342, 56360, 56361, 56362, 56366.2, 56441.14, and 56500 of, to amend and repeal Sections 56210, 56213, 56214, 56214.5, 56217, 56218, 56364, and 56370 of, to amend, repeal, and add Sections 56211, 56212, 56425, 56425.5, 56426, 56426.1, 56426.2, 56426.25, 56426.4, 56427, 56429, and 56430 of, to add Sections 56364.5, 56366.9, and 56432 to, to add Chapter 2.5 (commencing with Section 56195) and Chapter 7.2 (commencing with Section 56836) to, and to add Article 1.1 (commencing with Section 56205) to Chapter 3 of, Part 30 of, to add and repeal Sections 56202 and 56832 of, to add and repeal Chapter 7.1 (commencing with Section 56835) of Part 30 of, to repeal Sections 56448 and 56449 of, to repeal Article 6 (commencing with Section 56170) of Chapter 2 of, to repeal Article 1 (commencing with Section 56200) and Article 2 (commencing with Section 56220) of Chapter 3 of, Part 30 of, and to repeal Chapter 4.3 (commencing with Section 56400) and Chapter 7 (commencing with Section 56700) of Part 30 of, the Education Code, relating to special education, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

#### Parliamentary Inquiry

Assembly Member Murray arose to the following parliamentary inquiry:

Does Assembly Bill No. 602 not require unanimous consent to be taken up for consideration, in mock-up form, without reference to file?

#### Reply by Acting Speaker Keeley

The Acting Speaker replied that it has been the established precedent that all measures are published in a Supplemental File on the last day to pass bills in the Assembly, and are therefore not without reference to file.

The question being on the concurrence in Senate amendments.

Amendments concurred in by the following vote:

#### AYES—60

Ackerman	Cardoza	Lempert	Prenter
Aguiar	Cunneen	Leonard	Pringle
Alby	Davis	Machado	Richter
Aroner	Ducheny	Margett	Runner
Ashburn	Figueroa	Mazzoni	Scott
Baca	Firestone	Migden	Strom-Martin
Baldwin	Frusetta	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	Havice	Napolitano	Thomson
Bowen	Kaloogian	Oller	Torlakson
Bowler	Keeley	Ortiz	Washington
Brewer	Kuehl	Pacheco	Wayne
Brown	Kuykendall	Papan	Woods
Campbell	Leach	Poochigian	Mr. Speaker

#### NOES—11

Cardenas	Knox	Perata	Wildman
Escutia	Martinez	Shelley	Wright
Floyd	Murray	Vincent	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1554 (Ortiz)**—An act to add Sections 104180 and 104182 to the Health and Safety Code, relating to cancer, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Ackerman	Ducheny	Lempert	Richter
Aguiar	Escutia	Leonard	Runner
Alby	Figueroa	Machado	Scott
Alquist	Firestone	Margott	Shelley
Aroner	Floyd	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Calleges	Migden	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Cranlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	Honda	Napolitano	Vincent
Brewer	House	Oller	Washington
Brown	Kaleogian	Ortiz	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker
Davis	Leach	Pringle	

**NOES—None**

Above bill ordered enrolled

(NOTE: Later this day, the action was rescinded whereby the Assembly concurred in Senate amendments to Assembly Bill No. 1554 and whereby the bill was ordered enrolled. See page 4750.)

**ASSEMBLY BILL NO. 1447 (Washington)**—An act relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

**Urgency Clause**

Urgency clause read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Thompson moved a call of the Assembly.

Motion carried. Time, 5:05 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**RECESS**

By unanimous consent, at 5:10 a.m., Acting Speaker Keeley declared the Assembly recessed.

**REASSEMBLED**

At 5:53 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 233  
 Assembly Bill No. 420  
 Assembly Bill No. 1574

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1042

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**RESOLUTIONS**

By unanimous consent, the following resolution was offered without reference to committee:

**Resolution to Suspend Joint Rules**

By Assembly Member Knox:

*Resolved*, That Joint Rule 61(a) (9) and (11) be suspended to permit the Committee on Revenue and Taxation to meet, consider, and report Senate Bill No. 1233 for further action.

Resolution read, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Knox was granted unanimous consent that the Committee on Revenue and Taxation be permitted to hold a special meeting immediately in the Tom Bane Rules Committee Room, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1233 for hearing.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

September 12, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Ted Lempert to the Assembly Revenue and Taxation Committee for September 12 and 13, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 12, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Wally Knox as Chair of the Assembly Revenue and Taxation Committee for September 12 and 13, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**ACTION RESCINDED ON ASSEMBLY BILL NO. 1554**

Assembly Member Ortiz was granted unanimous consent to rescind the action whereby the Assembly, earlier this day (Assembly Journal, page 4748), concurred in Senate amendments to Assembly Bill No. 1554, and whereby the bill was ordered enrolled; and that the bill be returned to the Senate for further action.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: September 13, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 8

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 8 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Brown was granted unanimous consent to take up Senate Bill No. 8 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 8**—An act to add Sections 19815.5, 19815.8, and 19824, to, to repeal Sections 19445, 19809, 19816, 19822.1, 19823.1, 19941, and 19950.2 of, to repeal and add Sections 19810, 19811, 19812, 19813, 19814, 19817, 19820, 19821, 19822, 19823, 19841, 19842, 19846, 19847, 19848, 19850, 19851, 19852, 19853, 19854, 19856, 19857, 19858, 19858.7, 19860, 19862, 19863, 19864, 19871, 19872, 19882, 19883, 19910.5, 19911, 19912, 19913, 19915, 19918, 19920, 19921, 19933.5, 19942, 19959.5, and 19960.2 to, to repeal and add Article 3 (commencing with Section 19830) and Article 8 (commencing with Section 19900) of Chapter 5 of, and to repeal and add Chapter 5 (commencing with Section 19800) of, Division 8 of, the Business and Professions Code, to add Section 1822.60 to the Code of Civil Procedure, to amend Sections 12012 and 15001 of, and to add Sections 15001.1 and 15001.2 to, the Government Code, and to amend Sections 186.9 and 14161 of, to add, repeal, and add Section 337j to, the Penal Code, and to add Chapter 8 (commencing with Section 4369) to Part 3 of Division 4 of the Welfare and Institutions Code, relating to gambling.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted.

**Consideration of Senate Bill No. 8 Without Reference to File**

Assembly Member Brown was granted unanimous consent to take up Senate Bill No. 8, without reference to file, for purpose of consideration.

**SENATE BILL NO. 8 (Lockyer)**—An act to add Sections 19805.1A, 19810A, 19811A, 19812A, 19813A, 19814A, 19815.5A, 19815.8A, 19817A, 19820A, 19821A, 19822A, 19823A, 19824A, 19841A, 19842A, 19846A, 19847A, 19848A, 19850A, 19851A, 19852A, 19853A, 19854A, 19856A, 19857A, 19858A, 19858.7A, 19860A, 19862A, 19863A, 19864A, 19871A, 19872A, 19882A, 19883A, 19910.5A, 19911A, 19912A, 19913A, 19915A, 19918A, 19920A, 19921A, 19933.5A, 19942A, 19959.5A, and 19960.2A to, to add Article 3 (commencing with Section 19830A) and Article 7 (commencing with Section 19900A) to Chapter 5 of, to, to repeal Sections 19445, 19809, 19816, 19822.1, 19823.1, and 19950.2 of, to repeal Sections 19810, 19811, 19812, 19813, 19814, 19817, 19820, 19821, 19822, 19823, 19841, 19842, 19846, 19847, 19848, 19850, 19851, 19852, 19853, 19854, 19856, 19857, 19858, 19858.7, 19860, 19862, 19863, 19864, 19871, 19872, 19882, 19883, 19910.5, 19911, 19912, 19913, 19915, 19918, 19920, 19921, 19933.5, 19942, 19959.5, and 19960.2 to, to repeal and add Article 3 (commencing with Section 19830) and Article 8 (commencing with Section 19900) of Chapter 5 of, and to repeal and add Chapter 5 (commencing with Section 19800) of, Division 8 of, the Business and Professions Code, to add Section 1822.60 to the Code of Civil Procedure, to amend Section 15001 of, and to add Sections 15001.1 and 15001.2 to, the Government Code, and to amend Sections 186.9 and 14161 of, to add, repeal, and add Section 337j to, the Penal Code, and to add Chapter 8 (commencing with Section 4369) to Part 3 of Division 4 of the Welfare and Institutions Code, relating to gambling.

Bill read third time, and presented by Assembly Member Brown.

Bill passed by the following vote:

**AYES—59**

Aguilar	Cunneen	Kuykendall	Runner
Alby	Davis	Leonard	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Margett	Strom-Martin
Ashburn	Firestone	Mazzoni	Sweeney
Baca	Frusetta	Migden	Takasugi
Battin	Gallegos	Miller	Thomson
Bordonaro	Goldsmith	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Hertzberg	Pacheco	Vincent
Brewer	Honda	Papan	Washington
Brown	Kaloogian	Perata	Wildman
Campbell	Keeley	Poochigian	Wright
Cardenas	Knox	Pringle	Mr. Speaker
Cardoza	Kuehl	Richter	

**NOES—14**

Ackerman	Havice	Morrow	Thompson
Baldwin	Leach	Napolitano	Woods
Baugh	Martinez	Oller	
Floyd	McClintock	Prenter	

Bill ordered transmitted to the Senate.

**Objection to Vote Adds**

Assembly Member Martinez withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 8.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1219 (Bustamante)**—An act to add and repeal Section 15733 of the Government Code, relating to economic development, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Bustamante moved a call of the Assembly.

Motion carried. Time, 6:12 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 233 BY UNANIMOUS CONSENT**

Assembly Member Escutia was granted unanimous consent to take up Assembly Bill No. 233, without reference to file, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 233 (Escutia)**—An act to amend Section 116.230 of the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Sections 26820.4, 26823, 26827, 26827.4, 26830, 26838, 26857, 26862, 27361, 68073, 68085, 68090.8, 68113, 68502.5, 68513, 72054, 72055, 72060, 76000, and 77003 of, to amend, repeal, and add Section 68547 of, to add Sections 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 27081.5, 68073.1, 68085.5, 68088, 72056.01, 76224, 77001, and 77009 to, to add Chapter 14 (commencing with Section 77600) to, Title 8 of, to repeal Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of, to add and repeal Sections 26826.01 and 77201 of, to repeal and add Section 71383 of, and to repeal and add Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of, the Government Code, to amend Sections 1463.001, 1463.005, 1463.007, 1463.009, and 1464 of, to add Sections 1170.45, 1463.010, and 1463.07 to, and to repeal Sections 1463.003 and 1463.01 of, the Penal Code, and to amend Section 42007 of, and to add Sections 11205.1 and 42007.1 to, the Vehicle Code, relating to trial court funding.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

Ackerman	Davis	Machado	Runner
Aguiar	Ducheny	Margett	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Mazzoni	Strom-Martin
Aroner	Firestone	Migden	Sweeney
Ashburn	Frusetta	Miller	Takasugi
Baca	Gallegos	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Ortiz	Vincent
Bowler	Keeley	Pacheco	Washington
Brewer	Knox	Papan	Wayne
Brown	Kuehl	Perata	Wildman
Campbell	Kuykendall	Poochigian	Woods
Cardenas	Leach	Prenter	Wright
Cardoza	Lempert	Pringle	Mr. Speaker
Cunneen	Leonard	Richter	

**NOES—3**

Kaloogian	McClintock	Oller
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**Vote Changes**

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 233: Assembly Members Kaloogian and Oller, from "Aye" to "No".

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1438 (Escutia)**—An act to add Chapter 2.1 (commencing with Section 68650) to Title 8 of the Government Code, relating to courts.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—43**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Woods
Ducheny	Lempert	Shelley	Wright
Escutia	Machado	Strom-Martin	Mr. Speaker
Figueroa	Martinez	Sweeney	

**NOES—33**

Ackerman	Brewer	Leach	Prenter
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Margett	Richter
Ashburn	Firestone	McClintock	Runner
Baldwin	Frusetta	Miller	Takasugi
Battin	Goldsmith	Morrow	Thompson
Baugh	Granlund	Oller	
Bordonaro	Kaloogian	Pacheco	
Bowler	Kuykendall	Poochigian	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 1574 (Escutia)**—An act relating to trial court funding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—73

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

#### NOES—None

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—73

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Miller	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Baldwin	Granlund	Morrow	Thomson
Battin	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

#### NOES—None

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 420 (Baca)**—An act to add Section 69620 to the Government Code, relating to judges.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Ackerman	Cunneen	Leach	Pringle
Aguiar	Davis	Lempert	Richter
Alby	Ducheny	Leonard	Runner
Alquist	Escutia	Machado	Scott
Aroner	Figueroa	Margett	Shelley
Ashburn	Firestone	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Oller	Villaraigosa
Bowler	Honda	Ortiz	Vincent
Brewer	House	Pacheco	Washington
Brown	Kaloogian	Papan	Wayne
Campbell	Keeley	Perata	Woods
Cardenas	Knox	Poochigian	Wright
Cardoza	Kuykendall	Prenter	Mr. Speaker

**NOES—3**

Floyd	Martinez	Murray
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Above bill ordered enrolled.

**Objection to Vote Adds**

Assembly Member Martinez withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 420.

**ASSEMBLY BILL NO. 1042 (Wayne)**—An act to amend Sections 17052.12 and 23609 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—77

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Margett	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	McClintock	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

#### NOES—1

Floyd

Above bill ordered enrolled.

#### MESSAGES FROM THE SENATE

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1554

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1554 BY UNANIMOUS CONSENT**

Assembly Member Ortiz was granted unanimous consent to take up Assembly Bill No. 1554, without reference to file, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 1554 (Ortiz)**—An act to add Sections 104180 and 104182 to the Health and Safety Code, relating to cancer, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Aguilar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Battin	Goldsmith	Miller	Takasugi
Bordonaro	Granlund	Morrissey	Thompson
Bowen	Havice	Morrow	Thomson
Bowler	Hertzberg	Murray	Torlakson
Brewer	Honda	Napolitano	Villaraigosa
Brown	House	Ortiz	Vincent
Campbell	Keeley	Pacheco	Washington
Cardenas	Knox	Papan	Wayne
Cardoza	Kuehl	Perata	Wildman
Cunneen	Kuykendall	Poochigian	Woods
Davis	Leach	Prenter	Wright
Ducheney	Lempert	Pringle	Mr. Speaker

**NOES—3**

Ackerman	Baugh	McClintock
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Above bill ordered enrolled.

**REPORTS OF STANDING COMMITTEES**

**Committee on Revenue and Taxation**

Date of Hearing: September 13, 1997

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Senate Bill No. 1233

With amendments with the recommendation: Amend, and do pass, as amended.

KNOX, Acting Chairman

Above bill ordered to second reading.

**SENATE BILL NO. 1233 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Unanimous consent was granted to take up Senate Bill No. 1233 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 1233**—An act to amend Section 19184 of, and to add Sections 17085.8, 17210.6, 17507.4, 17507.6, and 23712 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted.

**Consideration of Senate Bill No. 1233  
Without Reference to File**

Assembly Member Bustamante was granted unanimous consent to take up Senate Bill No. 1233, without reference to file, for purpose of consideration.

**SENATE BILL NO. 1233 (Lockyer)**—An act to amend Sections 17054, 17062, 17152, 17273, 18510, 19184, and 23802 of, and to add Sections 17085.8, 17210.6, 17507.4, 17507.6, 18037.6, and 23712 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Bustamante.

Bill passed by the following vote:

**AYES—76**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Oller	Vincent
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	Mr. Speaker

**NOES—1**

Martinez

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 949**

At 6:52 a.m., on motion of Assembly Member Ducheny, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments to Assembly Bill No. 949 by the following vote:

**AYES—37**

Alquist	Gallegos	Murray	Villaraigosa
Aroner	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Davis	Kuehl	Shelley	Wright
Ducheny	Lempert	Strom-Martin	Mr. Speaker
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	
Floyd	Migden	Torlakson	

**NOES—35**

Ackerman	Brewer	Leach	Prenter
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Margett	Richter
Ashburn	Firestone	McClintock	Runner
Baldwin	Goldsmith	Miller	Scott
Battin	Havice	Morrow	Takasugi
Baugh	House	Oller	Thompson
Bordonaro	Kaloogian	Pacheco	Woods
Bowler	Kuykendall	Poochigian	

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1572**

At 6:53 a.m., on motion of Assembly Member Miller, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 1572 adopted by the following vote:

**AYES—56**

Aguiar	Figueroa	Leonard	Scott
Alquist	Firestone	Machado	Shelley
Aroner	Floyd	Martinez	Strom-Martin
Ashburn	Fruetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Takasugi
Bordonaro	Granlund	Morrissey	Thomson
Bowen	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Pacheco	Washington
Cunneen	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Kuykendall	Prenter	Wright
Escutia	Lempert	Richter	Mr. Speaker

**NOES—20**

Ackerman	Brewer	Margett	Poochigian
Alby	Campbell	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Baugh	House	Morrow	Thompson
Bowler	Kaloogian	Oller	Woods

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—56**

Aguilar	Figueroa	Leonard	Scott
Alquist	Firestone	Machado	Shelley
Aroner	Floyd	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Takasugi
Bordonaro	Granlund	Morrissey	Thomson
Bowen	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Pacheco	Washington
Cunneen	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Kuykendall	Prenter	Wright
Escutia	Lempert	Richter	Mr. Speaker

**NOES—20**

Ackerman	Brewer	Margett	Poochigian
Alby	Campbell	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Baugh	House	Morrow	Thompson
Bowler	Kaloogian	Oller	Woods

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 278**

At 6:55 p.m., on motion of Assembly Member Escutia, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments to Assembly Bill No. 278 by the following vote:

**AYES—37**

Alquist	Gallegos	Migden	Torlakson
Aroner	Havice	Napolitano	Villaraigosa
Baca	Hertzberg	Ortiz	Vincent
Bowen	Honda	Papan	Washington
Brown	Keeley	Perata	Wayne
Cardenas	Knox	Scott	Wildman
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—26**

Ackerman	Campbell	Margett	Richter
Alby	Goldsmith	McClintock	Runner
Ashburn	Granlund	Miller	Takasugi
Baldwin	House	Morrow	Thompson
Baugh	Kaloogian	Oller	Woods
Bowler	Leach	Poochigian	
Brewer	Leonard	Pringle	

**Motion to Reconsider Assembly Bill No. 278  
on Next Legislative Day**

Assembly Member Escutia moved to reconsider on the next legislative day the vote whereby Senate amendments to Assembly Bill No. 278 were this day refused concurrence.

Assembly Bill No. 278 ordered to the unfinished business file.

**Objection to Vote Adds**

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 278.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONFERENCE COMMITTEE REPORT ON ASSEMBLY BILL NO. 1126**

At 6:56 a.m., on motion of Assembly Member Miller, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Conference Committee Report on Assembly Bill No. 1126 adopted by the following vote:

**AYES—57**

Aguir	Floyd	Margett	Strom-Martin
Alquist	Frusetta	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Takasugi
Ashburn	Granlund	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Pacheco	Wayne
Cunneen	Kuehl	Papan	Wildman
Davis	Kuykendall	Perata	Wright
Ducheny	Leach	Prenter	Mr. Speaker
Escutia	Lempert	Richter	
Figueroa	Leonard	Scott	
Firestone	Machado	Shelley	

**NOES—20**

Ackerman	Bowler	Kaloogian	Poochigian
Alby	Brewer	McClintock	Pringle
Baldwin	Campbell	Miller	Runner
Baugh	Goldsmith	Morrow	Thompson
Bordonaro	House	Oller	Woods

Above bill ordered enrolled.



**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 376**

At 6:57 a.m., on motion of Assembly Member Mazzoni, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 376 adopted by the following vote:

**AYES—55**

Ackerman	Cunneen	Lempert	Prenter
Aguiar	Davis	Leonard	Pringle
Alby	Ducheny	Machado	Richter
Alquist	Figueroa	Margett	Runner
Ashburn	Firestone	Mazzoni	Scott
Baldwin	Frusetta	McClintock	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Pacheco	Woods
Brown	Knox	Papan	Wright
Campbell	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	

**NOES—21**

Aroner	Gallegos	Murray	Thomson
Baca	Honda	Napolitano	Villaraigosa
Bowen	Keeley	Ortiz	Wildman
Cardenas	Kuehl	Shelley	
Escutia	Martinez	Strom-Martin	
Floyd	Migden	Sweeney	

Report adopted by the following vote:

**AYES—55**

Ackerman	Cunneen	Lempert	Prenter
Aguiar	Davis	Leonard	Pringle
Alby	Ducheny	Machado	Richter
Alquist	Figueroa	Margett	Runner
Ashburn	Firestone	Mazzoni	Scott
Baldwin	Frusetta	McClintock	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Pacheco	Woods
Brown	Knox	Papan	Wright
Campbell	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	

**NOES—21**

Aroner	Gallegos	Murray	Thomson
Baca	Honda	Napolitano	Villaraigosa
Bowen	Keeley	Ortiz	Wildman
Cardenas	Kuehl	Shelley	
Escutia	Martinez	Strom-Martin	
Floyd	Migden	Sweeney	

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1015**

At 6:59 a.m., on motion of Assembly Member Knox, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1015 by the following vote:

**AYES—43**

Alquist	Floyd	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Lempert	Scott	Wright
Escutia	Machado	Shelley	Mr. Speaker
Figueroa	Martinez	Strom-Martin	

**NOES—34**

Ackerman	Brewer	Leach	Prenter
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Margett	Richter
Ashburn	Firestone	McClintock	Runner
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Oller	Woods
Bordonaro	Kaloogian	Pacheco	
Bowler	Kuykendall	Poohigian	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 594**

At 6:59 a.m., on motion of Assembly Member Morrow, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 594 by the following vote:

**AYES—41**

Alquist	Goldsmith	Miller	Thomson
Aroner	Havice	Murray	Torlakson
Baca	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Ortiz	Vincent
Brown	House	Pacheco	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	
Figueroa	Migden	Sweeney	

**NOES—8**

Ackerman	Campbell	Martinez	Morrow
Bowler	Margett	McClintock	Richter

Above bill ordered enrolled.

**Objection to Vote Adds**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 594.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1188**

At 7 a.m., on motion of Assembly Member Leonard, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 1188 adopted by the following vote:

**AYES—62**

Aguiar	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Migden	Strom-Martin
Baca	Floyd	Miller	Sweeney
Battin	Frusetta	Morrissey	Thomson
Bordonaro	Gallegos	Morrow	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Havice	Napolitano	Vincent
Brewer	Hertzberg	Ortiz	Washington
Brown	Honda	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—12**

Ackerman	Baugh	Leach	Runner
Alby	House	Margett	Takasugi
Baldwin	Kaloogian	Oller	Thompson

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—62**

Aguiar	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Migden	Strom-Martin
Baca	Floyd	Miller	Sweeney
Battin	Frusetta	Morrissey	Thomson
Bordonaro	Gallegos	Morrow	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Havice	Napolitano	Vincent
Brewer	Hertzberg	Ortiz	Washington
Brown	Honda	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—12**

Ackerman	Baugh	Leach	Runner
Alby	House	Margett	Takasugi
Baldwin	Kaloogian	Oller	Thompson

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1587**

At 6:59 a.m., on motion of Assembly Member Leonard, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Urgency clause to Assembly Bill No. 1587 adopted by the following vote:

**AYES—69**

Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Thomson
Battin	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Bowler	Honda	Napolitano	Washington
Brewer	House	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—6**

Ackerman	Baugh	Takasugi
Baldwin	Kaloogian	Thompson

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—69**

Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Thomson
Battin	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Bowler	Honda	Napolitano	Washington
Brewer	House	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

**NOES—6**

Ackerman	Baugh	Takasugi
Baldwin	Kaloogian	Thompson

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
PRINGLE MOTION TO RE-REFER  
ASSEMBLY BILL NO. 488 TO COMMITTEE**

At 7 a.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Pringle motion to re-refer Assembly Bill No. 488 to the Committee on Public Safety lost by the following vote:

**AYES—34**

Ackerman	Bowler	Leonard	Prenter
Aguiar	Brewer	Margett	Pringle
Alby	Campbell	McClintock	Richter
Ashburn	Floyd	Miller	Runner
Baca	Frusetta	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Oller	Woods
Baugh	Kaloogian	Pacheco	
Bordonaro	Leach	Poochigian	

**NOES—36**

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Gallegos	Mazzoni	Sweeney
Bowen	Hertzberg	Migden	Thomson
Brown	Honda	Murray	Torlakson
Cardenas	Keeley	Napolitano	Villaraigosa
Cardoza	Knox	Ortiz	Vincent
Davis	Kuehl	Perata	Washington
Ducheny	Lempert	Scott	Wayne
Escutia	Machado	Shelley	Wildman

**Further Consideration of Senate Amendments to Assembly Bill No. 488**

**ASSEMBLY BILL NO. 488 (Scott)**—An act to add Section 12131 to the Penal Code, relating to firearms.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

**AYES—41**

Alquist	Firestone	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Bowen	Havice	Murray	Torlakson
Brewer	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Cardenas	Keeley	Pacheco	Washington
Cardoza	Knox	Papan	Wayne
Cunneen	Kuehl	Perata	Wildman
Davis	Kuykendall	Scott	
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	

**NOES—28**

Ackerman	Bordonaro	Margett	Pringle
Aguiar	Bowler	Martinez	Richter
Alby	Campbell	Miller	Runner
Ashburn	Goldsmith	Morrow	Takasugi
Baca	Kaloogian	Oller	Thompson
Battin	Leach	Poochigian	Woods
Baugh	Leonard	Prenter	Wright

Above bill ordered enrolled.

**Objection to Vote Adds**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 488.

**OBJECTION WITHDRAWN**

Assembly Member Thompson withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 278.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 5**

At 7:03 a.m., on motion of Assembly Member Leonard, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 5 passed by the following vote:

**AYES—67**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Margett	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Callegos	Migden	Sweeney
Baugh	Granlund	Morrissey	Takasugi
Bordonaro	Havice	Morrow	Thompson
Bowen	Hertzberg	Murray	Thomson
Bowler	Honda	Napolitano	Torlakson
Brewer	House	Oller	Villaraigosa
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker
Davis	Leach	Prenter	

**NOES—2**

Miller                      Woods

Bill ordered transmitted to the Senate.

**OBJECTION TO VOTE ADDS**

Assembly Member Kuykendall withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 278.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 999**

At 7:04 a.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 999 by the following vote:

**AYES—42**

Alby	Figueroa	Machado	Sweeney
Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Granlund	Murray	Villaraigosa
Battin	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Wayne
Cardenas	Honda	Papan	Wildman
Cardoza	Keeley	Perata	Wright
Davis	Knox	Scott	Mr. Speaker
Ducheny	Kuehl	Shelley	
Escutia	Lempert	Strom-Martin	

**NOES—26**

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	Margett	Richter
Ashburn	Frusetta	McClintock	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Baugh	House	Morrissey	Woods
Bordonaro	Kaloogian	Morrow	
Bowler	Leach	Oller	

Above bill ordered enrolled.

**OBJECTION WITHDRAWN**

Assembly Member Kuykendall withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 278.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1571**

At 7:05 a.m., on motion of Assembly Member Leonard, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 1571 adopted by the following vote:

**AYES—69**

Aguiar	Figuerola	Machado	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Runner	

**NOES—6**

Ackerman	Margett	Richter
Baugh	McClintock	Thompson

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—69**

Aguiar	Figuerola	Machado	Scott
Alby	Firestone	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	
Ducheny	Leonard	Runner	

**NOES—6**

Ackerman	Margett	Richter
Baugh	McClintock	Thompson

Above bill ordered enrolled.



**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1447**

At 7:05 a.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 1447 adopted by the following vote:

**AYES—76**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Battin	Goldsmith	Migden	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	Havice	Morrissey	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Bowler	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	Mr. Speaker

**NOES—None**

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Battin	Goldsmith	Migden	Takasugi
Baugh	Granlund	Miller	Thompson
Bordonaro	Havice	Morrissey	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Bowler	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1219**

At 7:08 a.m., on motion of Assembly Member Bustamante, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1219 by the following vote:

**AYES—60**

Aguiar	Ducheny	Leonard	Scott
Alby	Escutia	Machado	Shelley
Alquist	Figuerola	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Gallegos	Migden	Takasugi
Baca	Goldsmith	Morrissey	Thompson
Bordonaro	Granlund	Murray	Thomson
Bowen	Havice	Napolitano	Torlakson
Bowler	Hertzberg	Ortiz	Villaraigosa
Brown	Honda	Pacheco	Vincent
Campbell	Keeley	Papan	Washington
Cardenas	Knox	Perata	Wayne
Cardoza	Kuehl	Poochigian	Wildman
Cunneen	Kuykendall	Prenter	Wright
Davis	Lempert	Pringle	Mr. Speaker

**NOES—13**

Ackerman	Kaloogian	Miller	Woods
Baldwin	Leach	Morrow	
Baugh	Margett	Oller	
Brewer	McClintock	Runner	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1219: Assembly Member Poochigian, from "No" to "Aye".

Above bill ordered enrolled.

**OBJECTION TO VOTE ADDS**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 278.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Leonard was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 594**

September 13, 1997

*E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Wilson: The purpose of this letter is to clarify my intent as the author of AB 594 on issues contained within the bill.

The bill limits the alternative dispute resolution process for construction defects to 180 days. After 180 days, the process culminates, and the parties to the dispute may not stipulate to an extension of the 180 day period.

The bill is not intended to impose upon the insurer of a subcontractor a duty to defend its insureds for losses resulting from the defects identified in the notice required by subdivision 1375(b). The bill is intended to require the attendance of a construction contractor or subcontractor at meetings specified in 1375(c) (1).

Sincerely,

TOM TORLAKSON, Assembly Member  
Eleventh District

**At 7:10 a.m., Speaker Cruz M. Bustamante, 31st District, presiding**

**At 7:11 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 247:** Aguiar, Battin, Gallegos, Granlund, Keeley, Martinez, McClintock, Pacheco, and Prenter—Aye; Alby, Ashburn, Baugh, Bordonaro, and Morrow—No.

**Senate Bill No. 200:** Alby, Ashburn, Baugh, Granlund, Morrow, Pacheco, Prenter, and Runner—Aye; Martinez—No.

**Senate Bill No. 550:** Alby, Ashburn, Baugh, Martinez, Morrow, Pacheco, and Prenter—Aye.

**Senate Bill No. 526:** Martinez and Prenter—Aye; Alby, Ashburn, Morrow, Pacheco, and Poochigian—No.

**Senate Bill No. 66 and Urgency:** Alby, Ashburn, Ducheny, Gallegos, Martinez, Morrow, Pacheco, Prenter, and Takasugi—Aye.

**Senate Bill No. 45:** Alby, Aroner, Cardenas, Honda, Morrow, Oller, and Pacheco—Aye; Prenter—No.

**Senate Bill No. 298 and Urgency:** Alby, Morrow, Pacheco, and Prenter—Aye.

**Senate Bill No. 540:** Alby, Pacheco, and Prenter—Aye.

**Senate Bill No. 227:** Aroner, Baugh, Pacheco, and Strom-Martin—Aye.

**Senate Bill No. 828:** Aroner, Baugh, Ducheny, Morrissey, Pacheco, and Prenter—Aye.

**Senate Bill No. 990:** Baugh, Cardenas, Pacheco, and Poochigian—Aye; Bowen and Prenter—No.

**Senate Bill No. 1155:** Baugh, Cardoza, Cunneen, Ducheny, Keeley, Pacheco, and Runner—Aye.

**Consent Calendar:** Pacheco—Aye.

**Senate Bill No. 1254:** Pacheco—Aye.

**Assembly Bill No. 627, Concurrence:** Aroner, Baldwin, Battin, Campbell, Honda, Martinez, Migden, Murray, Pacheco, and Pringle—Aye; Baugh and Morrow—No.

**Assembly Bill No. 781, Concurrence:** Baugh and Pacheco—Aye.

**Assembly Bill No. 1230, Urgency and concurrence:** Honda and Murray—Aye; Baugh, McClintock, and Morrow—No.

**Assembly Bill No. 1394, Concurrence:** Gallegos—Aye.

**Assembly Bill No. 702, Concurrence:** Ashburn, Battin, and Prenter—Aye; Baugh, Goldsmith, Kaloogian, Oller, Poochigian, and Pringle—No.

**Assembly Bill No. 1507, Concurrence:** Ashburn, Battin, Bowen, Goldsmith, and Martinez—Aye; Baugh, Kaloogian, Margett, McClintock, Oller, Pringle, and Runner—No.

**Special Consent Calendar:** Ducheny—Aye.

**Assembly Bill No. 84, Concurrence:** Baugh, Gallegos, and Runner—Aye.

**Assembly Bill No. 242, Concurrence:** Granlund and Pacheco—Aye; Runner—No.

**Assembly Bill No. 352, Concurrence:** Granlund, Pacheco, and Pringle—Aye; Runner—No.

**Assembly Bill No. 353, Concurrence:** Alquist, Ashburn, Cunneen, Granlund, and Scott—Aye; Runner—No.

**Assembly Bill No. 498, Concurrence:** Alquist, Baca, Battin, Cunneen, Granlund, Poochigian, and Prenter—Aye; Ackerman, Pringle, and Runner—No.

**Assembly Bill No. 592, Concurrence:** Battin, Baugh, Granlund, and Pringle—Aye.

**Assembly Bill No. 680, Concurrence:** Battin, Granlund, Honda, Murray, Pacheco, and Runner—Aye.

**Assembly Bill No. 922, Concurrence:** Alquist, Baugh, Gallegos, Granlund, Pacheco, Runner, and Wayne—Aye; Martinez—No.

**Assembly Bill No. 1017, Concurrence:** Baugh, Granlund, Pacheco, and Runner—Aye; McClintock—No.

**Assembly Bill No. 738, Concurrence:** Aguiar, Baugh, Bordonaro, Granlund, Pacheco, and Shelley—Aye; Bowen, McClintock, and Sweeney—No.

**Assembly Bill No. 1029, Concurrence:** Aguiar, Baca, Baugh, Granlund, Kuykendall, Napolitano, and Pacheco—Aye; Davis and Sweeney—No.

**Assembly Bill No. 1363, Concurrence:** Aguiar, Baca, Baugh, Davis, Ducheny, Gallegos, Granlund, and Pacheco—Aye.

**Assembly Bill No. 1479, Concurrence:** Ducheny—Aye; Baugh, Granlund, and Pacheco—No.

**Assembly Bill No. 115, Concurrence:** Baca, Baugh, Gallegos, Granlund, and McClintock—Aye.

**Assembly Bill No. 173, Concurrence:** Gallegos, Goldsmith, and Granlund—Aye; Baugh, McClintock, Poochigian, and Runner—No.

**Assembly Bill No. 179, Concurrence:** Baldwin, Goldsmith, Granlund, Pacheco, and Shelley—Aye; Baugh—No.

**Assembly Bill No. 1223, Concurrence:** Baldwin, Baugh, Granlund, and Havice—Aye.

**Assembly Bill No. 287, Urgency and Concurrence:** Alby, Havice, Kaloogian, Oller, and Poochigian—Aye; McClintock—No.

**Assembly Bill No. 1043, Concurrence:** Alby, Aroner, Battin, McClintock, and Pacheco—Aye.

**Assembly Bill No. 1595, Concurrence:** Alby, Ashburn, Battin, Bowen, Goldsmith, Kaloogian, Machado, Martinez, and Pacheco—Aye; McClintock—No.

**Assembly Bill No. 321, Concurrence:** Alby, Battin, Baugh, Bowen, Goldsmith, Granlund, Machado, Pacheco, and Wildman—Aye; McClintock—No.

**Senate Bill No. 1092:** Alby, Cardenas, Ducheny, Goldsmith, Pacheco, and Runner—Aye.

**Senate Bill No. 90:** Alby, Baca, Cardenas, Goldsmith, and Pacheco—Aye; Baugh and Runner—No.

**Senate Bill No. 368:** Ashburn, Baldwin, and Granlund—Aye.

**Assembly Bill No. 456, Concurrence:** Migden—Aye; McClintock—No.

**Assembly Bill No. 1055, Concurrence:** Cardenas and Martinez—Aye; Baugh and Bowen—No.

**House Resolution No. 47, Co-authors:** Baca and Hertzberg—Aye.

**Assembly Bill No. 258, Concurrence:** Baugh, Cardenas, Cardoza, Keeley, and Runner—Aye.

**Assembly Bill No. 412, Concurrence:** Battin, Baugh, Ducheny, and Runner—Aye.

**Assembly Bill No. 670, Concurrence:** Baugh—Aye.

**Assembly Bill No. 1544, Concurrence:** Baugh and Runner—Aye.

**Assembly Bill No. 571, Concurrence:** Mazzoni and Migden—Aye; Runner—No.

**Assembly Bill No. 560, Concurrence:** Runner—Aye.

**Assembly Bill No. 280, Concurrence:** Bowen—Aye; Baugh and Goldsmith—No.

**Assembly Bill No. 1561, Concurrence:** Battin, Baugh, and Bordonaro—Aye.

**Assembly Bill No. 62, Concurrence:** Mazzoni—Aye; Migden—No.

**Assembly Bill No. 896, Concurrence:** Margett—Aye.

**Senate Bill No. 903, Conference Report:** Richter—Aye; Goldsmith and Miller—No.

**Assembly Bill No. 1484, Concurrence:** Aguiar—Aye.

**Assembly Bill No. 158, Floyd Motion to Dispense with Call:** Cardoza and Honda—Aye.

**Assembly Bill No. 158, Concurrence:** Mazzoni—Aye.

**Senate Bill No. 1101:** Ackerman, Battin, Brewer, Cardoza, Honda, Leach, Machado, Prenter, and Pringle—Aye.

**Senate Bill No. 273:** Battin, Figueroa, Machado, and Pringle—Aye; McClintock—No.

**Assembly Bill No. 241, Urgency and Concurrence:** Battin—Aye; Runner—No.

**Assembly Bill No. 57, Concurrence:** Runner—Aye; Cardoza—No.

**Assembly Bill No. 208, Concurrence:** Thomson and Kuykendall—No.

**Assembly Bill No. 308, Concurrence:** Baca, Baugh, Bowen, Margett, and Prenter—Aye; McClintock—No.

**Assembly Bill No. 1297, Concurrence:** Baca and Shelley—Aye.

**Assembly Bill No. 130, Concurrence:** Baca and Mazzoni—Aye.

**Assembly Bill No. 4, Concurrence:** Shelley—Aye.

**Assembly Bill No. 1415, Concurrence:** Woods—Aye.

**Senate Bill No. 455, Goldsmith Motion to Appeal Decision of Chair:** Runner—Aye.

**Senate Bill No. 455:** Woods—Aye; Bordonaro—No.

**Assembly Bill No. 1217, Concurrence:** Baugh—No.

**Assembly Bill No. 367, Concurrence:** Runner—No.

**Assembly Bill No. 602, Concurrence:** Bowen, Kaloogian, Machado, and Papan—Aye.

**Assembly Bill No. 1554, Concurrence:** Papan—Aye.

**Assembly Bill No. 1042, Concurrence:** Scott—Aye.

**Assembly Bill No. 949, Concurrence:** Havice—No.

**Assembly Bill No. 1572, Urgency and Concurrence:** Poochigian—No.

**Assembly Bill No. 278, Concurrence:** Cardenas—Aye.

**Assembly Bill No. 1126, Conference Report:** Goldsmith—No.

**Senate Bill No. 376, Urgency and Conference Report:** Gallegos and Thomson—No.

**Senate Bill No. 5:** Machado—Aye.

#### **MOTION TO ADJOURN**

At 7:11 a.m., pursuant to the provisions of Joint Rule 51, Assembly Member Villaraigosa moved that the Assembly adjourn for the 1997-98 Interim Recess, until Monday, January 5, 1998 at 11 a.m.

Assembly Member Prenter seconded the motion.

#### **REMARKS ON CONDITION OF THE FILE**

Assembly Member Martinez arose to speak on the condition of the file.

#### **FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Villaraigosa that the Assembly adjourn.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 7:12 a.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

September 13, 1997

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 873

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Acting Chairman

**ASSEMBLY BILL NO. 873**—An act to add Sections 17053.30, 17053.31, 17053.32, 23630, 23631, and 23632 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 5  
Senate Bill No. 1233

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 8  
Senate Bill No. 368  
Senate Bill No. 455

Senate Bill No. 990  
Senate Bill No. 1101

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

**Senate Bill No. 1254.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, September 13, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Calderon, Rainey and Vasconcellos as a Committee on Conference concerning:

**Senate Bill No. 1254.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**INTRODUCTION OF GUESTS**

Assembly Member Kuykendall, of the 54th Assembly District, introduced former Senator Bill Campbell.

Assembly Member Havice, of the 56th Assembly District, introduced John McLaurin, President of Pacific Merchant Shipping Association.

**ADJOURNMENT**

At 7:12 a.m., pursuant to the motion by Assembly Member Villaraigosa, the Assembly adjourned for the 1997-98 Interim Recess, until 11 a.m., Monday, January 5, 1998, out of respect to the memory of Patricia Dean, Paul Wilson, Correctional Officer Mylene Gudrun Zalar, and Correctional Officer Paul B. Berldon, on motion of Assembly Member House; out of respect to the memory of Mary Lou Growney Gianniani, on motion of Assembly Member Shelley; out of respect to the memory of Stephanie Frazier McDowell, on motion of Assembly Member Alby; out of respect to the memory of Evelyn M. Campbell, on motion of Assembly Member Brewer; out of respect to the memory of Valerie Vasquez Pasillas, on motion of Assembly Member Gallegos; and out of respect to the memory of Brenda L. Smith, on motion of Assembly Member Ortiz.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 12, 1997**

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The following measures were amended in the Assembly on this day:

<b>SB</b>	<b>RN</b>
247	9723721

<b>Daily Total:</b>	
<b>Cumulative Total:</b>	<b>407</b>

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 13, 1997**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
873	9723775

<b>SB</b>	<b>RN</b>
8	9724012
273	9723925
1233	9723965

<b>Daily Total:</b>	<b>4</b>
<b>Cumulative Total:</b>	<b>3411</b>

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 15

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## INTERIM RECESS

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Assembly Chamber, Sacramento  
September 17, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

### COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

September 17, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am establishing the Select Committee on Mental Health and appointing Assemblymember Helen Thomson as the Chair. I am also appointing the following Assemblymembers to the Committee:

Assemblymember Roy Ashburn  
Assemblymember Marilyn Brewer  
Assemblymember Rod Pacheco  
Assemblymember Robert Hertzberg  
Assemblymember Dion Aroner  
Assemblymember Virginia Strom-Martin

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 16

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INTERIM RECESS

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Assembly Chamber, Sacramento  
Monday, September 22, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

September 22, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Due to an inadvertent oversight, AB 1583 (Shelley) was held at the Desk on the last legislative day of session, September 12. On August 28 the measure passed both Houses, but was held at the Desk by unanimous consent.

In order to fully implement the action of both Houses on the Budget Bill, there is no objection to granting unanimous consent to withdrawing AB 1583 from the Assembly Desk and ordering it to enrollment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 22, 1997

*E. Dotson Wilson  
Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please release Assembly Bill 1583 (Shelley) from the Assembly Desk and allow it to move to Enrollment.

Thank you for your attention to this request. Please feel free to contact me if you have any questions.

Sincerely,

BILL LEONARD  
Assembly Republican Leader

**Assembly Bill No. 1583 Ordered Enrolled**

Pursuant to the above communication, Assembly Bill No. 1583 was ordered enrolled.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 1254:

Hertzberg, Morrow, and Papan.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 17

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INTERIM RECESS

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Assembly Chamber, Sacramento  
October 14, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

September 25, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I am establishing the Select Committee on Palliative Care and appointing Assemblymember Carole Migden as the Chair.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 30, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I am appointing Assemblymembers Bill Campbell, Virginia Strom-Martin and Bernie Richter to the Select Committee on Exposition Park.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 30, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am appointing Assemblymembers Dennis Cardoza and Marilyn Brewer to the Select Committee on California Wine.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 30, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am appointing Assemblymember Kevin Shelley to the Select Committee on the California Middle Class.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 9, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am appointing the following Assemblymembers to the Select Committee on Palliative Care:

Assemblymember Diane Martinez  
Assemblymember Martin Gallegos  
Assemblymember Helen Thomson  
Vacancies

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 10, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Deborah Ortiz to the Assembly Select Committee on Coastal Protection for Thursday, October 16, 1997 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

**Corporate Campaign Contribution Ban. Lobbying Expenses Not Deductible.  
Initiative Statute.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Wildlife. Body-Gripping Traps Ban. Animal Poisons.  
Initiative Statute.**

Referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Taxes. Corporations. Initiative Statute.**

Referred by the Speaker to the Committee on Revenue and Taxation.

**Limiting Terms of Elective Office.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Sales and Use Taxes. Reallocation.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Revenue and Taxation.

#### REPORTS

The following reports were presented by the Chief Clerk:

**State Employers' Industrial Disability Cost Report 1995/96 Fiscal Year  
(Corrected Version)  
(Pursuant to Public Employees' Retirement Law Section 20238)**

Above transmitted report, together with letter of transmittal from Catherine Becic, Administrative Assistant, Actuarial and Employer Services Division, Public Employees' Retirement System, Sacramento, dated September 5, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.



**Management of Fish and Wildlife on Private Lands, 1995-96**  
**(Pursuant to Fish and Game Code Section 3409)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated September 8, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**1997 OAL Determination No. 7**  
**(Pelican Bay State Prison within the Department of Corrections)**  
**[Docket No. 90-043]**  
**(Pursuant to Government Code Section 11340.5)**

Above transmitted report, together with letter of transmittal from John D. Smith, Director, Office of Administrative Law, Sacramento, dated September 16, 1997, referred by the Speaker to the Committee on Judiciary.

**State Teachers' Retirement System,**  
**Quarterly Report of System Asset, as of March 31, 1997**  
**(Pursuant to Education Code Section 22358)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated July 17, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Adult Performance Outcome Study: Wave 1 to Wave 3**  
**(Pursuant to Welfare and Institutions Code Section 5772(c) (3))**

Above transmitted report, together with letter of transmittal from John Nickens, Ph.D., Chairperson, California Mental Health Planning Council, Sacramento, dated August 1, 1997, referred by the Speaker to the Committee on Health.

**Asset Forfeiture, Annual Report, 1996**  
**(Pursuant to Health and Safety Code Section 11495)**

Above transmitted report, together with letter of transmittal from M. David Stirling, Chief Deputy Attorney General, Office of the Attorney General, Sacramento, dated August 7, 1997, referred by the Speaker to the Committee on Public Safety.

**1997 OAL Determination No. 5**  
**Department of Corrections, [Docket No. 90-039]**  
**(Pursuant to Government Code Section 11340.5)**

Above transmitted report, together with letter of transmittal from John D. Smith, Director, Office of Administrative Law, Sacramento, dated August 12, 1997, referred by the Speaker to the Committee on Judiciary.

**Consulting Services Contract Reports and Summary, 1996-97**  
**(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Sacramento, dated August 13, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Hazardous Waste Fee Collections, April 1, 1997–June 30, 1997  
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from E.L. Sorensen, Jr., Executive Director, State Board of Equalization, Sacramento, dated September 3, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Statistical Report of Beverage Container  
Sales, Returns, Redemption, and Recycling Rates, Semi-Annual, 1997  
(Pursuant to Public Resources Code Section 14551)**

Above transmitted report, together with letter of transmittal from Lawrence J. Goldzband, Director, Department of Conservation, Sacramento, dated September 10, 1997, referred by the Speaker to the Committee on Natural Resources.

**Report to the California Legislature and Exclusive Representatives of  
State Employees on Information Relevant to  
the Salaries for Female-Dominated Jobs, September 1997  
(Pursuant to Government Code Section 19827.2)**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Sacramento, dated September 11, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**California State Lottery,  
Fiscal Year 1996/97, Contracts Over \$100,000.00  
(Pursuant to Government Code Section 8880.56(b),(5))**

Above transmitted report, together with letter of transmittal from Melissa Meith, Chief Counsel, Legal Office, California Lottery, Sacramento, dated September 15, 1997, referred by the Speaker to the Committee on Governmental Organization.

**Statewide Language Survey, Fiscal Year 1995–96  
(Pursuant to Government Code Section 7299.6)**

Above transmitted report, together with letter of transmittal from Walter Vaughn, Acting Executive Officer, California State Personnel Board, Sacramento, dated September 19, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**The California Commission on Health and Safety and  
Workers' Compensation, 1996–97 Annual Report  
(Pursuant to Labor Code Section 77(a))**

Above transmitted report, together with letter of transmittal from Christine Baker, Executive Officer, Commission on Health and Safety and Workers' Compensation, Department of Industrial Relations, San Francisco, dated August 22, 1997, referred by the Speaker to the Committee on Insurance.

**The Construction Carve-Out Program,  
A Report of Activities in Calendar Year 1996  
(Pursuant to Labor Code Section 3201.5(i))**

Above transmitted report, together with letter of transmittal from John C. Duncan, Acting Director, Office of the Director, Department of Industrial Relations, San Francisco, dated September 26, 1997, referred by the Speaker to the Committee on Insurance.

**California, Sex Offender Identification Line, July 1997  
(Pursuant to Penal Code Section 290.4(h))**

Above transmitted report, together with letter of transmittal from Wayne R. Smith, Special Assistant, Office of the Attorney General, Sacramento, dated September 29, 1997, referred by the Speaker to the Committee on Public Safety.

**Department of Justice  
Report of Expenditures as of June 30, 1997 for Hazardous Waste  
(Pursuant to Health and Safety Code Section 25174)**

Above transmitted report, together with letter of transmittal from Wayne R. Smith, Special Assistant, Office of the Attorney General, Sacramento, dated October 1, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Financial Transactions Concerning Cities of California,  
1994-95 Fiscal Year**

Above transmitted report, together with letter of transmittal from Kathleen Connell, California State Controller, Sacramento, dated June 11, 1997, referred by the Speaker to the Committee on Local Government.

**Getting the Job Done,  
1996 Annual Report of the California Integrated Waste Management Board**

Above transmitted report, together with letter of transmittal from Daniel G. Pennington, Chairman, Integrated Waste Management Board, Sacramento, dated September 29, 1997, referred by the Speaker to the Committee on Natural Resources.

**Department of Pesticide Regulation's  
Minority, Women, and Disabled Veteran Business Enterprise Report,  
Fiscal Year 1995-96  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from James W. Wells, Director, California Environmental Protection Agency, Sacramento, dated September 30, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 15, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 4

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 15, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 12

Assembly Concurrent Resolution No. 57

Assembly Joint Resolution No. 32

And reports the same correctly enrolled, and presented to the Secretary of State on the 15th day of September, 1997, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 6	Assembly Bill No. 1054
Assembly Bill No. 358	Assembly Bill No. 1061
Assembly Bill No. 379	Assembly Bill No. 1089
Assembly Bill No. 408	Assembly Bill No. 1103
Assembly Bill No. 541	Assembly Bill No. 1128
Assembly Bill No. 739	Assembly Bill No. 1206
Assembly Bill No. 772	Assembly Bill No. 1209
Assembly Bill No. 882	Assembly Bill No. 1280
Assembly Bill No. 980	Assembly Bill No. 1320
Assembly Bill No. 1020	Assembly Bill No. 1399

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 15, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 21	Assembly Bill No. 568
Assembly Bill No. 226	Assembly Bill No. 620
Assembly Bill No. 246	Assembly Bill No. 731
Assembly Bill No. 355	Assembly Bill No. 747
Assembly Bill No. 397	Assembly Bill No. 917
Assembly Bill No. 441	Assembly Bill No. 1127
Assembly Bill No. 450	Assembly Bill No. 1189
Assembly Bill No. 504	Assembly Bill No. 1341
Assembly Bill No. 513	Assembly Bill No. 1433
Assembly Bill No. 520	Assembly Bill No. 1611

And reports the same correctly enrolled, and presented to the Governor at 11 a.m., September 16, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 42	Assembly Bill No. 870
Assembly Bill No. 43	Assembly Bill No. 875
Assembly Bill No. 176	Assembly Bill No. 989
Assembly Bill No. 186	Assembly Bill No. 995
Assembly Bill No. 304	Assembly Bill No. 1088
Assembly Bill No. 421	Assembly Bill No. 1106
Assembly Bill No. 475	Assembly Bill No. 1144
Assembly Bill No. 584	Assembly Bill No. 1186
Assembly Bill No. 590	Assembly Bill No. 1458
Assembly Bill No. 865	Assembly Bill No. 1464

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 17, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 74  
Assembly Joint Resolution No. 36

And reports the same correctly enrolled, and presented to the Secretary of State on the 17th day of September, 1997, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 193  
Assembly Bill No. 202  
Assembly Bill No. 248  
Assembly Bill No. 267  
Assembly Bill No. 326  
Assembly Bill No. 369  
Assembly Bill No. 418  
Assembly Bill No. 491  
Assembly Bill No. 595  
Assembly Bill No. 618

Assembly Bill No. 838  
Assembly Bill No. 839  
Assembly Bill No. 847  
Assembly Bill No. 968  
Assembly Bill No. 1022  
Assembly Bill No. 1040  
Assembly Bill No. 1104  
Assembly Bill No. 1191  
Assembly Bill No. 1275  
Assembly Bill No. 1303

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 18, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 699

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 18, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 301  
Assembly Bill No. 405  
Assembly Bill No. 515  
Assembly Bill No. 652  
Assembly Bill No. 690  
Assembly Bill No. 837  
Assembly Bill No. 1139  
Assembly Bill No. 1213  
Assembly Bill No. 1238  
Assembly Bill No. 1321

Assembly Bill No. 1335  
Assembly Bill No. 1337  
Assembly Bill No. 1353  
Assembly Bill No. 1460  
Assembly Bill No. 1472  
Assembly Bill No. 1475  
Assembly Bill No. 1505  
Assembly Bill No. 1537  
Assembly Bill No. 1588  
Assembly Bill No. 1606

And reports the same correctly enrolled, and presented to the Governor at 10:30 a.m., September 19, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1545

And reports the same correctly enrolled, and presented to the Governor at 3:15 p.m., September 19, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 482  
Assembly Bill No. 524  
Assembly Bill No. 530  
Assembly Bill No. 629  
Assembly Bill No. 641  
Assembly Bill No. 727  
Assembly Bill No. 874  
Assembly Bill No. 877  
Assembly Bill No. 885  
Assembly Bill No. 904

Assembly Bill No. 1033  
Assembly Bill No. 1163  
Assembly Bill No. 1222  
Assembly Bill No. 1242  
Assembly Bill No. 1245  
Assembly Bill No. 1296  
Assembly Bill No. 1423  
Assembly Bill No. 1468  
Assembly Bill No. 1485  
Assembly Bill No. 1520

And reports the same correctly enrolled, and presented to the Governor at 3:15 p.m., September 19, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 11	Assembly Bill No. 549
Assembly Bill No. 125	Assembly Bill No. 572
Assembly Bill No. 134	Assembly Bill No. 736
Assembly Bill No. 149	Assembly Bill No. 753
Assembly Bill No. 156	Assembly Bill No. 1071
Assembly Bill No. 221	Assembly Bill No. 1105
Assembly Bill No. 293	Assembly Bill No. 1214
Assembly Bill No. 320	Assembly Bill No. 1395
Assembly Bill No. 365	Assembly Bill No. 1508
Assembly Bill No. 459	Assembly Bill No. 1518

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 19, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 39	Assembly Bill No. 776
Assembly Bill No. 52	Assembly Bill No. 807
Assembly Bill No. 167	Assembly Bill No. 846
Assembly Bill No. 195	Assembly Bill No. 925
Assembly Bill No. 381	Assembly Bill No. 1193
Assembly Bill No. 494	Assembly Bill No. 1210
Assembly Bill No. 536	Assembly Bill No. 1266
Assembly Bill No. 563	Assembly Bill No. 1269
Assembly Bill No. 673	Assembly Bill No. 1277
Assembly Bill No. 705	Assembly Bill No. 1306

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 22, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 26  
Assembly Concurrent Resolution No. 58  
Assembly Concurrent Resolution No. 68  
Assembly Joint Resolution No. 4  
Assembly Joint Resolution No. 13  
Assembly Joint Resolution No. 18

And reports the same correctly enrolled, and presented to the Secretary of State on the 22nd day of September, 1997, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 2	Assembly Bill No. 748
Assembly Bill No. 10	Assembly Bill No. 853
Assembly Bill No. 45	Assembly Bill No. 856
Assembly Bill No. 51	Assembly Bill No. 861
Assembly Bill No. 122	Assembly Bill No. 1042
Assembly Bill No. 217	Assembly Bill No. 1126
Assembly Bill No. 366	Assembly Bill No. 1318
Assembly Bill No. 411	Assembly Bill No. 1575

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 22, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 23, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 49	Assembly Bill No. 963
Assembly Bill No. 351	Assembly Bill No. 1159
Assembly Bill No. 472	Assembly Bill No. 1198
Assembly Bill No. 501	Assembly Bill No. 1224
Assembly Bill No. 749	Assembly Bill No. 1293
Assembly Bill No. 764	Assembly Bill No. 1302
Assembly Bill No. 792	Assembly Bill No. 1483
Assembly Bill No. 794	Assembly Bill No. 1553
Assembly Bill No. 827	Assembly Bill No. 1568
Assembly Bill No. 931	Assembly Bill No. 1601

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 23, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 23, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 21  
 Assembly Concurrent Resolution No. 76  
 Assembly Concurrent Resolution No. 77  
 Assembly Joint Resolution No. 37  
 Assembly Joint Resolution No. 39

And reports the same correctly enrolled, and presented to the Secretary of State on the 23rd day of September, 1997, at 11:15 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 23, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 58	Assembly Bill No. 994
Assembly Bill No. 140	Assembly Bill No. 1099
Assembly Bill No. 177	Assembly Bill No. 1190
Assembly Bill No. 437	Assembly Bill No. 1217
Assembly Bill No. 594	Assembly Bill No. 1346
Assembly Bill No. 605	Assembly Bill No. 1362
Assembly Bill No. 701	Assembly Bill No. 1429
Assembly Bill No. 777	Assembly Bill No. 1456
Assembly Bill No. 940	Assembly Bill No. 1572
Assembly Bill No. 991	Assembly Bill No. 1597

And reports the same correctly enrolled, and presented to the Governor at 12 m., September 23, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 178	Assembly Bill No. 1391
Assembly Bill No. 219	Assembly Bill No. 1425
Assembly Bill No. 387	Assembly Bill No. 1480
Assembly Bill No. 428	Assembly Bill No. 1507
Assembly Bill No. 545	Assembly Bill No. 1539
Assembly Bill No. 627	Assembly Bill No. 1555
Assembly Bill No. 781	Assembly Bill No. 1556
Assembly Bill No. 920	Assembly Bill No. 1558
Assembly Bill No. 957	Assembly Bill No. 1559
Assembly Bill No. 1230	Assembly Bill No. 1612

And reports the same correctly enrolled, and presented to the Governor at 9:30 a.m., September 24, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 55	Assembly Bill No. 571
Assembly Bill No. 84	Assembly Bill No. 600
Assembly Bill No. 102	Assembly Bill No. 633
Assembly Bill No. 127	Assembly Bill No. 702
Assembly Bill No. 152	Assembly Bill No. 713
Assembly Bill No. 158	Assembly Bill No. 896
Assembly Bill No. 181	Assembly Bill No. 939
Assembly Bill No. 258	Assembly Bill No. 1357
Assembly Bill No. 280	Assembly Bill No. 1363
Assembly Bill No. 412	Assembly Bill No. 1394

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 24, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 62	Assembly Bill No. 1055
Assembly Bill No. 115	Assembly Bill No. 1188
Assembly Bill No. 321	Assembly Bill No. 1219
Assembly Bill No. 680	Assembly Bill No. 1223
Assembly Bill No. 730	Assembly Bill No. 1297
Assembly Bill No. 738	Assembly Bill No. 1447
Assembly Bill No. 833	Assembly Bill No. 1484
Assembly Bill No. 1015	Assembly Bill No. 1554
Assembly Bill No. 1029	Assembly Bill No. 1581
Assembly Bill No. 1043	Assembly Bill No. 1610

And reports the same correctly enrolled, and presented to the Governor at 12 m., September 24, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 29	Assembly Bill No. 367
Assembly Bill No. 59	Assembly Bill No. 420
Assembly Bill No. 76	Assembly Bill No. 456
Assembly Bill No. 99	Assembly Bill No. 488
Assembly Bill No. 130	Assembly Bill No. 640
Assembly Bill No. 173	Assembly Bill No. 999
Assembly Bill No. 179	Assembly Bill No. 1065
Assembly Bill No. 208	Assembly Bill No. 1082
Assembly Bill No. 241	Assembly Bill No. 1438
Assembly Bill No. 308	Assembly Bill No. 1574

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 25, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 57	Assembly Bill No. 1017
Assembly Bill No. 242	Assembly Bill No. 1172
Assembly Bill No. 352	Assembly Bill No. 1415
Assembly Bill No. 353	Assembly Bill No. 1479
Assembly Bill No. 592	Assembly Bill No. 1561
Assembly Bill No. 670	Assembly Bill No. 1583
Assembly Bill No. 915	Assembly Bill No. 1587
Assembly Bill No. 922	

And reports the same correctly enrolled, and presented to the Governor at 10:30 a.m., September 25, 1997.

E. DOTSON WILSON, Chief Clerk



Assembly Chamber, September 25, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 78

Assembly Joint Resolution No. 38

And reports the same correctly enrolled, and presented to the Secretary of State on the 25th day of September, 1997, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 67

Assembly Bill No. 498

Assembly Bill No. 233

Assembly Bill No. 993

Assembly Bill No. 257

Assembly Bill No. 1492

Assembly Bill No. 287

Assembly Bill No. 1544

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 25, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 26, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 290

Assembly Bill No. 602

Assembly Bill No. 560

Assembly Bill No. 1571

Assembly Bill No. 573

Assembly Bill No. 1595

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., September 26, 1997.

E. DOTSON WILSON, Chief Clerk

#### MESSAGES FROM THE GOVERNOR

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file:

##### **Veto Message—Assembly Bill No. 625**

Governor's Office, Sacramento  
September 21, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 625 without my signature.

This bill would require the Legislative Analyst to prepare and submit a report to the Legislature on the state of health care delivery in California.

Legislation is not required to authorize the Legislative Analyst to undertake this report.

Cordially,

PETE WILSON

##### **Veto Message—Assembly Bill No. 1103**

Governor's Office, Sacramento  
September 21, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1103 without my signature.

This bill would require a school district or community college district to offer a laid off permanent classified employee priority for employment in substitute service at his or her regular rate of compensation if he or she works for 21 days or more during a 60 day period.

Under current law, permanent classified employees may be terminated due to a lack of work or lack of available funds. This bill

would require a district to hire the most senior laid off employee at his or her corresponding higher rate of compensation when a district is facing a lack of funds.

Districts should retain the right to hire substitute employees at a rate of pay that will allow the district to focus its resources on its instructional program.

Further, districts should retain the right to hire as a substitute that employee who best meets the requirements for the position. That employee may be the most senior laid off permanent employee, or an altogether new employee. The decision of who is best suited for the position, however, should be left to the employer, not dictated by Sacramento.

If a school district wants to adopt a policy similar to the provisions of this bill, they have the full flexibility to do so. There is no need for state intervention in the matter.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1157**

Governor's Office, Sacramento

September 21, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1157 without my signature.

This bill would require the Department of Toxic Substance Control (DTSC) to issue a public notice not less than 30 days prior to granting a variance from hazardous waste statutes or regulations.

The variances issued by DTSC cover a wide variety of program requirements (e.g., storage time limits; administrative requirements; regulatory deadlines; recycling requirements; authorization requirements, etc.). These variances give DTSC and the regulated community the flexibility to tailor program requirements to a business's unique circumstances while continuing to ensure that the business operates in a manner that is protective of public health and the environment.

Existing law requires DTSC to make a finding that ultimately granting a variance would not impose a significant impact to human health or the environment. All variances must also be evaluated under the California Environmental Quality Act (CEQA), and published in the California Regulatory Register (commonly referred to as the "Z-register") within 30-days after the variance is granted.

Enactment of this bill would increase costs for businesses by unnecessarily impeding business operations for an additional 30 days, without providing any demonstrated level of health and safety benefits beyond the existing requirements contained under current law.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 22nd day of September, 1997, at 4:50 p.m., of Assembly Bills Nos. 625, 1103, and 1157 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

EDWARD DOTSON WILSON  
Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 917**

Governor's Office, Sacramento  
September 23, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 917 without my signature.

This bill would require, as a five-year demonstration project, the state employer to enter into collective bargaining with supervisory employee organizations that exclusively represent employees of the Department of Forestry and Fire Protection, State Bargaining Unit 8.

This bill is nearly identical to last year's AB 277, which was vetoed. Supervisors act on behalf of state management by directing the work force, interpreting and responding to employee grievances, applying labor agreements and otherwise representing the employer on a daily basis. Providing this group with collective bargaining rights would represent a conflict of interest.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 24th day of September, 1997, at 11:55 a.m., of Assembly Bill No. 917, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 488**

Governor's Office, Sacramento  
September 26, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 488 without my signature.

This bill would exempt specified single action revolvers from the application of SB 500.

AB 488 was designed to address one of the numerous flaws of SB 500 vetoed earlier this day. In the absence of SB 500 this bill serves no purpose.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 26th day of September 1997, at 4:41 p.m., of Assembly Bill No. 488, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 452**

Governor's Office, Sacramento

September 28, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 452 without my signature.

This bill would prohibit private emergency medical transport service providers from billing health care service plans and insurers for pretransport medical services provided by a governmental agency unless the billing or collection is made on behalf of the governmental agency.

The stated intent of this legislation is to prohibit a private medical transport service from seeking payment from a health plan for services it did not provide. No private emergency medical transport service should seek or accept payment for pretransport medical services that it did not provide, nor should it be able to bill on behalf of a governmental agency that is not otherwise eligible to receive payment for pretransport services.

However, the bill implicitly provides that a health care service plan or insurer is required to provide coverage for pretransport emergency services provided by a governmental agency as long as the billing or collection is made by a private emergency medical transport service provider on behalf of the governmental agency. This would result in persons with health care coverage subsidizing tax supported emergency services. Last year I vetoed a similar bill, SB 1436, for the same reason.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 582**

Governor's Office, Sacramento

September 28, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 582 without my signature.

This bill would set forth additional legislative findings and declarations regarding telecommunications policies for the state. The bill would require the Public Utilities Commission (PUC) to report to the legislature its findings and recommendations by December 1, 1998 as to the effect of competition in telecommunications markets.

The questions raised in this legislation do not require codification. The CPUC already has numerous legislative report requirements which answer many of the questions asked in this legislation. Moreover, a simple legislative request for additional information would elicit the information requested.

This bill imposes a further requirement that the PUC speculate as to rate increases five years into the future and that service providers include such speculative predictions in customer billings. This new requirement requires a premature judgment by the commission and needless and perhaps unjustified agitation of ratepayers. It is premature and redundant at the best and unfair both to ratepayers and providers at worst.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 650**

Governor's Office, Sacramento  
September 28, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 650 without my signature.

This bill would require the Employment Development Department to process applications for unemployment insurance and training benefits within 45 days if the applicant was terminated as a result of the employer's relocation to Canada or Mexico. The bill would also require the Department to provide annual refresher training to field office managers, report to the Legislature regarding the training, and design a system to measure managers' knowledge of services and programs offered by the Department.

Currently, the Department meets the more stringent federal Department of Labor time requirements of seven to fourteen days for processing unemployment insurance and training benefit claims. As such this bill is unnecessary.

In addition, the proposed management training program duplicates existing Department training and information dissemination processes.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 845**

Governor's Office, Sacramento  
September 28, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 845 without my signature.

This bill would require the California Department of Social Services to conduct a study of In-Home Supportive Services (IHSS) and make specific recommendations to the Legislature not later than March 1, 1998. The study must include funding alternatives, the salaries and training of individual providers, the turnover rate among workers and other program areas.

This bill is unnecessary. The University of California, Los Angeles (UCLA), is presently conducting a study of the IHSS program under contract with the Federal Department of Health and Human Services. DSS may review the UCLA study and conduct any additional research if necessary without a legislative mandate.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 29th day of September 1997, at 1:32 p.m., of Assembly Bills Nos. 452, 582, 650, and 845, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 42**

Governor's Office, Sacramento

September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 42 without my signature.

This bill would remove the requirement that the prosecution show that a defendant violated one of several specified protective orders with 'an act of violence' or a 'credible threat of violence' before an offender can receive a felony penalty for repeatedly violating protective orders. This bill would include a Three-Strikes exemption.

AB 42 does two things, it makes it easier to prove that repeat violation of a protective order is a felony and it reduces the penalty for those repeat violators who have serious or violent felony priors, by exempting them from Three-Strikes.

Under current law an individual, with two or more serious or violent felony priors, convicted of felony violation of a domestic violence protective order would be subject to a third strike unless the prosecutor or the court chose, in the interest of justice, to strike one or more of the priors. This bill would take that discretion from both the prosecutor and the court and exempt the violator from three-strikes even if the priors were for murder, rape, or aggravated battery.

By reducing the potential penalty for felony violation of PC 273.6, AB 42 would effectively give credence to the discredited notion that domestic violence is a family matter not a real crime and that victims of domestic violence are not real victims entitled to the full protection of the law. This bill's potential is not sufficient to warrant its negative impacts.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 520**

Governor's Office, Sacramento

September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 520 without my signature.

This bill would require all probation officers to complete 16 hours of domestic violence training as part of the annual training requirement and to continue to receive not less than eight hours of domestic violence training and coursework every two years within the six year period following the initial training.

It is important that probation officers who handle domestic violence cases receive adequate training in this field. This is currently accomplished under the training standards promulgated

by the Board of Corrections. Probation officers are required to complete a 200 hour core course as part of their employment orientation. This course must be completed within the first twelve months of employment and includes 46 hours of instruction on family violence issues involving abusive relationships, problem assessment, crises intervention, treatment protocol, among other areas.

Following the core curriculum, journey level probation officers are required by the Board of Corrections to receive an additional 40 hours of annual training. The content of this training is specific to the officer's various assignments as determined by the probation departments. Probation officers handling domestic violence cases may participate in up to 16 hours of additional domestic violence instruction annually according to caseload needs. Probation departments are currently able to select training in this topic from over 57 certified domestic violence courses statewide.

This measure would require every probation officer to receive 16 hours of domestic violence instruction to be part of the annual training. These hours would be in addition to the 46 hours of instruction the officer has recently received in the core course and would be required even if the probation officer had limited contact with offenders or victims of domestic violence. Further, these hours would supplant other subject matter courses that may be more beneficial to the officer considering his or her assignment.

The selection of appropriate training to address specific work assignments is essential and best made by each local probation department. There is no evidence to suggest those departments are not providing sufficient training in this important area.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 618**

Governor's Office, Sacramento  
September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 618 without my signature.

This bill would require the appropriate law enforcement agency to enter into the statewide California Law Enforcement Telecommunications System (CLETS), every bench warrant issued by the court on a misdemeanor case for driving under the influence of alcohol or for domestic violence. This measure is sponsored by the Capital City Bail Association.

Current law requires court-ordered bench warrants issued on felony cases to be entered by the appropriate law enforcement agency into the national warrant system. For misdemeanor cases, sheriffs and police chiefs have discretion to determine the type of cases that are entered into CLETS. This discretion exists because the agency that places a warrant into the system must be willing to transport the arrested person from any location in California to the jurisdiction that issued the warrant regardless of distance or expense. Because of jail overcrowding and restrictions on capacity, many persons with misdemeanor warrants are simply issued citations and released. Nevertheless, law enforcement currently inputs into CLETS over 300,000 misdemeanor warrants annually.

Law enforcement opposes this measure which removes their discretion by requiring automatic entry into CLETS of every misdemeanor warrant issued for driving under the influence of alcohol by an adult or juvenile, or for misdemeanor spousal abuse or battery committed against a former spouse, fiancé, fiancée, or person with whom the defendant currently has, or previously has had a dating relationship. Although no specific information is available to determine the number of misdemeanor warrants issued for these offenses, law enforcement has estimated this measure will require an additional 400,000 entries into CLETS every year.

It is indisputable that persons who commit these crimes should be held accountable. The question is whether law enforcement should lose their discretion to determine which of these misdemeanor cases, based on the anticipated punishment, should demand their attention and resources. Considering that the offenders will be punished in different ways, some receiving jail, others only a minimal punishment, sheriffs and police should continue to exercise discretion in deciding which misdemeanor cases are placed in CLETS.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 885**

Governor's Office, Sacramento

September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 885 without my signature.

This bill would require that the four members of the State Teachers' Retirement System Board (STRS), representing active and retired teachers, be elected from their respective constituencies rather than appointed by the Governor.

This bill is similar to SB 277, which was vetoed in 1994. The reasons supporting that veto have not changed. There is no need to substitute the current appointments process with a cumbersome election process costing the Teachers' Retirement Fund over \$125,000 a year.

Proposition 162 established in the state constitution the responsibilities and priorities for STRS Board members. As such, Board members are responsible for representing the interests of the entire system, not just those of individual constituencies. Conducting elections to name parochial representatives would undermine this principle.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 980**

Governor's Office, Sacramento

September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 980 without my signature.

This bill would require representatives designated by the Governor or the Director of Finance to meet with county



representatives to discuss budget issues that impact county programs which counties administer as agents of the state.

This bill is unnecessary. Because counties do act as agents of the state for the delivery of many state programs, it has been my policy to provide for an ongoing dialogue between my entire Administration, including the Department of Finance, and county representatives before and after I submit the state budget to the Legislature.

Appropriately, existing law leaves to the Governor the decision as to with whom, when, and in what manner the Department of Finance and other administration representatives will meet to discuss budget and any other important questions.

It would be unwise and in fact improper to attempt to mandate in statute what must be a flexible process of consultation, and to deny to the Governor and his administration the discretion they must have to set priorities and make the process work.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1022**

Governor's Office, Sacramento

September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1022 without my signature.

This bill would require any member of the Coastal Commission who receives a gift in value of \$10 or more from an interested person, to report that gift to the Coastal Commission within seven days of receipt.

Under current law, Coastal Commissioners, like other elected and appointed officials, are required to file annual statements with the Fair Political Practices Commission disclosing their investments, interests in real property, and income which includes gifts with an aggregate value of \$50 or more. This disclosure statement must include the names and addresses of each source of the gift.

This measure creates an additional and more stringent reporting requirement for members of the Coastal Commission. Moreover, it treats those members differently from everyone else with reporting requirements. This inequity is not good public policy.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 30th day of September, 1997, at 1:32 p.m., of Assembly Bills Nos. 42, 520, 618, 885, 980, and 1022, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 43**

Governor's Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 43 without my signature.

This bill would require the Department of Motor Vehicles to conduct technologically feasible transactions on the Internet by January 1, 1999 if it determines that the cost of the transactions are cheaper than existing methods when amortized over a 10 year period. The Department is required to submit an annual report to the Legislature on the Internet transactions it proposes to implement during each subsequent fiscal year.

The Department is already developing a long term Internet strategy for placing transactions on its web site. It is unnecessary to codify existing long range planning strategies which the Department is already actively pursuing.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 358**

Governor's Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 358 without my signature.

This bill would allow an owner or operator of employee housing in more than one county to choose whether the county or the Department of Housing and Community Development will enforce the Employee Housing Act ("EHA").

Existing law provides counties with the option of enforcing the EHA themselves or turning this function over to the Department. Fourteen counties have chosen self-enforcement, while the remaining forty-four counties have turned to the Department.

The intent of this bill is to provide employers with employee housing in more than one county with uniform enforcement of the EHA. This bill, however, does not create uniform enforcement.

The Federal Department of Labor has enforcement jurisdiction for employee housing with fewer than five employees while the state has enforcement responsibility for employee housing with five or more employees. County officials inspect for various local health and safety requirements. This bill would not change the existing enforcement activities vested at either the federal, state, or local level.

Additionally, the process contained in the bill would be disruptive for state and local enforcement entities who would face difficulty in projecting inspection workloads, setting appropriate fees to cover the cost of the inspections and tracking compliance between local and state enforcement efforts.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 408**

Governor's Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 408 without my signature.

This bill would change the base year for the Proposition 172 Maintenance of Effort (MOE) requirement for the City of San Clemente from 1992–93 to 1993–94.

Existing law requires that a "Maintenance of Effort threshold" be met in order to utilize Proposition 172 funds to ensure that these funds enhance rather than supplant local revenues. Existing law also requires that a minimum commitment of local resources be allocated to public safety services and establishes the 1992–93 approved budget as the base year. To receive full allocation of Proposition 172 revenues, the minimum funding level for public safety services in 1994–95 and subsequent years must equal the 1992–93 base year as adjusted by annual increases (or decreases) in the Proposition 172 sales tax allocated to the entity. Existing law intends that in no event shall an entity's minimum funding level of public safety activities fall below the 1992–93 base year.

If a city like San Clemente is able to contract for police services equal to the 1992–93 level, at a lower cost, then the remaining Proposition 172 public safety funds should be dedicated to enhance other public safety functions within the City of San Clemente. To the extent that the City of San Clemente does not need the Proposition 172 funds then the funds should revert to the county for the county's public safety needs.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 712**

Governor's Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 712 without my signature.

This bill would authorize the Orange County Transportation Authority to execute an agreement with the Department of Transportation whereby the department would receive local gas tax funds in exchange for an equivalent amount of Transportation Planning and Development (TP&D) Account funds which in turn would be made available to the Authority.

Due in part to the \$100 million commitment of TP&D funds to the recently enacted toll bridge seismic retrofit program contained in SB 60 (Kopp), there will be little or no new cash available from the TP&D account each year. A potential \$23 million annual cash draw by Orange County would negatively impact the State's inter-city rail program and State Transit Assistance subsidies to other local entities.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1508**

Governor's Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1508 without my signature.

This bill would appropriate \$100,000 from the General Fund to the California Office of Export Development, within the California State World Trade Commission, to implement a Rural Export Strategy to foster exports from rural areas of the state. The California Export Finance Office would be required to provide outreach to rural businesses in conjunction with the Rural Export Strategy.

This bill appropriates General Fund resources with little assurance that they will have a beneficial impact on the rural economy. This bill does not specify what outreach activities would be performed or what could be expected to be accomplished through development of a Rural Export Strategy.

The Department of Food and Agriculture has a program, Agricultural Export Program (AEP), that works closely with the federal and state commodity marketing boards, as well as with California agricultural cooperatives and individual producers, to establish strategic priorities for California exports. Establishing a program within the Office of Export Development to focus on exports from rural areas would be, in the case of agricultural products, duplicative.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 3rd day of October, 1997, at 4:34 p.m., of Assembly Bills Nos. 43, 358, 408, 712, and 1508, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1041**

Governor's Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1041 without my signature.

This bill would make various changes to tax laws administered by the Board of Equalization (BOE). This bill affects the Cigarette and Tobacco Products Tax, the Insurance Tax, Sales and Use Tax, Diesel Fuel Tax, and other taxes administered by the Board.

Every year, the Board of Equalization sponsors legislation to make technical changes to the taxation code. These changes are important so the BOE can properly administer tax laws. AB 1041, however, contains fee and penalty provisions that are beyond the parameters of technical changes to the tax code. These provisions were not

debated, nor shared with the relevant departments and agencies within my administration.

Further, AB 1041 is unnecessary. On this date I am signing SB 1102 which is virtually identical to this bill, containing the same technical provisions that will enable the BOE to properly administer tax laws.

Cordially,

PETE WILSON

#### RECEIPT

I acknowledge receipt this 3rd day of October, 1997, at 5:05 p.m., of Assembly Bill No. 1041, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

ARVETTA M. DOWNS

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 140**

Governor's Office, Sacramento

October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 140 without my signature.

This bill would require the Occupational Safety and Health Standards Board of the Department of Industrial Relations to establish an advisory committee to study the need for the promulgation of safety training standards for flag persons responsible for traffic control devices where construction work is occurring.

This measure is unnecessary. Under current law, the Department of Transportation (Caltrans), is responsible for promulgating uniform standards and specifications for all official traffic control devices. Existing regulations provide that all employees involved in traffic control, including contractor employees, should be adequately trained in safe traffic control practices.

The California Occupational Safety and Health Act (Cal/OSHA), currently enforces safety regulations which apply specifically to traffic control on public streets and highways at construction sites, pursuant to Title 8 of the California Code of Regulations, Section 1598. That section adopts the requirements of the most recent Caltrans publication, the 1996 "Manual of Traffic Control for Construction and Maintenance Work Zones." Proponents can petition the standards board directly with their concerns without the need for an advisory committee.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 321**

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 321 without my signature.

This bill would, among other provisions, provide state safety retirement membership to specified officers and employees of the Department of Mental Health at specified facilities.

Current law requires the State Personnel Board (SPB), and the Department of Personnel Administration (DPA), to determine which classes meet the established criteria for inclusion in the safety retirement category. Thereafter, changes are negotiated thorough the collective bargaining process, and upon mutual agreement the proposal is submitted to the Legislature for approval.

This measure circumvents that process by adding approximately 150 classifications representing 12 bargaining units in the Department of Mental Health to safety retirement. It is doubtful whether many of those bargaining units would meet the safety criteria under the current process. Two of those units, however, have and reached agreement with DPA for inclusion into state safety. The remaining units are encouraged to follow the appropriate statutory procedure.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 494**

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 494 without my signature.

This bill would, among other provisions, establish a new citation process for specified Labor Code violations and provide that penalties collected pursuant to specific construction industry employment violations would be credited to the Industrial Relations Construction Industry Enforcement Fund (IRCIEF), instead of the general fund.

Current law provides a procedure for the enforcement of specific prevailing wage violations. This measure would establish a different and conflicting procedure, would extend the statute of limitations for recovery of penalties for failure to pay the prevailing wage and would create a process of appeal which differs substantially from the process used by the Labor Commissioner in all other civil citation actions. Moreover, the process of appeal enumerated in the measure would effectively discourage its use by employers.

The measure also proposes that fines and penalties collected for violations of public works laws be deposited into the IRCIEF instead of the General Fund under current law. This redirection is intended to augment the enforcement activities of the Division of Labor

Standards Enforcement. This provision inappropriately creates a "bounty hunter" perception which runs counter to an even-handed approach to labor law enforcement.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 594**

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 594 without my signature.

This bill would make various changes to the alternative dispute resolution process relating to construction defect disputes between builders and common interest developments.

I am generally supportive of many of the changes in this bill. However, the bill raises several technical and policy issues that have not received proper consideration. In addition, some of the provisions are unnecessarily burdensome and restrictive. I encourage the interested parties to continue working together to send me a comprehensive measure that will address the problem of construction defect litigation.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 705**

Governor's Office, Sacramento  
October 4, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 705 without my signature.

This bill would, at the request of a local agency, require all state agencies to report what waste reduction programs and waste facilities the state intends to use for the handling, diversion, and disposal of solid waste. AB 705 also includes building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for the application of current laws and would mandate that these products be purchased by state agencies if they meet specified standards and cost factors.

Among other things, this bill states that upon the request of the local agency, any state agency shall declare to what extent it intends to utilize programs or facilities established by the local agency for the disposal of solid waste. If the state agency declines to utilize the locally established program or facility, it is required to identify sufficient disposal capacity for its resulting waste. Although this immediately follows the intent language about state and local agencies working together, this section provides nearly unlimited authority for local agencies to require a state agency to respond to this burdensome request. As written, the provision is broad, undefined in critical areas, and displays a lack of respect for the overall sovereignty of state agencies and a lack of understanding of state agency operations and of relevant codes and regulations.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1017**

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1017 without my signature.

This bill would require the Department of Health Services to conduct two distinct pilot programs to test reimbursement methods related to federally qualified health centers ("FQHC") participating in the Medi-Cal program. This bill also specifies that private nonprofit community health centers shall be subject to the procedures on overpayment recovery for noninstitutional providers.

Existing law is very prescriptive concerning the Department's reimbursement of Two-Plan Model plans for services provided by their FQHC contractors. A pilot program to test alternative reimbursement methods will only be useful if it provides the Department with sufficient flexibility to ensure that Medi-Cal Program objectives are met within existing resources. The pilot programs established by this bill do not meet these requirements.

However, I have signed AB 1337, which would also establish an FQHC reimbursement pilot program. AB 1337 would provide the Department with the necessary flexibility to implement the pilot program as well as to terminate it if costs exceed existing resources.

The bill would also require that Medi-Cal treat private nonprofit community health centers as noninstitutional providers. This would allow disputed reimbursement amounts to be repaid after the appeal process rather than before the appeal process. This significantly limits the ability of the Medi-Cal program to recover overpayments in a timely manner. It also creates a state only expenditure because the federal share of the disputed funds must be returned immediately.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1539**

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1539 without my signature.

This bill would, among other provisions, require the Los Angeles County Board or Supervisors to contract with a private, independent auditor to conduct a comprehensive performance audit of the sheriff's department every five years, with specified exceptions.

Under current law, county boards of supervisors are authorized to audit financial accounts and records of all officers or departments handling county money. These audits can occur on a biennial basis. Accordingly, the board of supervisors can request the county auditor to conduct a performance audit of the sheriff's department. This is a local issue which should be resolved at the local level. This bill would



result in estimated state mandated reimbursable costs of \$2 million every five years. The state should not be responsible for paying the oversight costs of local agencies.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1588**

Governor's Office, Sacramento

October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1588 without my signature.

This bill would require the Department of Health Services to report to health plans participating under the Medi-Cal managed care Two-Plan Model Program the percentage of their capitation rates which are dedicated for the purpose of federally qualified health center ("FQHC") subcontracts. The bill would also require the Department to provide a description of the actuarial analysis used to make the determination.

This bill is unnecessary because the Department will disclose the dollar amount of FQHC costs factored into the rate for the plans contracting as part of the Two-Plan Model program once those rates have been recalculated in October 1997. In addition, the bill would create the expectation that capitation rates should be spent according to "dedicated" amounts. Any language that describes a component of a health plan's capitation rate as "dedicated" for a specified purpose is inappropriate in a managed risk environment.

Cordially,

PETE WILSON

#### RECEIPT

I acknowledge receipt this 6th day of October, 1997, at 11:29 a.m., of Assembly Bills Nos. 140, 321, 494, 594, 705, 1017, 1539, and 1588, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 176**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 176 without my signature.

This bill would provide that nothing in law prohibits a public entity that is proposing to extend a fixed rail transit system from acquiring, by eminent domain, the right of way that is necessary to connect that system to an airport.

AB 176 attempts to resolve a current dispute between Cypress Lawn Cemetery and the Bay Area Rapid Transit District (BART) regarding the extension of BART to the San Francisco International Airport. The bill provides BART the ability to use eminent domain to acquire the necessary right of way if a negotiated agreement can not

be obtained by the two parties. I am not convinced that the state needs to solve this local dispute at this time.

While I am in support of extending BART to the San Francisco Airport, this bill would infringe on the rights of the owners of Cypress Lawn to negotiate a fair and equitable agreement.

Further, this bill has statewide impact that would amend a long-standing law that prohibits public entities from putting thoroughfares or utilities through a cemetery. This law is important in order to ensure that these sacred places are not disturbed.

I encourage the current negotiations to continue. This important project should move forward but at the same time Cypress Lawn and all other cemeteries statewide who, in the future, may find themselves in a similar position should have a level playing field to receive adequate compensation for their property.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 571**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 571 without my signature.

This bill would provide a peace officer employed by the Department of Fish and Game who contracts cancer, with the presumption that the illness was job-related for purposes of workers' compensation, unless proven otherwise.

Under current law, wardens employed by the Department of Fish and Game are considered peace officers and must prove their cancer was contracted as a result of employment in order to receive workers' compensation benefits. There is no evidence that wardens are being denied workers' compensation claims for cancer resulting from working conditions. Therefore, this bill is unnecessary.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 629**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 629 without my signature.

This bill would authorize local public agencies and county boards of supervisors to reclassify child protective services workers, welfare fraud investigators, child support investigators and coroners as safety members entitled to benefit enhancements. This measure would also require each county to develop a written plan to provide safe and secure working conditions for county child protective services workers.

Current law already requires employers to implement worker safety plans under the Occupational Safety and Health Act (OSHA). This act does not prohibit local governments from producing safety plans that exceed OSHA standards. Determining safety conditions

for particular departments is most appropriately decided at the local level, rather than by state mandate.

Safety member retirement was established on a limited basis for those in law enforcement and fire suppression that daily face life threatening situations. Although the retirement and disability benefits are expensive in this category, they were designed to compensate those employees whose very jobs routinely expose them to extraordinary risks. The personnel described in this bill do not fit that category.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 652**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 652 without my signature.

This bill would authorize individual school districts, county offices of education and community college districts to enter into supplemental contracts with the Public Employees' Retirement System (PERS), to provide benefit enhancements for their classified employees.

This bill is similar to SB 1451 (Hughes), which was vetoed in 1994. This bill would undermine the existing PERS retirement system by promoting locally determined supplemental contracts to the current program of retirement allowances on an ad-hoc basis.

Moreover, retirement program and administrative cost increases reduce the amount of money available for educational programs. It is imprudent at this time to authorize additional benefit enhancements that would be borne at the expense of classroom resources.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 701**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 701 without my signature.

This bill would permit the Franchise Tax Board (FTB) to disclose California income tax information to tax officials of charter cities in California. Disclosure would be under a written agreement and would be limited to information essential for tax administration purposes.

AB 701 requires FTB to furnish information concerning taxpayers to a charter city only if the application of a city's ordinance to these activities has not been held invalid in a final decision of a court of competent jurisdiction. It is not appropriate for the FTB to furnish tax information to a charter city if a legal challenge is pending. To give charter cities tax information so those cities can enforce a tax

ordinance that may be found to be illegal in a pending legal challenge is to permit them at least temporarily to enjoy an illegal windfall.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1190**

Governor's Office, Sacramento  
October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1190 without my signature.

This bill would authorize a county board of supervisors to delegate to the county health officer or authorized county agency the responsibility to examine a subpoenaed individual regarding the cause of a release or threatened release of a hazardous material from the premises of a hazardous material handler.

Current law provides local health officers substantial authority to require facilities to submit pertinent information and lists failure to comply as a criminal misdemeanor and punishable by civil penalties. In addition, Cal/OSHA has subpoena authority it may exercise in connection with incident investigation authority. Existing law also provides administering state agencies substantial facility inspection and audit authority in this area.

It is questionable that another layer of subpoena power is necessary, and certainly there is no justification for the many shortcomings of this bill.

AB 1190 does not include adequate protections for handling of confidential information, including trade secrets, nor sanctions against a government official for the unauthorized release of such secrets. Unreasonably, the bill fails to provide for notice to an employer when an employee is subpoenaed, nor does it give an employer the opportunity to be present for a subpoena-related examination of an employee, at which potentially confidential proprietary information may be divulged.

In light of existing investigatory powers the serious defects of AB 1190 unjustifiably threaten competitive disadvantage and financial jeopardy to California businesses.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1341**

Governor's Office, Sacramento  
October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1341 without my signature.

This bill would enact the "Inclusion of Women and Minorities in Clinical Research Act." It would require women of all ages and minorities to be included in clinical research studies.

This bill is unnecessary. It duplicates the California Health Research Fairness Act, AB 2005 (Speier), Chapter 792, Statutes of 1991, and federal law, which already require the inclusion of women and minorities in clinical research studies.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 365**

Governor's Office, Sacramento  
October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 365 without my signature.

This bill would require for high school graduation that a pupil complete one course in visual or performing arts *and* one course in foreign language. Current law requires one course in visual or performing arts *or* one course in foreign language.

Before the legislature starts adding graduation requirements, the adoption of what specifically we want our high school graduates to know should take place. The Commission on Academic Content and Performance Standards is currently developing standards for a variety of subjects. While neither foreign language nor art are among the subjects, it would be prudent to wait until standards are developed in other academic subjects in order that we may more clearly see where foreign language and art courses fit into the total equation.

Further, this bill is unnecessary. School districts may currently require additional graduation requirements beyond those mandated by state law, and many do. Both the California State University and the University of California require two years of foreign language study for admission, so a large number of pupils receive this training already.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 6th day of October, 1997, at 11:05 a.m., of Assembly Bills Nos. 176, 571, 629, 652, 701, 1190, 1341, and 365, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

E. DOTSON WILSON  
Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 241**

Governor's Office, Sacramento  
October 7, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 241 without my signature.

This bill would authorize the formation of the Southern California Wetlands Clearinghouse and the establishment of a San Francisco Bay Wetlands Mitigation Bank Pilot Program.

As indicated in my Budget of this year, "The protection of coastal wetlands remains a high Administration priority." Thus, my Budget included \$6.26 million to fund a clearinghouse and wetlands mitigation bank. "The clearinghouse was designed to streamline the regulatory environment to enhance the State's economic climate while improving habitat benefits through the use of mitigation credits. The mitigation bank would allow for timely mitigation of small development projects while also improving habitat benefits by focusing funding on larger, ecologically preferable habitat areas."

Among other things, the structure of this bill presents several problems. First, this bill creates a new, more burdensome process. My proposal relied on authorizations and controls that currently exist in law. This approach avoided creation of a new process with its attendant bureaucracy, and allowed more funds to be used for the bank. Second, the exclusions included in the bill will result in limiting the ability to use the program for large ecologically balanced habitat areas. My program provided far more flexibility and an opportunity to realize both an environmental goal of "no net loss" and the economic goal of regulatory certainty. The fact that the provisions of the bill do not achieve the reasonable goals of any mitigation banking program, reflect the fact that it was never discussed in any policy or fiscal committee of the Legislature.

I remain hopeful that next year we can work together to achieve the objects of my Budget and more specifically provide California with a workable wetlands mitigation banking system without requiring implementation of a new, burdensome, and duplicative process.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1609**

Governor's Office, Sacramento

October 7, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1609 without my signature. This bill would revive for one year any action for personal injury or death, based upon the implant or injection of silicone gel into the body of the plaintiff, previously barred by the statute of limitation.

Silicone implants have been used for approximately forty years. An estimated 2 million American women have received silicone breast implants for reconstructive or cosmetic reasons.

While few suits were filed in the 1970s or 1980s, in 1991 a highly publicized lawsuit resulted in a large judgment against Dow Corning. This judgment was followed by a 45 day FDA moratorium on the use of silicone implants and the filing of thousands of additional suits. These suits soon became part of a Federal Class action.

The parties to the Federal Class action entered into a settlement agreement which became known as Global I. All major manufacturers of silicone (including Dow Corning, Bristol Myers, Squibb, 3M and Union Carbide) were to contribute to a fund that was to pay claims to implant recipients over a period of thirty years in the event certain medical conditions became manifest.

At the close of registration 440,000 women were found to have filed. Within a few months 100,000 of the registrants filed claims. The numbers were far greater than expected. Dow Corning filed bankruptcy and the settlement unraveled. The settlement fund remains a creditor in the Dow bankruptcy proceeding.

Several of the remaining manufacturers put together a second settlement, Global II. Women who registered with Global I were generally eligible to join Global II. Global II allowed those registrants who had some physical manifestation of a medical condition to join the settlement.

Both settlement agreements included opt-out provisions for women who chose to pursue individual lawsuits. Statutes of limitation are tolled while participants remain in the class. Those who opt out are allowed the unexpired statutory period plus one to six months in which to file state claims. Some 340,000 breast implant recipients are registered under Global II. At least 40,000 of these have opted out. Global II has recently proceeded into its claims paying mode. More than 60,000 claimants have received at least preliminary benefits.

It is decidedly unclear how many women would be impacted by AB 1609 or when their claims arose.

For any person who, since 1992, discovered a medical condition attributed to breast implants, it can hardly be said the possibility of litigation was somehow hidden. For those who knew of their condition prior to 1992 but for some reason or other allowed the statutes of limitation to run, the opportunity to file a claim was presented again incident to Global I in 1994, and continues under Global II. New filings after 1996 are considered late claims to be paid after those more timely registered. Individual claimants will receive up to \$250,000.

Tens of thousands of women have filed timely suits in state court or asserted claims during the continuing window of opportunity which has arisen incident to the class action settlement agreements.

The majority of breast implant recipients who have yet to experience medical conditions which they attribute to their implants may either retain their right to claim under Global II or, if they opt out, preserve the right to sue. In this regard it should be noted that the federal court has interpreted the law in the most generous manner so that the statute of limitations commences to run only when the claimant actually believes her medical condition was caused by the implant.

Much has been made of the similarity of this bill to the Dalkon Shield Bill of 1994. That bill invited no new litigation. This bill promises hundreds, perhaps thousands, of suits. That bill involved no increase in liability and had no impact on any existing business entity. This bill seeks to impact multiple enterprises with claims totaling billions. That bill represented the last opportunity any consumer would have to file against a manufacturer who admitted liability. This bill seeks to impact manufacturers who have acknowledged no fault and who have been absolved more often than not. They, unlike the manufacturers of Dalkon, continue to face new claims as they arise.

This bill is premised upon facts not in evidence.

It is predicated upon the assumption there has been a denial of access to the courts for breast implant recipients. To the contrary, multiple opportunities have been provided. Unlike individuals claiming tobacco related injuries, who were barred from suit until I signed SB 67 earlier this month, hundreds of thousands of breast implant recipients have, and continue, to successfully pursue their claims.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 7th day of October, 1997, at 3:30 p.m., of Assembly Bills Nos. 241 and 1609, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 248**

Governor's Office, Sacramento

October 7, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 248 without my signature.

This bill would establish the International Baccalaureate Diploma (IBD) Program.

I encourage school districts to offer the IBD, however, it should continue to be developed through local initiative using local resources. Currently, 35 schools in the state participate in this program, and 58% of the funds appropriated in this bill would be allocated to those schools that are already offering the International Baccalaureate Diploma.

In addition, the State has recently initiated the Golden State Seal Merit Diploma program to honor outstanding pupils. This honors diploma is similar to the International Baccalaureate Diploma in that both require high performance on six subject matter examinations.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 8th day of October, 1997, at 2:50 p.m., of Assembly Bill No. 248, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 320**

Governor's Office, Sacramento

October 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 320 without my signature.

This bill would establish, until January 1, 2001, the Juvenile Justice Pilot Program in three counties that would be selected by the Judicial Council. Participation would be at county option and contingent upon the availability of federal, state or private funds. Any project established under this article would be required to compile data that the Judicial Council would evaluate before reporting to the legislature.

This bill seeks to promote the use of victim-offender reconciliation programs in cases involving non-violent misdemeanants. Programs of this type are already permissible and in fact have been established



in cities and counties around the state including San Jose, Alameda, San Diego, Orange, Fresno and Sacramento.

The main thrust of AB 320 appears to be the Judicial Council study of prospective pilot programs, in an effort to establish the efficacy of victim-offender reconciliation programs.

It would appear that a study of existing victim offender reconciliation programs would be a more direct, expeditious, and less costly means of evaluation.

I am accordingly directing the Department of Finance to include \$150,000 in the 1998-99 Budget so that the Judicial Council can conduct a three county study which materially comports with the requirements articulated in AB 320.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 545**

Governor's Office, Sacramento

October 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 545 without my signature.

This bill would impose statutory standards for enrollment and disenrollment of Medi-Cal beneficiaries in Medi-Cal managed care plans.

This bill essentially codifies current Department of Health Services managed care enrollment and disenrollment policies. It is unnecessary to place in statute policies that are more appropriately the subject of regulations.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 846**

Governor's Office, Sacramento

October 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 846 without my signature.

This bill would impose statutory standards for the eviction of residents of a Residential Care Facility for the Elderly.

This bill essentially codifies current Department of Social Services Regulations. It is unnecessary to place in statute policies that are more appropriately the subject of regulations.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 999**

Governor's Office, Sacramento

October 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 999 without my signature.

This bill would redefine the term "urban area," so that California's enhanced smog check program would apply only to those urban areas with a population of 100,000 or more.

Currently, urbanized areas of 50,000 or more residents, that exceed air quality standards for ozone and carbon monoxide, must

participate in an enhanced vehicle inspection and maintenance program (Smog Check II). Changing the definition of urbanized area, as proposed by this bill, would exempt certain areas from this program. This would create inequities by shifting the burden of increased emission reductions from automobiles to industrial and stationary pollution sources.

It is imperative that we continue to make desired and necessary progress toward health-protective, clean air standards, avoid unnecessary exposure to federal sanctions, and ensure that California's air quality policy approach remains equitable, technologically feasible, and cost effective. Those three elements would be severely jeopardized by this bill.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 9th day of October 1997, at 2:05 p.m., of Assembly Bills Nos. 320, 545, 846, and 999 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1464**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1464 without my signature.

This bill would require the State Water Resources Control Board (SWRCB) to prepare and publicly distribute a biennial list of targeted water bodies in coastal watersheds, which may include exceptional high quality water bodies, for the purposes of establishing priorities for funding and technical support that would protect or improve the health of those water bodies.

To minimize the risk to public health and to prevent further harm to the environment, state and local efforts do focus public funds on the repair of those impaired water bodies.

However, this bill is unnecessary. The SWRCB and the Regional Water Quality Control Boards already maintain a list of targeted waters, which was established as required by federal law.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 10th day of October, 1997, at 3:17 p.m., of Assembly Bill No. 1464 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELLA J. CAVILEER

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 39**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 39 without my signature.

This bill would appropriate up to \$26 million for county office of education funding equalization if it is determined in February, 1998, that there are unappropriated funds from the Proposition 98 guarantee for 1997–98.

Unfortunately, the estimates in February of the current-year Proposition 98 guarantee and of the appropriations that count against it are not of sufficient certainty to warrant additional appropriations. It is not until the May revision that we get a good handle on the “settle-up” funds available from Proposition 98.

Finally, not only would this measure reduce the flexibility of the legislature and the administration in determining priorities for the 1998–99 school year, this proposal was considered in the conference committee on the 1997–98 Budget Act and was rejected by that committee.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 49**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 49 without my signature.

This bill would extend the statute of limitations for claims of workers' compensation death benefits for HIV-related diseases caused by employment, to one year within the date of death. This bill would apply to all employees.

Under current law, dependents of an employee who dies within 240 weeks from the date of a work-related injury are entitled to receive death benefits. This bill extends that period to within one year from the date of death.

The State Bar is the sponsor of this measure. Workers' compensation litigation attorneys may recover up to twelve percent of the death benefit awarded. This proposal would invite increased litigation. Extending the death benefit to all employees without regard to occupation or duty will expose employers to law suits of uncertain merit.

Earlier versions of this bill limited the extension of death benefits to specified health care and public safety employees who became HIV infected as a result of performing services within the scope of their normal duties. Those provisions were removed and the death benefit extended to all employees although the majority of them do not have exposure to HIV in the normal course and scope of duties. I could sign a more carefully focused measure.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 173**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 173 without my signature.

This bill would establish a third district intern program for K–12 teachers. This new program is unnecessary. There are already two internship programs in statute which have proven highly successful: the University Intern Program and the District Intern Program.

In fact, because of the success of the existing intern programs and the need for substantial numbers of new teachers to implement class size reduction, I signed AB 18 (Mazzoni) in February of this year to provide an additional \$4.5 million annually to support the existing university and district intern programs.

Finally, similar to AB 2432 (Aguiar), which I vetoed last year, AB 173 would require collaboration between the district and the teachers' union in developing noninstructional aspects of the program. This is inappropriate.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 428**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 428 without my signature.

This bill would require the Board of Governors of the California Community Colleges to select a community college to establish a feature animation industry curriculum.

This bill is inconsistent with competitive funding processes already in place. The Board of Governors has already established an approval process through the Chancellor's Office so that community colleges can develop innovative programs. These approved programs are funded through the normal apportionment process or, if it is a pilot program, funding could be sought through an application to the Fund for Instructional Improvement. Several colleges have received approval for new curriculum which includes an animation component.

This bill is unnecessary because student and industry demand is already driving schools and colleges to offer animation programs. In addition to a number of high schools offering animation courses in the Southern California area, the Santa Monica Community College District is establishing the Academy of Entertainment and Technology which specializes in careers in animation, new media, and entertainment industry business.

Finally, the 1997–98 Budget Act already provides \$15 million for a competitive new industry collaborative program within the Economic Development program. The programs proposed in this bill should compete for those funds.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 498**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 498 without my signature.

This bill would revise and establish new procedures relating to the setting of audit guidelines and resolving audit exceptions for audits of local education agencies (LEAs).

While I support the concept of revising and clarifying the law with regard to annual audits of LEAs and the mechanisms for resolving audit exceptions, this bill does not provide an adequate solution. In fact, quite the contrary. This bill contains many provisions that are designed to preclude audit exceptions from ever being declared.

This bill would grant the Superintendent of Public Instruction (SPI) great discretion in these matters. For example, the bill would provide for the SPI to issue interpretations of statute, district by district, as legal opinions affecting the allocations and apportionment of funds. This bill further declares that such legal opinions would supersede any subsequent audit findings. Despite a declaration that these legal opinions do "not constitute a regulation," they are clearly the functional equivalent. Finally, because the legal opinion would be applicable only to the district or county office of education (COE) whose facts were considered, this creates a situation in which each district may have its own tailored legal opinion. This is a bureaucratic nightmare designed to create audit-free expenditure of more than \$30 billion of taxpayer funds.

This bill contains many other such provisions that directly avoid accountability. To sign it would be the antithesis of providing accountability.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 504**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 504 without my signature.

This bill would require the State Department of Education to (1) develop guidelines for statewide regionalization of service delivery for pupils with low incidence disabilities, and (2) develop a unified cost model for regionalized programs.

This bill is unnecessary. I have just signed AB 602 (Davis and Poochigian) which already includes more comprehensive provisions addressing these matters. Enactment of this bill would only serve to confuse the issues.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 781**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 781 without my signature.

This bill would make several program changes and would also extend the sunset for the Morgan-Farr-Quackenbush Education Technology Act from June 30, 1998 to January 1, 2000.

Many improvements to current law are included in the bill. However, some troublesome aspects remain. The two most problematic are:

(1) This bill reenacts current law regarding the ethnic composition of the Education Council for Technology and Learning (ECTL) as follows: "Every effort shall be made to ensure that the gender, ethnic, and racial composition of the council reflects the gender, racial, and ethnic composition of the population of the State of California and that the council is representative of the cultural and geographic diversity of the state." This language should not be included. I cannot support legislation which advocates quotas, especially for the purpose of achieving a diversity based on factors utterly irrelevant to achieving advances in California's educational technology. The standard that should be employed to direct the Council's activities is one that requires that every effort be made to reflect and address the needs of every segment of California's population. Our diverse students, representing many cultures, share a common need for educational technology to improve instruction and learning. The composition of the Council should bring to bear the best minds and experience available to create maximum opportunity for all our children.

(2) The appointments to this council should be reserved exclusively for the Executive Branch. Implementation of the Education Technology Act is an executive function, not legislative.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 792**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 792 without my signature.

This bill would establish a formula for equalizing the funding of continuation high schools.

The cost of fully implementing this proposal is almost \$60 million. This bill provides \$800,000 in resources via redirection for the first year of the program. Therefore, it is a reasonable assumption that the state will be under considerable pressure to provide significant funding in future years.

Another issue, of equal or greater import, is that we don't have basic information on what impact, if any, the different rates of funding are producing in student outcomes. The problem needs to

be identified in terms of student achievement, not just discrepancies in funding, before a request for more resources can be discussed.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1189**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1189 without my signature.

Under current law, school districts receive apportionment funding for their adult education programs based upon the hourly attendance of pupils in adult education classes. School districts must be able to substantiate each hour of attendance for which funding is claimed, and must provide a full 60 minutes of instruction for each class hour for which the State provides funding.

This bill would allow school districts to claim state apportionment funding for their adult education programs for ten minutes of break time per class in adult classes scheduled for two or more hours. It would also allow school districts to adjust actual pupil attendance in certain adult classes to the nearest half-hour for reporting and claiming adult education attendance.

This bill erodes instructional time. By allowing school districts to claim state apportionment funding for ten minutes of break time per class and by allowing districts to round actual attendance up to the nearest half-hour, this bill would result in the State paying the same amount of money for decreased instructional services for adult education pupils.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1458**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1458 without my signature.

This bill would exempt the City and County of San Francisco from the state's Outdoor Advertising Act to permit advertising on "street furniture" located along state and federal highways within the City. The bill would also establish procedures for vehicle rental or leasing companies to be relieved of the responsibility for payment of traffic violations which are incurred by a lessee and recorded by camera at traffic signals.

Exempting the City and County of San Francisco from the permit process under the state's Outdoor Advertising Act would put the Department of Transportation out of compliance with federal outdoor advertising laws and regulations. This, in turn, could result in a loss of federal highway funds by the state.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 10th day of October 1997, at 4:10 p.m., of Assembly Bills Nos. 39, 49, 173, 428, 498, 504, 781, 792, 1189, and 1458 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELLA J. CAVILEER

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1507**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1507 without my signature.

This bill would establish the California Rural Development Council as a public, non-profit corporation intended on promoting rural activities, stimulating rural development innovation, strengthening the sustainability of rural communities and serving as an advisory board to the Governor's Office and the Legislature.

This bill is unnecessary and duplicative of the intent and charter of the Rural Development Council, created by this Administration three years ago. This bill is intended to promote economic development and infrastructure growth in California's rural regions. Such a mandate is also duplicative of the ongoing efforts of the Trade and Commerce Agency, such as the Rural Economic Development Infrastructure Panel and the Rural Economic Development Grant Program.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1597**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1597 without my signature.

The author has requested that I return this bill without my signature to prevent a chaptering problem with Senate Bill No. 629, which has been previously signed.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 10th day of October 1997, at 4:10 p.m., of Assembly Bills Nos. 1507 and 1597, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELLA J. CAVILEER

Acting Chief Clerk of the Assembly



**Veto Message—Assembly Bill No. 257**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 257 without my signature.

This bill would repeal the provision in the Labor Code which prohibits discrimination in employment on the basis of sexual orientation and add a similar provision to the California Fair Employment and Housing Act (FEHA). The measure would also include within FEHA the prohibition against sexual orientation discrimination in housing accommodations.

This bill is similar to AB 101 (T. Friedman), which was vetoed in 1991. In that veto message I stated that employees have the right to be free of such discrimination but we are compelled to apply a test of fairness so as to avoid imposing an unfair result upon employers charged with but not guilty of discrimination, and upon other employees of such employers.

The following year I signed AB 2601, by the same author of AB 101 (Friedman, Stats. 1992, Ch. 15). That measure enacted the Labor Code provision which this bill repeals. AB 2601 was a carefully crafted measure which provided the necessary resolution for employment related discrimination based on sexual or perceived sexual orientation.

The administrative procedure established by AB 2601 has been successful in creating a fair, effective, and efficient remedy to such complaints. Of the 174 cases filed with the Labor Commissioner in 1996, fully 90 percent have been resolved. Employers and employees can both file appeals with the Director of Industrial Relations, and employees are not precluded from going to court if they disagree with the final ruling of the Director.

This process relies to a far smaller extent on litigation and is intended to make employees whole through reinstatement or reimbursement as quickly as possible.

Discrimination in housing on the grounds of sexual orientation is already prohibited in California under the Unruh Act and enforced by the Department of Fair Employment and Housing or in Civil Court.

Since adequate protections already exist for those who suffer discrimination in housing and the workplace on the basis of sexual orientation, this bill is unnecessary.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 536**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 536 without my signature.

This bill would require health care service plans to disclose to the public the process used to authorize or deny health care services.

As I explained in my veto of AB 1354 and my August 7, 1997 letter to the Legislature, a copy of which is attached, I am deferring consideration of the merits of all bills related to managed care until the Legislature and I have had the opportunity to consider the recommendations of the Managed Health Care Improvement Task Force. The intent of the legislation creating the Task Force was to provide state policymakers with an accurate assessment of managed care as it exists in California today, as well as to gauge prospective public- and private-sector activities aimed at improving and promoting the quality of health care in this state.

My August 7 letter to each member of the Legislature made quite clear that the only bill I would sign prior to receiving the Task Force report was AB 38 (Figueroa). Specifically, I advised that: "Authors who insist on sending to my desk bills they have crafted without the benefit of the perspective of the Task Force's report can expect a veto." By ignoring that clear notice, the author has insisted on and received the promised veto.

Cordially,

PETE WILSON

(NOTE: The above-referenced letter of August 7, 1997 is printed on page 4831.)

**Veto Message—Assembly Bill No. 760**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 760 without my signature.

This bill would exempt Autologous Bone Marrow Transplantation and other breast cancer treatments from some of the requirements of the Friedman-Knowles Experimental Treatment Act of 1996, due to take effect on July 1, 1998.

As I explained in my veto of AB 1354 and my August 7, 1997 letter to the Legislature, a copy of which is attached, I am deferring consideration of the merits of all bills related to managed care until the Legislature and I have had the opportunity to consider the recommendations of the Managed Health Care Improvement Task Force. The intent of the legislation creating the Task Force was to provide state policymakers with an accurate assessment of managed care as it exists in California today, as well as to gauge prospective public- and private-sector activities aimed at improving and promoting the quality of health care in this state.

My August 7 letter to each member of the Legislature made quite clear that the only bill I would sign prior to receiving the Task Force report was AB 38 (Figueroa). Specifically, I advised that: "Authors who insist on sending to my desk bills they have crafted without the benefit of the perspective of the Task Force's report can expect a veto." By ignoring that clear notice, the author has insisted on and received the promised veto.

Cordially,

PETE WILSON

(NOTE: The above-referenced letter of August 7, 1997 is printed on page 4831.)

**Veto Message—Assembly Bill No. 794**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 794 without my signature.

This bill would provide that any decision or recommendation regarding the necessity or appropriateness of treatment or care that results in the denial or revision of treatment or care constitutes the practice of a healing arts profession. The bill would also require health care service plans and disability insurers to disclose to the public the process used to authorize or deny health care services. Finally, the bill would prohibit a health care service plan or disability insurer from denying care unless its employee or contractor has examined the medical records of the patient or has physically examined the patient under specified circumstances.

As I explained in my veto of AB 1354 and my August 7, 1997 letter to the Legislature, a copy of which is attached, I am deferring consideration of the merits of all bills related to managed care until the Legislature and I have had the opportunity to consider the recommendations of the Managed Health Care Improvement Task Force. The intent of the legislation creating the Task Force was to provide state policymakers with an accurate assessment of managed care as it exists in California today, as well as to gauge prospective public- and private-sector activities aimed at improving and promoting the quality of health care in this state.

My August 7 letter to each member of the Legislature made quite clear that the only bill I would sign prior to receiving the Task Force report was AB 38 (Figueroa). Specifically, I advised that: "Authors who insist on sending to my desk bills they have crafted without the benefit of the perspective of the Task Force's report can expect a veto." By ignoring that clear notice, the author has insisted on and received the promised veto.

Cordially,

PETE WILSON

(NOTE: The above-referenced letter of August 7, 1997 is printed on page 4831.)

**Veto Message—Assembly Bill No. 861**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 861 without my signature.

This bill would require, after August 1, 2000, the governing board of a district to employ for positions requiring certification only persons who possess a Cross-cultural Language and Academic Development (CLAD) or Bilingual Cross-cultural Language and Academic Development (BCLAD) certificate, and rename the State Bilingual Teacher Training Assistance Program and make other changes relating to its operation.

This bill would mandate each school district to hire only teachers who possess a Cross-cultural Language and Academic Development (CLAD) or Bilingual Cross-cultural Language and Academic Development (BCLAD) certificate after August 1, 2000. While many districts have large numbers of teachers who have skills to provide them with instruction, many other schools and districts do not have this need. This bill would impose a burdensome and onerous mandate on numerous schools and districts across the state.

Further, the entire teacher credentialing system is under review based on the recent report of the SB 1422 Task Force. In addition, the legislature is deliberating over statewide reforms of the bilingual education program. This bill is premature and could contradict the results of those two deliberative processes.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 10th day of October 1997, at 4:49 p.m., of Assembly Bills Nos. 257, 536, 760, 794, and 861, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELLA J. CAVILEER

Acting Chief Clerk of the Assembly

The following communication is referenced in the above veto messages relative to Assembly Bills Nos. 536, 760, and 794:

Governor's Office, Sacramento

August 7, 1997

*To the Democratic and Republican Leadership:*

I am writing to assure that the Legislature is aware of my position regarding pending legislation related to managed health care, in light of the expectations created by the establishment of the Managed Health Care Improvement Task Force.

As you may recall, the intent of Assemblyman Richter's bill, AB 2343, which created this Task Force, was to provide state policymakers with an accurate assessment of managed care as it exists in California today, as well as to gauge prospective public- and private-sector activities aimed at improving and promoting the quality of health care in this state. Consistent with that charge, the Task Force will provide both the Legislature and the Administration, by January 1998, with a comprehensive report on the status of

managed care and reasoned recommendations based on a thoughtful analysis of the health care system.

Given the scope of this mission and the limited time at hand, it would not only be prudent for the Legislature but an obligation we owe to members of the Task Force to wait for those recommendations rather than engage in a piecemeal, uncoordinated approach of its own. Indeed, the concerns that prompted the enactment of the Richter bill compel precisely the kind of deliberative, thoughtful review that the Task Force has undertaken. I therefor intend to—and encourage the Legislature—to honor the process it began last year with the establishment of this Task Force, and to defer further incremental legislative changes until the Task Force produces its findings and recommendations.

There is a fundamental question of the Legislature's good faith here. To keep faith with those of whom we have asked this extraordinary labor, I will not entertain any bill (except Assemblywoman Figueroa's) that seeks change to California's managed care system until I have had the opportunity to be informed of the framework recommended by the Task Force. Authors who insist on sending to my desk bills they have crafted without the benefit of the perspective of the Task Force's report can expect a veto, on the same grounds as my veto of Assemblywoman Davis' bill.

I have every reason to believe that the Managed Health Care Improvement Task Force will move us a step closer to ensuring the highest standards in health care without sacrificing quality or accessibility.

Sincerely,

PETE WILSON

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**Veto Message—Assembly Bill No. 940**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 940 without my signature.

This bill would: (1) limit the amount of funds that a public entity, contractor, or subcontractor, may hold in "retention" in public works projects to 5 percent of the payment and no more than 5 percent of the contract price; (2) waive the retention caps in a situation where a performance bond is required by a general contractor but not provided by a subcontractor; (3) apply all of the above requirements to all contracts entered into after January 1, 1998; and (4) clarify that the bill does not limit the authority of a public agency to withhold up to 150 percent of the value of the disputed work from the final payment, and prohibit a party from requiring another party to waive the requirements of this bill.

Regrettably, once again, I find a bill before me that establishes a double-standard for the treatment of the retention levels charged by public agencies. The private sector is free to establish its own level for retention in an open marketplace, where building owners, contractors and subcontractors freely enter into construction contracts, which often include a 10 percent retention level. Here

before me is a bill which would arbitrarily restrict public agencies to retention rates of half the private sector standard.

As I expressed in my veto message of AB 1949 (Conroy) last year, "Government agencies must be able to protect public construction projects from unnecessary risk in fashion similar to the private sector." I have not deviated from that stance. As a public manager, I believe it is reasonable to ask public agencies to manage public works projects according to the same standards, criteria and level of professionalism as is practiced in the private sector. It would be irresponsible of me, however, to tie the hands of public agencies with statutory restrictions and expect a similar performance standard.

I respectfully request the construction industry to negotiate with my Administration and local government agencies and to bring me a bill which streamlines various aspects of the public works process in a manner which mirrors the existing practices employed by the major construction lenders, building owners, and developers in the state. I am, however, unable to sign a bill which places public agencies at an obvious disadvantage when compared with common standards and practices in the private sector.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1362**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1362 without my signature.

This bill would make the decision of the California Supreme Court in *Santa Clara County Transportation Authority v. Guardino*, 11 Cal. 4th 220 (1995), inapplicable to "any action or proceeding in which the validity of a tax or tax increase is contested . . . if the ordinance or resolution imposing . . . that tax was adopted prior to December 14, 1995." That decision upheld the constitutionality of Government Code Section 53722 (which was enacted as part of Proposition 62) and disapproved of a 1991 appellate decision (*City of Woodlake v. Logon*) which had held portions of Proposition 62 unconstitutional.

This bill is unconstitutional. Article II, Section 10(c) of the California Constitution provides:

"[The Legislature] may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval."

Proposition 62, of which Government Code Section 53722 was part, is an initiative statute and provided that it could only be amended by a vote of the electorate. Thus, the Legislature cannot amend it, except through a vote of the People.

Nonetheless, this bill seeks to amend the effective date of Proposition 62 by making the decision upholding the constitutionality of the Proposition apply only to cases contesting taxes adopted on or after December 14, 1995. "Where a new section affects the application of the original statute or implicitly modifies its

provisions," it is an amendment. (See, e.g., *Huening v. Eu*, 231 Cal. App. 3d 761, 779 (1991).)

I am not unsympathetic, however, to those local governments which relied on the 1991 appellate decision, and note that while they have no remedy with the Legislature, they have remedies in the courts and through the initiative process with the electorate. Indeed, the courts will rule that their decisions have prospective effect only based on the reasonableness of the parties' reliance on the previous cases or rule and the effect of a retroactive decision on the administration of justice. (See, e.g., *Camper v. Workers' Comp. Appeals Bd.*, 3 Cal. 4th 679, 688 (1992).) If local government believes that a retroactive application of the Guardino decision disrupts their reasonable reliance, on a prior decision, as the Legislature's findings indicate, they have a ready remedy in the courts.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1415**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1415 without my signature.

This bill would prescribe minimum funding requirements for the University of California (UC) and the California State University (CSU).

UC and CSU are indispensable elements of the world class system of public and private higher education that is essential to California's continued success and preeminence in science, industry, medicine, agriculture, the arts and indeed all the many activities in which our state has achieved a leadership position.

To sustain and enhance that leadership—and the access and quality required under the Master Plan for Higher Education—imposes an obligation upon state government to provide UC and CSU both significant financial support, and insofar as possible a degree of certainty as to the level of the state's support.

AB 1415 is an honest and laudable effort to achieve both goals. But it proposes to do so by a fixed funding formula in statute which mandates a minimum level of General Fund support.

I yield to no one in my appreciation of the value of UC and CSU and of their importance to California. There is, however, a better way to honor our obligation to provide for their needs than by the rigidity of the statutorily—mandated autopilot spending of AB 1415 which imposes serious inflexibility upon a state budgetary process that suffers grievously from that flaw already.

The better way is by the kind of carefully negotiated compact between the state and our two systems of higher education that we have maintained throughout the second term of my administration. The existing compact has provided both UC and CSU the certainty and reliability necessary to successfully plan their growth, and has proven to be remarkably successful in allowing them to maintain the

quality, accessibility and affordability that are and must remain the hallmarks of California's higher education.

I look forward to working with the Administration of UC and CSU to achieve a second such compact, so that we keep our commitment to excellence without binding the state budget process in a fiscal strait-jacket.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1479**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1479 without my signature.

This bill would extend the State Water Resources Control Board's (SWRCB) Bay Protection and Toxic Cleanup Program (BPTCP) fee provision's from the current sunset date of January 1, 1998 until January 1, 2002 and the monitoring and evaluation activities of the program until January 1, 2003.

I have taken this action recognizing that the mandates of the BPTCP do not sunset. Indeed, the monitoring, identifying and the remediation of pollutants as provided in this program have and will continue to result in a healthier coast.

In its present form, AB 1479 is simply unworkable. Among other concerns, the bill mandates the SWRCB to adopt criteria for the assessment and categorization of areas of sediment contamination, "using a sediment quality triad approach". Although this method allows for an assessment on the chemistry, toxicity, and impact on aquatic life, it was not intended for use in human health risk assessments. I am also concerned that this bill would limit those assessments to the contamination and quality of sediment, not water. Both of these elements should be considered and studied to understand the severity of the contamination.

The BPTCP has proved itself to be a valuable and effective tool in identifying the most severely polluted and contaminated areas of the Bay. This information, used in conjunction with existing authority to impose civil actions such as Cleanup and Abatement Orders, Cease and Desist Orders and Administrative Liability Orders to take important enforcement actions against hazardous discharges and to cleanup toxic hot spots.

The State Water Resources Control Board will continue to carry out the edicts of existing law. Our coastal resources are a treasure in which we are entrusted and whose health we must guard and protect. Existing law recognizes this role and I remain committed to ensuring that funding is provided to continue the BPTCP.

Cordially,

PETE WILSON



## RECEIPT

I acknowledge receipt this 10th day of October 1997, at 9 p.m., of Assembly Bills Nos. 940, 1362, 1415, and 1479, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 84**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 84 without my signature.

This bill would establish a program that would require: (1) state agencies to give a ten percent price preference to products made with rice straw; (2) the California Integrated Waste Management board (Waste Board) to fund state agency claims for the costs of such preferences, not to exceed \$100,000, and (3) the Department of General Services to require vendors to use rice straw products to the maximum extent economically feasible.

While the intent of the bill may have merit, I am concerned that the bill may be premature. Last year, I signed AB 3345 (Chapter 991, 1996) which requires the Waste Board to complete a study on uses of agricultural wastes, including rice straw, by January 1, 2000. I believe that any new program involving the use of agricultural wastes should await completion of that study. In addition, there appears to be no basis to elevate rice straw products to a higher status for price preferences, as past price preferences claims programs have not been successful. Further, the bill would result in a significant unfunded cost to the Waste Board which would adversely impact existing high-priority programs such as permitting, enforcement and education.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1293**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1293 without my signature.

This bill would create a panel appointed by the Secretary of the California Resources Agency. The purpose of this panel would be to create a single clearinghouse for all Geographic Information Services, and develop consistent parameters for information to be included in the Geographic Information Services database.

Among other concerns, it is counter-intuitive to create an advisory panel with seven or more members, pay their travel and per diem

and call the action government efficiency. This is particularly true when most of the goals of this program are achievable under existing law.

In short, this bill is unnecessary and creates an infrastructure to accomplish what can be done in its absence.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 158**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 158 without my signature.

This bill would require the Division of Gambling Control, or the Gambling Control Commission, to consider denying a gambling license for a new gambling establishment or for the expansion of an existing gambling establishment located in a cemetery city, city of repose, necropolis or adjacent to a cemetery.

This measure is unnecessary. On this date I have signed SB 8 (Lockyer), which would create the Division of Gambling Control within the Department of Justice and the California Gambling Control Board, under specified conditions. These entities will license, regulate and investigate legal gambling in California. As such, they are vested with all powers necessary and proper to carry out their functions. Accordingly, the suitability of card club locations near cemeteries can be addressed by these newly established entities.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1015**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1015 without my signature.

This bill would increase the penalties against employers and employees who violate an occupational safety or health standard or order which causes death or great bodily injury under specified circumstances. This bill would also expand the traditional definition of employee under the Labor Code to include any person at the place of employment, including customers and others.

California's current workplace safety and health requirements and its current penalty system are among the most stringent in the nation. The Occupational Safety and Health Act (OSHA), requires employers to provide safe and healthy workplaces for their employees. Employers that fail to do so and willfully violate an OSHA standard or order which causes the death or serious injury of an employee are subject to misdemeanor prosecution under the Labor Code or felony prosecution under the Penal Code for involuntary manslaughter.

This bill would extend the definition of employee to any person who happens to be in a workplace, including customers, delivery personnel, postal workers, guests of employees, and a myriad of other unrelated individuals. California's entire workplace safety and health

standards and orders are predicated on the traditional employer and employee relationship, which under the Labor Code requires certain duties and responsibilities of both parties. It would be impractical and unfair to require businesses to have the same responsibility for every individual entering their property as for their own employees. Moreover, remedies already exist in tort law for individuals not employed by businesses to rectify the misdeeds of business owners. The law should distinguish between an employer's mere knowledge of a violation without appreciation of its danger and full knowledge amounting to reckless disregard for safety.

No matter how diligent an employer may be in attempting to ensure that a workplace is free of safety and health violations, in almost every business there are potential safety issues. While current law could impose a maximum fine of \$70,000 for merely knowing about a seemingly minor violation, which after-the-fact is determined to be more serious, this bill would increase the maximum penalty to one million dollars even though current maximum penalties are not now being imposed.

On the other hand, employers that recklessly disregard the safety and health of their employees should be subjected to severe punishment. This administration does not intend to tolerate such conduct or to make it an "affordable cost of doing business." We will not expose employees unnecessarily to dangerous situations, which also penalizes law-abiding employers. While the incidence of death resulting from egregious misdeeds of employers is rare, it does not diminish the tragedy to those individuals and their families. Therefore, I am willing to consider legislation which more carefully balances penalties and responsibilities to distinguish between a lapse deserving a penalty and truly unconscionable conduct by an employer.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 641**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 641 without my signature.

This bill would expand the list of pupil absences that must be excused for personal reasons so that these pupils will not be considered truant.

Under current law, schools are required to excuse certain pupil absences from school. Examples of pupil absences that must be considered excused include illness, doctors appointments, and death in the family. In addition, schools may, based on standards established by each school district governing board, with a written note from the pupil's parent or guardian, and approval of the school's principal, excuse pupil absences for other unspecified justifiable personal reasons.

This bill would require schools to excuse the following pupil absences from school: probation appointments, legal appointments for public defense or district attorney investigations, court-mandated drug testing, police and school investigative hearings, and school and

juvenile court administrative hearings. Because school districts, at their own discretion, may already permit schools to excuse absences for the reasons specified in AB 641, this bill is unnecessary. Further, by requiring schools to excuse the absences of pupils for these reasons, this bill would limit local control currently held by school districts.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 226**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 226 without my signature.

This bill would require a statutory split of Proposition 98 revenues, increasing the community college share from 10.26% in 1997–98 to 10.6% in 2001–2002.

Community Colleges are an integral part of California's world class higher education system. The community colleges play an essential role in workforce preparation, and serve as a gateway to additional higher education instruction.

This bill, however, is another statutorily mandated autopilot spending measure that would hamper the ability of the state to allocate its annual revenues in an effective and efficient manner. It assumes the needs of the state in various areas of activity are static, staying for years in the same exact proportion to one another. The reason we have an annual budget process is to access the necessary shifts in funding that are needed to address the most pressing needs.

Further, K–12 enrollment workload is constitutionally mandated on school districts, while community college enrollment is subject to policy choices and underlying demand variables which change from time to time in response to the state of the economy, adult population changes, high school graduation rates, and both costs and capacities of alternative higher education institutions.

Funding for higher education will continue to be a high priority for my Administration. I will work with the Administration of the Community Colleges so that we keep our commitment to excellence without binding the state budget process in a fiscal strait-jacket.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 11th day of October 1997, at 7:45 p.m., of Assembly Bills Nos. 84, 1293, 158, 1015, 641, and 226, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Heide Urie.

PAMELA J. CAVILEER

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 193**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 193 without my signature.

This bill would require that the Medi-Cal managed care enrollment contractor assign beneficiaries that have not chosen a provider, to the maximum extent possible, to Medi-Cal health plans that contract with a provider that has seen the beneficiary in the past 24 months. Providers would be allowed to submit lists of patients to the Medi-Cal enrollment contractor for the purpose of obtaining a default assignment. The bill would also require specified monthly reports from health plans and prescribe the format for the health plan provider directory.

This bill's requirements for establishing continuity of care would be cumbersome and costly to implement. In addition, the Department of Health Services is conducting a pilot project to test the use of historical Medi-Cal data to assist health plans in making default assignments. The success of the pilot project should be determined prior to any legislative action.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 405**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 405 without my signature.

This bill would require hospitals to establish a formal process to consult with its medical staff prior to making a decision to enter into, continue or terminate an exclusive contract for medical services. The bill would also apply to decisions to close a medical staff department.

This bill is unnecessary and unwise. The Legislature should not impose bureaucratic procedures on hospital management decisions. Hospital management and the medical staff can and should consult with each other on quality of care issues, and require no legislative directive to do so.

As the proponents concede, cases where management and medical staff are in conflict are rare. This bill would not resolve such a dispute. The courts afford a remedy where needed. The legislature should refrain from prescribing a stronger dosage than required. This bill over-medicates.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 931**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 931 without my signature.

This bill would establish the California Student Cooperative Housing Act and appropriate \$250,000 General Fund, as a loan, to the

newly created California Student Cooperative Housing Fund. These funds would be used by student cooperatives to leverage private funds to provide low-cost housing for students. The bill would also require the Department of Housing and Community Development (HCD) to select a private financial entity to administer the fund.

This bill is unnecessary. Current law provides state-supported programs such as financial aid or student services. In fact, the university systems in California already have their own "Department of Housing" to address student housing needs.

Additionally, HCD's primary focus is on the development of low-income and rural housing. The Department does not have any experience in the financing of student cooperative housing.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1144**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1144 without my signature.

This bill would require the Department of Transportation to verify that all construction work meets established standards and specifications. The bill would also require that, unless a contract explicitly requires the contractor to perform quality control work, work must be done by state employees or other qualified personnel.

This bill would impose unnecessary and potentially onerous requirements upon the Department in its construction inspection activities. Existing laws, regulations, and practices more than adequately ensure that the Department's construction work meets standards and specifications.

Further, this bill would upset the traditional relationship of contracting parties, particularly related to construction inspection responsibilities. Quality control testing and inspection is appropriately the responsibility of the contractor while quality assurance is traditionally the role of the Department. The ambiguity in this bill would confuse this relationship and cast a haze over the entire construction inspection process.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1214**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1214 without my signature.

This bill would require a healthcare district to first obtain voter approval when transferring 35 percent or more of its hospital assets to a for-profit corporation.

Existing law requires voter approval before 50 percent or more of a healthcare district hospital may be transferred to a nonprofit

corporation. Existing law, however, does not require voter approval if the transfer is to a for-profit corporation.

There is no sound reason to establish different thresholds for voter approval for the transfer of a healthcare district hospital. The same standards and criteria that apply to a transaction involving a nonprofit corporation should also apply to a for-profit corporation.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1335**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1335 without my signature.

This bill would specify various operational requirements for the California Postsecondary Education Commission's (CPEC) database, and make other changes to the statutory mission of CPEC.

As required by current statute, CPEC already maintains a database of higher education indicators. This bill would impose additional requirements for that database, while maintaining existing requirements intact. Due to the changing information needs of the higher education segments and an evolving technology environment, driven especially by advances on the Internet, it is unwise to dictate, in statute, the operational requirements of CPEC's database.

A comprehensive and objective evaluation CPEC's existing and proposed database requirements is appropriate and should be pursued through the budget and feasibility study report review processes, with appropriate oversight by the Department of Information Technology.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1353**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1353 without my signature.

This bill would require the Board of Governors of the California Community Colleges to prepare an annual report outlining the community college system's progress toward reaching the 75% full-time instructor goal.

Current law provides a mechanism for increasing the percentage of full-time faculty. Community college districts in which fewer than 75% of the hours of credit instruction are taught by full-time faculty are required to allocate a portion of their growth funds toward increasing their base level of full-time instructors. The 1996-97 Budget Act requires over 560 new full-time hires and the growth money in the 1997-98 Budget Act requires more than 420 additional new full-time faculty.

This bill would create pressure to increase by \$21 million annually the Proposition 98 local assistance budget to meet the Legislature's encouragement that districts increase their full-time faculty-student

contact hours by at least 2% each year. The mechanism in current law for increasing full-time faculty, coupled with community college districts' own discretion to spend their general funds on their own priorities, already provides sufficient stimulus to increase full time faculty without need for the expenditure of time and money for the annual reporting required by this bill.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1456**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1456 without my signature.

This bill would restrict the conditions under which the Commission on Teacher Credentialing (CTC) could grant waivers for teacher credentials.

The Task Force to reform teacher credentialing (the SB 1422 Task Force) has just submitted its report to the Commission on Teacher Credentialing which is currently reviewing the recommendations. The Task Force report calls for a major overhaul of the credentialing process. The provisions of this bill ought to be addressed as part of those reforms, not in a piecemeal fashion. I expect the commission to introduce legislation next year that will include provisions concerning the waiver process.

Further, this bill restricts essential waivers after June 30, 2001, to only one semester which is impractical. One semester is too little time in many cases for the school district to address the problems that have caused the need for a waiver.

Finally, this bill eliminates, after 2001, the basis for the granting waivers to special education teachers. This change is too early since the restructuring of special education credentials which is currently underway will not be completed until 2003. If the termination of special education waivers were to go into effect in 2001, many school districts would have serious problems finding teachers for special education classes.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 13th day of October 1997, at 3:25 a.m., of Assembly Bills Nos. 193, 405, 931, 1144, 1214, 1335, 1353, and 1456, without the Governor's Signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly



**Veto Message—Assembly Bill No. 673**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 673 without my signature.

This bill would authorize either party to an impasse under the Meyers-Milias-Brown Act, to request the establishment of a fact-finding panel under certain conditions, and specifies the scope of the fact-finding panel's authority and activities.

Under current law, the Meyers-Milias-Brown Act provides for the appointment of a mediator that is mutually agreeable to both parties if after a reasonable period of time representatives of the public agency and the recognized employee organization fail to reach agreement on matters within the scope of representation.

This measure would allow unilateral imposition of a fact-finding panel by either party to a dispute. That policy would be contrary to good-faith collective bargaining and is unlikely to bring the parties close to agreement. Rather, the process would be used for public posturing with will do nothing to solve the impasse. Moreover, the involved parties would be burdened with an additional cost which could have been spent at the negotiating table. Finally, this is a local issue that should be decided at the local level.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 134**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 134 without my signature.

This bill would expand the definition of "public school employer" to include a joint powers agency (JPA) for collective bargaining purposes.

In 1991, I vetoed a similar bill. As I stated in that veto message, joint powers agencies are currently subject to the collective bargaining process established for cities and counties, if requested by the employees. Moreover, this proposal would result in attorney and collective bargaining costs in excess of \$800,000 annually for JPAs, which must be reimbursed by the state from the Proposition 98 guarantee of the General Fund. Proposition 98 funds should primarily be spent on direct instructional services and prevention efforts for California's children.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 501**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 501 without my signature.

This bill would require the Department of Health Services to implement Section 4913 of federal Public Law 105-33 with all deliberate speed.

As the author knows, this bill is unnecessary because DHS must implement and is already implementing Public Law 105-33. The program and administrative costs of implementing Public Law 105-33 have been included in the Budget Act of 1997 and will be expended with or without enactment of this bill.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1200**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1200 without my signature.

This bill would make it unlawful for a school district to prohibit, on the basis of gender, a pupil from wearing pants to school without obtaining prior written consent for that prohibition from the pupil's parent or guardian.

Under the existing school uniform policy, a school district may prohibit a female student from wearing pants to school. Current law also allows, however, that a pupil's parents may choose not to have the pupil participate in the school's uniform policy.

The intent of this bill is laudable, ensuring parental choice. The practical application of the bill, however, would place an undue burden on the school. Unlike existing law in which a parent opts out of school uniform policy, this bill would require that to implement a uniform policy that prohibits the wearing of pants by a female student, *prior* written consent must be obtained from the parent of that female pupil.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 13th day of October 1997, at 3:21 a.m., of Assembly Bills Nos. 673, 134, 501, and 1200, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 44**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 44 without my signature.

This bill would require the Secretary of State to assign a task force to study the creation of a digital electoral system and to report the results to the legislature.

I am supportive of reasonable approaches to campaign and election reform. As such, I have recently signed Senate Bill 49 (Karnette, Ch. 866) which will establish an electronic filing disclosure system. The provisions of that bill will allow technology to be introduced into the campaign finance system in a reasonable and thoughtful manner yet provide adequate safeguards against misuse.

Unfortunately, I cannot say the same for AB 44. This bill calls for a task force to study establishing a digital electoral system that would, among other things, allow individuals to register to vote, sign an initiative petition and cast their vote through the use of digital technology. The use of such a system will compromise voter confidentiality and generate significant opportunities for fraud. Since the digital system would be available only to those with access to computer terminals, it would not replace the current system. Accordingly, the use of two systems would complicate voter verification procedures, further compromising the electoral process.

Although current encryption technology is making advances in providing a more secure environment to prevent tampering by third parties, no one can yet guarantee a completely safe, tamper-proof system. Without such a guarantee, a study is premature.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 369**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 369 without my signature.

This bill would require the Board of Corrections to report to the Legislature on the number of individuals who are being transferred from juvenile hall to county jail, as specified.

The proposed study does not adequately address the inherent complex issues pertaining to the incarceration of juvenile offenders. A comprehensive evaluative study and analysis should focus on juveniles housed in all local detention facilities, including juvenile halls, camps, ranches, schools and adult facilities. The information from that kind of study would accurately identify the various populations of juvenile offenders terrorizing our communities and

would assist local authorities in deciding which offenders could benefit from community-based intervention.

In that connection, I am directing the Board of Corrections to conduct an evaluation and analysis of the incarcerated juvenile offender population in local facilities patterned after the highly successful adult jail profile study.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 472**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 472 without my signature.

This bill would amend the current property tax allocation formula to increase the amount of property tax revenue allocated to "negative sum" counties and would reduce the amount of property tax revenue to K-14 schools in those counties by the same amount, commencing with the 1998-99 fiscal year.

After the adoption of Proposition 13, Chapter 282, Statutes of 1979, also known as the AB 8 "bail-out", amended the property tax allocation formula to provide relief to local taxing agencies by offsetting the loss of property tax revenues resulting from Proposition 13. This was accomplished by shifting a portion of school property tax revenues to other local taxing entities. The state replaced property tax revenue losses to schools with State General Fund money.

Chapter 282 resulted in a negative "bail-out" amount in six counties: Alpine, Lassen, Mariposa, Plumas, Stanislaus, and Trinity. However, the statute is very clear that the results of the formula could be negative. While this has been viewed as an inequity by the affected counties, the overall intent was to ensure adequate funding for local agencies given that Proposition 13 reduced property taxes by over 50 percent.

This proposal would shift a portion of the property taxes received by schools to counties, in the six negative bail-out counties. Pursuant to Proposition 98, the General Fund would be required to make up for this reduction in school funding. These shifts can only be accommodated by reducing other necessary state programs.

The restructuring of Trial Court Funding, however, which I recently signed into law, will provide approximately \$288 million relief to counties, beginning in fiscal year 1998-99. This relief for each county will far exceed the relief proposed in this measure.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1099**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1099 without my signature.

This bill would exempt \$2,500 per month of earned income from Medi-Cal share of cost for those HIV/AIDS or disabled beneficiaries

who return to work. Smaller income exemptions would apply after six months of employment until the beneficiary receives full medical insurance coverage from another source.

The Medi-Cal share of cost reduction contained in this bill is not authorized by federal Medicaid law. Accordingly, this bill would create a new entitlement program supported by only the state General Fund. In addition, the bill contains significant ambiguities that would make it difficult to implement and subject to litigation.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1568**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1568 without my signature.

This bill would make various changes to the Labor Code affecting contractors or subcontractors that violate prevailing wage laws in public works projects.

Under current law, the Labor Commissioner is responsible for enforcing prevailing wage laws. Contractors and subcontractors found in violation of those statutes may become ineligible (debarred) to bid or be awarded public works contracts for a specified period of time.

This bill would, among other provisions, essentially shift the responsibility for enforcing prevailing wage laws from the Labor Commissioner to nearly six thousand individual awarding agencies, who are neither equipped nor trained for that responsibility. Awarding agencies are already saddled with a Byzantine array of statutes, regulations and restrictions that slow the award and delivery time of a public works contract. Yet under this bill, those public agencies would be required to police contractors and subcontractors, void contracts and suspend contractors from bidding on projects if they knew or should have known that sanctions had been imposed against their subcontractor.

This measure would also establish a 135-day hearing process for contractors faced with sanctions. With that provision, public works projects could simply stop when a contract is voided, or while a contractor argues at a hearing about what he knew or should have known about the subcontractor.

While I am interested in ensuring that debarred contractors or subcontractors are not allowed to participate in public works projects, there are more streamlined ways to resolve this problem without jeopardizing the progress of public works projects themselves or by creating a new level of bureaucracy.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 736**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 736 without my signature.

This bill would rename and make changes to the State Deferred Maintenance Fund.

This bill would result in an annual loss of \$3 million from the General Fund. Under current law, funds received into the School Site Utilization Fund are deposited into the General Fund. This bill would require that these funds instead be deposited into the Major Maintenance Match Fund.

Any significant changes to the school maintenance program should include assurances that districts commit a sufficient amount of revenues to ensure that all facilities are maintained in a proper state of repair as a condition for receiving any state assistance for major maintenance, new construction or modernization.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 600**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 600 without my signature.

This bill would require the Department of Health Services to apply for a federal waiver to secure matching federal funds for the state-only portion of Family Planning, Access, Care and Treatment program (Family PACT). If the waiver is approved, the funds would be used to expand the Family PACT program to those at or below 200 percent of the federal poverty level who are not now eligible for the program.

This bill is unnecessary. The Department of Health Services does not require legislative authority to apply for waivers of federal requirements.

The real question is whether the best use of up to \$77 million of General Fund money is for the expansion of programs this bill contemplates. For that reason the bill is premature. It represents a commitment by the state in advance of the decision to make it.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 13th day of October 1997, at 3:22 a.m., of Assembly Bills Nos. 44, 369, 472, 1099, 1568, 736, and 600, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1599**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1599 without my signature.

This bill would require a county, governed by the County Employee Retirement Law of 1937, that fails to reinstate an employee who has been denied disability retirement by the county retirement board, to pay the full salary and benefits of that employee.

The stated intent of this bill is clarify existing law by codifying case law *Philips v. County of Fresno*, 225 Cal. App. 3d 1340 [1990]. In the Case of *Philips v. County of Fresno*, the court found that "Section 31725 does not mandate reinstatement to *active duty* status. The language and legislative intent reflect the purpose of the statute is to mandate reinstatement to *paid* status." The court held that an employer could not deny disability retirement on the basis of there being no disability, but then claim disability in order to deny employment income.

This bill does not make that clarification, and in fact, would further cloud the issue. Under existing law (Government Code 31725), if a county retirement board denies an application for permanent disability, the employer must either file a writ of mandate requesting judicial review, or reinstate the member to his employment effective the day following the effective date of the dismissal. Reinstatement is not a permissive act on the part of the employer. Reinstatement is mandatory, and existing law contains remedies for failure of an employer to discharge his or her duty under that law. Enactment of this bill would result in conflicting statutes, one that definitively says an employer must reinstate, and another, separate statute that sets up a separate procedure if an employer chooses not to follow that law.

Further, the open-ended nature of the bill would impose unacceptable costs on taxpayers, bringing to bear more questions than answers. The bill states that if an application for disability retirement is denied, the employer shall pay the employee his or her full salary and benefits as if the employee had been reinstated. However, there are no limits or restrictions in the bill. Is this intended to be a lifetime benefit? Can the employee be terminated? Can he be reinstated, and then terminated? If the employee accepts another job, should the payments end, or at least be offset by that income? The author rejected amendments limiting income.

In the underlying case, a Fresno County employee seeking permanent disability benefits was denied compensation after several doctors concluded that the employee exaggerated his physical and emotional problems, finding that he was not disabled. After he was denied reinstatement by the County, the court ruled that he was entitled to full pay even if he did not return to work.

There we have it, the rule of the *Philips* case: exaggerate your claim for disability and get rewarded with more than you asked for. At thirty years of age, you would be entitled to 30, perhaps 40 years of full pay. You would be entitled to regular increases, even if you

moved to another state, even if you established alternative employment. After all, its only taxpayer money.

AB 1599 is an extension of California's job destroying wrongful termination law. In an effort to address this problem, I have on multiple occasions introduced legislation which would limit so called "front pay" to five years from the time of the termination. This bill, in asserting a right to lifetime pay for a constructively terminated employee, is the antithesis of my proposal.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 418**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 418 without my signature.

This bill would create the California Collaborative for Improving Academic Preparation (CCIAP) to enhance the preparation for postsecondary education of underserved elementary and secondary pupils.

As I stated in the message accompanying my deletion of the \$2 million appropriation made for the CCIAP in the education trailer bill, this program would be a duplication of existing academic preparation programs for which a total of \$4 million in augmentations for University of California (UC) and California State University (CSU) outreach programs have been provided for 1996-97 and 1997-98. UC spends \$18 million and CSU spends \$4.6 annually on outreach to K-14 students who are at risk of dropping out of school.

Further, other programs in existence like the Dropout Prevention Program, the Early Intervention for School Success Program, Economic Impact Air, the Miller-Unruh Reading Program, and other programs specifically focus on pupils at risk of dropping out or who need extra help in academic areas. This program would add yet another layer of funding and bureaucracy to the education of some pupils.

Finally, local schools, universities, and businesses may collaborate already; there is no need for a bill authorizing their working together.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1321**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1321 without my signature.

This bill would establish the Summer Mathematics Institute Pilot Program in Santa Clara County to serve as a model to teach mathematics to pupils experiencing difficulties in mathematics.

This program should not commence until the State Board of Education adopts new math standards in January, 1998, and until a study requested by the State Board of Education to assess methods to strengthen math instruction in grades K-12 is complete.



In addition, this bill inequitably targets a specific area in the state and the decision to place a pilot project in a specific locale should be made after considering other interested candidates through a competitive process.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1055**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1055 without my signature.

This bill would establish the Playground Safety and Recycling Act of 1997, to be administered by the State Department of Education in consultation with the Department of Health Services, the Department of Conservation, the Department of Parks and Recreation, the California Integrated Waste Management Board, the League of California Cities, The California State Association of Counties, California Parks and Recreation Society, and other public, private and commercial entities to develop a local agency grant program to upgrade, repair, replace, or install public playground facilities, using recycled materials if possible.

A state-funded grant program is unnecessary. Playground facilities are an integral part of the school infrastructure. Any installation, upgrades, repairs, or replacements may be done in the course of regular operations, based upon the individual school's priorities, and utilizing funding already provided through a variety of sources.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 179**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 179 without my signature.

This bill would amend the California Public Records Act to require state agencies to provide "a copy of an electronic record in the form requested, unless, in light of surrounding circumstances, it is not reasonable to do so . . . ." It does not change the public's right of access to government documents, but only restricts the agency's discretion as to the form of the document made available.

Government agencies receive hundreds of Public Records Act requests every month. They are most often not from ordinary citizens, but from political candidates or special interest groups searching for information. Government employees spend thousands of hours each year responding to the requests—segregating the requested documents from exempt documents, such as those which invade other citizens' personal privacy. Taxpayers pay for the time expended searching for and segregating these records. However, state agencies are presently permitted to determine the form in which computer data is provided.

This bill creates a new inflexible mandate by requiring the agency to provide the electronic data in the form requested, unless it is “unreasonable” to do so, without ever defining the breadth of that exemption, thereby leaving it open to litigation. A request that an electronic record be provided in a particular form may require additional expense, burden, and time to segregate the public data from the exempt data, but the bill provides no guidance whether or to what extent that additional burden makes it “unreasonable.”

Agencies should make available to the public all documents to which public access is granted. But we need not add costs and rigidity to these obligations by specifying the form in which it will be done.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 925**

Governor’s Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 925 without my signature.

This bill would establish a San Diego County California Children’s Services (CCS) demonstration project under which the San Diego County Board of Supervisors would be required to designate a “project” to administer the State/County CCS program. The project could be a cooperative between the University of California, San Diego County, the Children’s Hospital San Diego, and any other providers and consumers who would agree to its implementation. In addition, this bill would appropriate funds to implement the “Assistance to Children at Home Demonstration Project” at the Children’s Hospital of San Diego.

Existing law already authorizes the development of demonstration projects to test alternative means of delivering CCS services. The Department of Health Services will be releasing a Request for Application later this month inviting counties to participate in the demonstration project. The Request for Application has been developed with the assistance of the University of California and several private foundations. The Request for Application process seeks to elicit a competition which approval of this bill would necessarily short-circuit and diminish.

It is unnecessary and unwise to develop two separate demonstration projects. This is especially true since the demonstration project authorized by this bill may conflict with state and federal law when implemented. I encourage the County of San Diego to eliminate those conflicts and submit an application to participate in the pilot project already being developed, which contemplates awards to three or perhaps as many as five different agencies to compare their approaches.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1210**

Governor's Office, Sacramento  
October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1210 without my signature.

This bill would require the Superintendent of Public Instruction, in consultation with the Department of Health Services and the Child Development Policy Advisory Committee, to develop criteria on the brain development of children from infancy to three years of age. This information is to be used by the Department of Education to assist with the ongoing professional development of child care staff and daily curriculum planning for children in the related contracting agencies. The bill would also require that informational materials on infant brain development be provided to all health facilities at no cost. All general acute care hospitals and all special hospitals providing maternity care would be required to provide information to parents and guardians on infant brain development.

This bill seeks the worthy objective of educating parents and those who care for our children about promising new research regarding early childhood development. I concur with the author and supporters of this measure that we should provide children, at the earliest possible age, with as much educational, health and emotional support as possible.

While its goals are admirable, the bill falls short of meeting them. It relies on a loosely defined program to develop standards for educating parents and child care workers and incorporating the new research into child care curriculums. No standards are established for implementing the developed criteria and curriculums. There is no test defined by which success can be measured.

The promise of infant brain research demands our urgent attention. I have directed my Administration to develop a better defined program with measurable goals for incorporating research on brain development of young children into child care programs and parental education. It will seek to complement rather than duplicate the extensive informational activities, both public and private, currently being undertaken; and will seek to coordinate public with private efforts and funding.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 13th day of October 1997, at 3:15 a.m., of Assembly Bills Nos. 1599, 418, 1321, 1055, 179, 925, and 1210, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 246**

Governor's Office, Sacramento

October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 246 without my signature.

This bill would, among other provisions, increase the jurisdictional limit in small claims cases from \$5,000 to \$7,500.

Although this bill is intended to provide consumers greater access to the court system, this increase may actually be detrimental to them. With larger claims, consumers are more likely to find themselves against corporate entities or claims adjusters who possess greater legal sophistication and more court experience. Increasing the jurisdictional amount will expose litigants to substantial liability in cases involving complex legal issues without benefit of counsel. Moreover, the jurisdictional amount was raised to \$5,000 in 1990. There has not been a sufficient rise in inflation over the past several years to justify a fifty percent increase as proposed in this bill.

The small claims court system is a fast and economical means of dispute resolution. Fairness requires that cases involving amounts larger than \$5,000, continue be resolved in civil court where greater procedural safeguards exist.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 267**

Governor's Office, Sacramento

October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 267 without my signature.

This bill would require the Department of General Services, on or after January 1, 1998, to not approve plans for construction or modernization of a school building unless the building contains an automatic or "superior" fire alarm and detection system that is approved by the State Fire Marshal.

The safety of school children is of paramount concern. All school sites, however, are currently required to have fire alarm systems, and districts are not prohibited from installing more sensitive detection systems.

The cost to install the fire detection systems required by this bill is estimated to be more than \$1.6 billion. The bill expresses legislative intent to fund this cost through the proceeds from the sale of a state general obligation bond. This bill, therefore, should be re-written to delay implementation to six months after the passage of a bond by the voters. Until the passage of a bond, the failure to install a costly automatic fire detection and alarm system should not be allowed to hold up needed construction or improvements.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1163**

Governor's Office, Sacramento  
October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1163 without my signature.

This bill would establish the Artists in Schools Pilot Program within the California Arts Council to award grants for arts education programs and would appropriate \$262,500 from the General Fund for this purpose.

During the entire Administration I have consistently supported, and continue to support, state funding for the arts, however, the activities prescribed in the bill should be funded at the local level. Local districts are in a position to support training in visual and performing arts, and a state-run program adds unnecessary administrative costs to absorb dollars that should instead be channeled directly to the classroom and California's children.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1519**

Governor's Office, Sacramento  
October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1519 without my signature.

This bill would allow spouses of deceased local peace officers and firefighters to retain their monthly death benefit upon remarriage regardless of whether the member died in the line of duty. This measure would also require the resumption of benefit payments to spouses who had them terminated upon remarriage.

In 1996, I signed AB 3478 (Aguiar, Ch. 1120), which allowed spouses of deceased local firefighters or peace officers who died in the line of duty to receive the pre-retirement monthly death benefit for life. That mandate was appropriate for those who sacrificed their lives in the line of duty.

This measure expands the entitlement of enhanced survivor benefits beyond the scope authorized by AB 3478, to include spouses of deceased local safety employees who were not killed in the line of duty. Local public agencies may elect to continue providing those benefits. However, those benefits are more appropriately negotiated at the local level through the collective bargaining process. By circumventing that process, this bill would reduce flexibility to local governments when administering their compensation programs.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 13th day of October 1997, at 3:30 a.m., of Assembly Bills Nos. 246, 267, 1163, and 1519, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

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The following item veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file:

**Item Veto—Assembly Bill No. 287**

Governor's Office, Sacramento

October 9, 1997

*To the Members of the California Assembly:*

On this date I am signing Assembly Bill 287.

This bill would make various appropriations and changes to the Education Code as recommended by the California Department of Education.

I am reducing Section 41 by \$600,000 to reduce funding for the Pupil Testing Incentive program that is not needed to close out the program in 1997-98 or support the new STAR testing program.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 9th day of October 1997, at 8:20 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 287 delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

**Item Veto—Assembly Bill No. 1188**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

On this date I have signed AB 1188.

Assembly Bill No. 1188 would restore funding for various departments that was vetoed from the Budget Act of 1997 pending enactment of legislation for a mandatory testing program for all pupils in grades 2 through 11.

I am signing AB 1188, however, I am reducing the appropriations by a total of \$6,054,000 because these projects are not of a sufficient priority to justify their funding.

I am eliminating the \$37,000 appropriation made in Section 2 from the Environmental License Plate Fund to the Department of Conservation for farmland mapping in Mendocino County.

I am eliminating the \$80,000 appropriation made in Section 4 from the Environmental License Plate Fund to the Department of Parks and Recreation to fund a grant to the City of Redondo Beach to refurbish ponds and paths in Wilderness Park.

I am reducing the appropriations made in Section 5 by a total of \$750,000 from the Public Resources Account of the Cigarette and Tobacco Products Surtax Fund to the Department of Parks and Recreation. Subsection (d) would appropriate \$500,000 to the City of Maywood to acquire land for a regional park and recreation facility. Subsection (e) would appropriate \$250,000 to the City of Clearlake for the construction of a new senior center.

I am reducing the appropriations made in Section 6 by a total of \$132,000 from the Natural Resources Infrastructure Fund to the Department of Parks and Recreation. Subsection (c) would appropriate \$100,000 to the City of San Jose for the Vietnamese Cultural Heritage Garden. Subsection (d) would appropriate \$32,000 to the Youth Garden Alliance for a community garden in Mendocino County.

I am eliminating the \$2,000,000 appropriation made in subsection (a) of Section 14 from the General Fund to the Commission on Teacher Credentialing (Proposition 98) to fund expansion of the California School Paraprofessional Teacher Training Program.

I am eliminating the \$55,000 appropriation made in subsection (b) of Section 14 from the Federal Trust Fund to the Teacher Credentials Fund to fund the costs of the Commission on Teacher Credentialing in administering the California School Paraprofessional Teacher Training Program.

I am eliminating the \$3,000,000 appropriation made in Section 16 from the Air Pollution Control Fund to the State Air Resources Board to fund stationary source air pollution control activities. This section is duplicative of Section 32 of AB 1571, and is therefore, unnecessary.

Cordially,

PETE WILSON

**Item Veto—Assembly Bill No. 1587**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

On this date I have signed Assembly Bill No. 1587 with the following reductions.

AB 1587 would restore funding, for various K-12 projects, pending enactment of legislation for a mandatory testing program for all pupils in grades 2 through 11.

I am signing AB 1587, however, I am reducing the appropriations by a total of \$1,010,000. Previously these funds were vetoed from AB 1578 (Chapter 299, Statutes of 1997). The specific reductions are as follows:

I am reducing Section 1 by eliminating subdivision (e) which allocates \$10,000 to the Los Angeles Unified School District for an extended learning program at the Telfair Elementary School. This project should be funded at the local district level with one-time funds.

I am reducing Section 1 by eliminating subdivision (g) which allocates \$1,000,000 to be allocated to school districts for upgrading

playground facilities. Districts have received sufficient one-time revenues to fund this need from local resources.

Cordially,

PETE WILSON

**Item Veto—Assembly Bill No. 920**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

On this day I have signed Assembly Bill No. 920.

This bill would appropriate \$275,000 from the General Fund to the State Auditor to conduct an assessment of the needs of existing forensic science laboratories and report its findings to the Legislature by January 1, 1999. I have deleted the appropriation provided for in Section 2 of this bill.

This audit can be completed within the existing appropriation of General Fund resources (\$10.1 million) made to the State Auditor and should be made a priority of the Joint Legislative Audit Committee.

Cordially,

PETE WILSON

**Item Veto—Assembly Bill No. 1571**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

Assembly Bill No. 1571 makes various appropriations for a number of governmental programs which would amend the Budget Act of 1997.

I am signing Assembly 1571, however, I am reducing the appropriations made to various sections by a total of \$38,987,000.

The specific reductions are as follows:

**Section 7 and Section 8(b) Renovation of the Solano County Courthouse**

I am deleting Section 7 and subdivision (b) of Section 8 of this bill.

I am deleting the \$50,000 legislative augmentation from the General Fund for the renovation of the Solano County Courthouse. Under current law, and the trial court funding restructuring proposal, court facility costs remain the responsibility of the county.

**Section 10 Verdugo Hills of Peace Cemetery**

I am deleting Section 10 of this bill.

Section 10 would appropriate \$1,510,000 from the General Fund to the Department of Consumer Affairs for allocation to the City of Los Angeles when the city assumes receivership of the Verdugo Hills of Peace Cemetery and conservatorship of the cemetery's endowment care fund. This appropriation would set an undesirable precedent by using General Fund moneys to address the financial problems of local cemeteries.



**Section 12 House Migrant Farmworkers**

I am deleting Section 12 of this bill which would have appropriated \$2,500,000 from the General Fund for migrant farm workers.

I am deleting this section because this project is lower on the priority listing for funding than other projects. In addition, to fund it with state funds now would be to forego federal funding that is expected to be allocated by the Rural Development Agency within the next few years.

**Section 13 Funding for Commercial Space Projects**

I am reducing this Section from \$3,531,000 to \$3,271,000 by reducing:

(b) Manufacturing Technology Program from \$2,000,000 to \$1,740,000.

I am reducing the General Fund legislative augmentation to the Manufacturing Technology Program to \$1,740,000, which, together with the \$5,000,000 I have already approved in the Budget Act of 1997, will be sufficient to maximize available federal matching funds while continuing to require local matching efforts.

**Section 15 Job Creation Investment Fund**

I am deleting Section 15 of this bill.

I am deleting the \$5,000,000 General Fund transfer to the Job Creation Investment Fund and the subsequent appropriation from this fund. I believe this new program, which provides planning grants to counties for their economic development programs, is adequately funded by the \$5,000,000 in the Budget Act of 1997. Future funding for this program will be evaluated during the budget process, as more becomes known about what local governments propose to do and how the state can support economic development efforts which appear most promising.

**Section 17 Soil Survey in Humboldt and Del Norte Counties**

I am deleting Section 17 of the bill.

I am deleting the \$95,000 legislative augmentation from the Natural Resources Infrastructure Fund to fund a grant to the Humboldt County Resource Conservation District to conduct a soil survey in Humboldt and Del Norte Counties. This augmentation has not been analyzed and prioritized for funding with other worthwhile programs.

**Section 18 Red Mountain Fire Lookout**

I am deleting Section 18 of this bill.

I am deleting the \$32,000 legislative augmentation from the Natural Resources Infrastructure Fund to provide permanent funding for the Red Mountain Fire Lookout. After extensive evaluation, it has been determined that fire lookouts are no longer critical to firefighting efforts as they have become a secondary notification source due to increased populations moving into wildland areas and modern technology, such as cellular telephones. Consequently, it is not an efficient use of the Department of Forestry and Fire Protection's firefighting resources to staff these lookouts. This action is consistent with my previous veto of this augmentation in the Budget Act of 1997.

**Section 19 Natural Resources Infrastructure Fund**

I am deleting Section 19 of this bill.

I am deleting the \$260,000 legislative augmentation from the Natural Resources Infrastructure Fund for the following projects:

(a) \$100,000 for support of recreational opportunities for anglers within the northern portion of Region 3. This project should be analyzed and prioritized for funding along with other worthwhile projects. In addition, it is unclear if this project qualifies as an appropriate use of the Natural Resources Infrastructure Fund. This action is consistent with my previous veto of this augmentation in the Budget Act of 1997.

(b) \$160,000 for management and maintenance costs of the South Spit of Humboldt Bay. The State does not have jurisdiction over this property and, therefore, management and maintenance activities should be handled by local government. In addition, it is unclear if this project qualifies as an appropriate use of the Natural Resources Infrastructure Fund. This action is consistent with my previous veto of this augmentation in the Budget Act of 1997.

**Section 20 Natural Resources Infrastructure Fund**

I am reducing this Section from \$1,600,000 to \$600,000 by deleting:

(b) \$1,000,000 appropriation to the Wildlife Conservation Board from the Natural Resources Infrastructure Fund for the acquisition of the Mattole River Headwaters. This acquisition has not been analyzed and prioritized for funding along with other worthwhile projects.

**Section 24 1996 Safe, Clean, Reliable Water Supply Fund**

I am deleting Section 24 of this bill.

I am deleting the \$1,000,000 legislative augmentation for the Guadalupe River Parkway project from the River Parkway Subaccount of the 1996 Safe, Clean, Reliable Water Supply Fund (Proposition 204), consistent with my earlier vetoes in the Budget Act of 1997. Its priority has not been evaluated relative to other river parkway projects throughout the State.

**Section 25 Apportionment of Local Grants**

I am deleting Section 25 of this bill.

I am deleting the \$1,000,000 legislative augmentation from the General Fund by deleting:

(a) City and County of San Francisco: Esprit Park Acquisition (\$500,000)

(b) City of San Jose: Mexican Heritage Corporation and Plaza project (\$500,000) These projects have not been analyzed and prioritized for funding with other worthwhile programs.

**Section 27 City of El Monte**

I am reducing this Section from \$500,000 to \$250,000 by deleting:

(b) City of El Monte: Teen Center (\$250,000)

I am deleting the \$250,000 legislative augmentation from the Public Resources Account because this project is not of sufficiently high priority to justify the use of limited state resources.

**Section 28 Glendale Memorial Park**

I am reducing this Section from \$750,000 to \$500,000 by deleting:

(2) City of Glendale: Glendale Memorial Park (\$250,000)

I am deleting the \$250,000 legislative augmentation from the Natural Resources Infrastructure Fund because this project is not sufficiently high priority to justify the use of limited state resources. Further, no information was provided to substantiate the need for funding this project. This action is consistent with my previous veto of this augmentation in the Budget Act of 1997.

**Section 33 Nonpoint Source Abatement Grants**

I am deleting Section 33 of this bill.

I am deleting the \$600,000 legislative augmentation from the General Fund to implement coastal nonpoint source abatement grants. In determining the program activities best suited to meet its program mission, the department has determined that it gets more results from every dollar spent on its existing programs than it would receive on dollars spent on a grant program. For this reason the \$7,000,000 currently contained in the budget to implement nonpoint source abatement activities does not contain a grant component and I believe it would not be prudent to introduce such a program at this time.

**Section 34 Water Quality Monitoring Activities**

I am deleting Section 34 of this bill.

I am deleting the \$420,000 legislative augmentation from the California Environmental License Plate Fund to fund an inventory of existing water quality monitoring activities in coastal watersheds and the preparation of a report identifying the development of a comprehensive coastal monitoring program. Funding for this activity is already provided in AB 1581, which I recently signed.

**Section 37 Cleanup of Residual Waste Oil**

I am deleting Section 37 of this bill.

This provision would appropriate \$250,000 from the General Fund to the Department of Toxic Substances Control (DTSC) to fund the cleanup of residual waste oil underneath properties in the town of Nipomo.

DTSC is in the process of completing a site investigation, in conjunction with the US EPA, to determine the extent of the contamination, the potential risk posed to the residents of that area, and a search for the parties potentially responsible for the contamination. Until those issues have been resolved, it would be premature to commit additional state money to fund any costs associated with the cleanup of this particular site.

**Section 38 Battered Women's Shelters**

I am deleting Section 38 of this bill.

I am deleting the \$325,000 legislative augmentation from the General Fund for a specific battered women's shelter in Turlock. The 1997 Budget Act contains \$14,000,000 for shelters including a \$2,000,000 General Fund augmentation to expand shelter services. Each site has an opportunity to submit a request to the State for funding through the Request for Application selection process. This process provides funding for 116 shelters statewide. In light of this competitive process, it would be inappropriate to provide an appropriation to a specific shelter.

**Section 39 Department of Community Services**

I am deleting Section 39 of this bill.

I am deleting the \$3,000,000 legislative augmentation from the General Fund to the Department of Community Services and Development to provide citizenship services to legal immigrants. The Budget contains \$12,600,000 in federal adult education funds appropriated to the California Department of Education for this purpose, an approximate \$5,000,000 increase over the prior year. These funds, in addition to the approximately \$19,000,000 in Proposition 98 funds spent annually by school districts for citizenship classes should meet the needs for naturalization assistance and citizenship education.

**Section 40 Teen Center in Guerneville**

I am deleting Section 40 of this bill.

I am deleting the \$100,000 legislative augmentation from the General Fund for a teen center in Guerneville to provide for a youth facility and recreational activities. This project has not been analyzed and prioritized for funding with other competing programs.

**Section 41 Adult Protective Services**

I am reducing this section from \$5,000,000 to \$1,000,000.

I am reducing by \$4,000,000 the legislative augmentation from the General Fund for adult protective services for counties. This is a valuable program that the Administration supports; however, given limited resources and other high priority General Fund demands, I am unable to sustain the entire augmentation at this time. I will, however, review program needs and assess additional funding possibilities for this purpose during the development and prioritization of 1998-99 Governor's Budget.

**Section 42 Microenterprise Demonstration Project**

I am deleting Section 42 of this bill.

I am deleting the \$1,000,000 legislative augmentation from the Federal Trust Fund for a three-year Microenterprise Demonstration project for "at-risk" individuals and recipients of CalWORKs benefits. California's welfare reform law takes effect January 1, 1998. Given the efforts counties will undertake to develop welfare-to-work plans, it is unlikely that funding will be necessary in 1997-98. Nevertheless, I am requesting the Trade and Commerce Agency to

convene representatives from financial institutions to address methods that would facilitate local microenterprise development.

**Section 43 (a) (2) Middle College High Schools**

I am reducing the appropriation in Section 43 by deleting paragraph (2) of subdivision (a) which allocates \$450,000 from the General Fund to establish new middle college high schools. The 1997 Budget Act provides \$8,700,000 for community colleges in the Fund for Student Success, for competitive grants to increase student success based on an analysis of student outcomes. The Fund for Student Success may be used to provide grants for the Middle College High School Program. Therefore, I believe this appropriation is duplicative and unnecessary.

**Section 43 (a) (4) Inglewood Unified School District Mathematics Pilot Project**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (4) of subdivision (a) which allocates \$200,000 from the General Fund to the Mathematics Instruction Pilot Program in the Inglewood Unified School District to enhance instruction in mathematics. This program should not commence until the State Board of Education study to assess methods to strengthen math instruction in grades K-12 is complete. In addition, the pilot project could result in unfunded General Fund costs to the California Department of Education and, although it is characterized as "one-time", I believe future augmentations would be needed since it is doubtful that meaningful results could be obtained within one year.

**Section 43 (a) (5) Santa Clara COE Summer Mathematics Institute Pilot Project**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (5) of subdivision (a) which allocates \$200,000 from the General Fund to the Summer Mathematics Institute Pilot Program to be operated by the Santa Clara County Superintendent of Schools, which would establish a model for teaching mathematics to pupils with math difficulties in grades 6 through 8. I believe that this program should not commence until the State Board of Education study to assess methods to strengthen math instruction in grades K-12 is complete. In addition, the pilot project could result in unfunded General Fund costs to the California Department of Education and although it is characterized as "one-time", I believe future augmentations would be needed since it is doubtful that meaningful results could be obtained within one year.

**Section 43 (a) (6) Action-Agua Dulce and San Marino Unified School District's Technology**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (6) of subdivision (a) which allocates \$50,000 from the General Fund for the Action-Agua Dulce Unified School District and the San Marino Unified School District on a one-time basis for computers and infrastructure. The benefits for these projects will be limited to the local level and could be funded through various one-time appropriations or competitive technology grant programs that are available to local school districts.

**Section 43 (a) (9) San Francisco Unified School District Technology for High Schools**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (9) of subdivision (a) which allocates \$2,000,000 from the General Fund for the San Francisco Unified School District on a one-time basis for computers, infrastructure and staff development for fourteen high schools. The benefits for this project will be limited to the local level and could be funded through various one-time appropriations available to local school districts or through the multi-year, billion dollar Digital High School initiative I recently signed into law.

**Section 43 (a) (11) South Bay Union School District Science Kit Materials**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (11) of subdivision (a) which allocates \$45,000 from the General Fund to the South Bay Union High School to purchase science kit materials for students. Providing science kits is a normal expense for school districts. This project could be funded through the regular school apportionments or various one-time appropriations that are available to the district.

**Section 43 (a) 13 Glendale Unified School District Joint Use Library**

I am reducing the appropriation in Section 43 by deleting paragraph (13) of subdivision (a) which allocates \$1,000,000 from the General Fund to reimburse the Glendale Unified School District for costs incurred in modernizing facilities in connection with a joint use library revitalization project of the Edison School/Pacific Park Model Neighborhood Community. Although joint use library projects should be encouraged as a way to increase the efficiency in the use of public facilities, this particular project has recently received a \$1,000,000 grant from the State Allocation Board. Therefore, the allocation in this bill would be duplicative.

**Section 45 Homework Help Center: Liberty USD, Palmdale SD and Antioch USD**

I am deleting Section 45 of this bill.

I am deleting the \$150,000 legislative augmentation from the General Fund for Homework Help Centers. The benefits of these projects will be limited to the local level and could be funded through various one-time appropriations that are available to local educational agencies if they are a high priority at the local level.

**Section 46 Support for California Postsecondary Education Commission's Comprehensive Database**

I am deleting Section 46 of this bill.

I am deleting the \$200,000 legislative augmentation from the General Fund to the California Postsecondary Education Commission to further support its comprehensive database. The Budget Act of 1997 already contains an augmentation to support additional storage space and processing costs associated with the California Postsecondary Education Commission's comprehensive database.

**Section 48 California State University General Support**

I am reducing this section from \$7,500,000 to \$2,500,000.

I am deleting \$5,000,000 of this legislative augmentation from the General Fund for support of the California State University for the university's long range technology needs and for enrollment impaction and management. Due to competing priorities for the General Fund, I am unable to support these augmentations to the California State University budget at this time. However, I am retaining funds for the system's Economic Improvement Initiative.

**Section 50(c) Staff Development Funding**

I am reducing this Section from \$12,100,000 to \$8,100,000 by deleting:

Subdivision (c) which allocates \$4,000,000 from the General Fund to augment the Faculty and Staff Development categorical line item of the community colleges local assistance budget which is intended for the purpose of assisting districts to train faculty in the use of technology. As noted in my veto message to a similar legislative augmentation included in the 1997 Budget Act, staff development is a discretionary activity and colleges may already devote funds to this area if it is a high local priority. Additionally, the budget already includes a \$5,000,000 augmentation for this intended purpose through the Telecommunications and Technology Infrastructure program which will provide greater assurances that training funds will be effectively utilized to complement recent and future investments in technology.

**Section 51 San Jose City College Library**

I am deleting Section 51 of this bill.

I am deleting the \$765,000 legislative augmentation from the General Fund for the San Jose City College Library project, consistent with my earlier veto in the 1997 Budget Act. I am deleting this project because it circumvents the established procedures for evaluating and prioritizing the California Community College's capital outlay projects.

The State has limited resources to address education capital outlay needs. Therefore, all projects must be considered in relationship to competing needs for available resources, and these resources should be allocated to the highest priority projects as identified by the segments. The circumvention of the established prioritization process undermines this approach.

**Section 52 Office of Criminal Justice Planning**

I am deleting Section 52 of this bill.

I am deleting the \$25,000 legislative augmentation from the General Fund to the Office of Criminal Justice Planning for the purpose of funding a graffiti abatement program in the City of Tracy. This money will be used by the City to purchase a graffiti abatement machine. While this project may have merit, funding for this equipment is essentially a local responsibility and should be funded on a priority basis from local resources.

**Section 57 Department of Justice**

I am revising Section 57 by reducing the appropriation by \$2,000,000.

I am reducing the \$5,000,000 legislative appropriation from the General Fund to the Department of Justice by \$2,000,000 to fund provisions in Section 5 of Assembly Bill 1612. These funds will be used to purchase and install livescan electronic fingerprint terminals to be located statewide in order to facilitate securing criminal background checks prior to employing or certifying individuals to work in public or private schools. I am supportive of Assembly Bill 1612 and the funding necessary to implement its provisions. However, based upon information provided by the Department of Justice, the provisions of Assembly Bill 1612 and its companion legislation, Assembly Bill 1610, can be fully implemented with an appropriation of only \$3,000,000 from the General Fund because there is adequate revenue from the fee supported Fingerprint Fee Account to fund the remaining costs associated with the enactment of these two bills. Therefore, I am reducing this appropriation by \$2,000,000.

**Section 58 Special Commissions on Los Angeles Boundaries**

I am deleting Section 58 of this bill.

I am deleting the \$250,000 legislative augmentation from the General Fund for the proposed Special Commission on Los Angeles Boundaries that would be established in Assembly Bill 62. I am concerned about providing limited state General Fund resources to address a regional concern when the need to look at land use issues and boundary changes is of statewide concern. For this reason, I signed Assembly Bill 1484 which includes a \$250,000 appropriation for the proposed Commission on Local Governance for the 21st Century that will review statutes and policies related to reorganizations and boundary changes of local governments.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 13th day of October 1997, at 3:20 a.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bills Nos. 1188, 1587, 920, and 1571, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am signing Assembly Bill No. 1395.

This bill is part of a three bill package which would significantly improve child support enforcement in California by expanding the Franchise Tax Board's role in collecting support for the children of California. In some cases, however, local district attorneys are able to



meet or exceed the Franchise Tax Board's ability to maintain enforcement actions. Recognizing this, the bill provides an exception to allow two successful counties to maintain their own enforcement programs.

The exception is too limited. We should not prohibit counties from operating successful child support enforcement programs. Instead, we should encourage counties to set ever higher standards and strive for innovative methods to enforce child support obligations. Accordingly, I am directing my Administration to work with the Legislature to expand the exception in this bill to allow any county that is able to develop a child enforcement program that meets or exceeds the results of the Franchise Tax Board to maintain their own program.

Cordially,

PETE WILSON

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Governor's Office, Sacramento

October 3, 1997

*To the Members of the California Assembly:*

On this date I have signed Assembly Bill No. 875.

This measure will provide the Department of Corrections with the ability to lower the cost of incarcerating felons under its jurisdiction by authorizing contracts for a period up to 20 years with private companies for the operation of community correctional centers.

The bill would also authorize the department to contract with private companies for the operation of community correctional centers offering the therapeutic community substance abuse treatment program, and would state legislative intent for the department to contract for 3,000 privately owned and operated beds providing this program. Existing authority is sufficient to contract for substance abuse treatment programs in either state prisons or privately operated community correctional centers.

The department currently utilizes more than 1,800 beds within their institutions for the therapeutic community substance treatment programs. Funding was authorized in the 1997 Budget Act to increase this number to nearly, 3,000 beds through the 1998-99 fiscal year. It is important to monitor the operations of these programs as they grow in size to ensure they are successful.

While I am signing this bill to authorize the use of 20-year contracts for privately operated community correctional centers, it is my intention to cautiously expand therapeutic community substance abuse treatment programs. Both state prison and community correctional center locations will be considered for future expansion of this program, but at a rate designed to ensure their success.

Cordially,

PETE WILSON

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

On this date I am signing Assembly Bill 838.

This bill would require the Commission on Teacher Credentialing (CTC) to grant five-year preliminary credentials to teachers from other states who possess valid teaching credentials and would specify requirements teachers would need to meet in order to continue teaching with the preliminary credential.

The author has agreed to introduce legislation to transfer the responsibility for recommending the required fee level from the Director of Finance (as specified in the bill), to the Commission on Teacher Credentialing. The author agrees that it would be more appropriate for the program fee level to be recommended by the CTC.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 6, 1997

*To the Members of the California Assembly:*

On this date I have signed AB 242.

This bill would provide \$1,062,360 for the continuation of the temporary emergency shelter program in National Guard armories.

The California National Guard plays an important role in our nation's defense and, as we all have painfully observed, has served as a critical resource in responding to the many natural disasters that have occurred during my term of office.

As the federal government has drawn down the active components of the Army and Air Force, the National Guard has experienced reductions in federal funding. Nevertheless, the number of National Guard deployments and missions under my Administration have increased dramatically, both in California and abroad. This combination has placed a severe strain on the ability of the Guard to complete their function.

The Guard's mission is to serve the nation in times of military necessity and the state in times of strife, natural disasters and emergencies. Their role is not to take the place of the counties and local government in providing shelter for the homeless.

While the California National Guard have served admirably in attempting to assist local government for what was stated to have been temporary emergency assistance, they have found themselves struggling to attend to their functions as the housing of homeless people in the armories has evolved into an apparent permanent solution for local governments that are unwilling to find long-term solutions to their homeless housing problems.

The Temporary Emergency Shelter Program began in 1987 as an emergency shelter proposal designed to assist counties during a particularly cold period. Regrettably, many local governments saw National Guard armories as a cheap solution to providing shelters and passed off their responsibilities to the state and the Guard.

In 1990, the Military Department established new criteria to institute the Temporary Emergency Shelter Program: The Military Department would provide "bridge" assistance only upon the clear understanding that local governments would without delay establish permanent shelters; local governments were required to declare an emergency and make full use of their own existing facilities, such as recreation halls and other local public facilities *before* armories would be used.

In March of 1994, the Legislature passed AB 1808 which set a sunset date of March 15, 1997 for the Temporary Emergency Shelter Program. It is important to note that yet again this bill mandated that as a condition of local government's continued use of armories, they would develop and implement long-term permanent homeless programs that would be enacted before the sunset date.

Two counties—Marin and Butte—have taken advantage of the extension of the program to open new shelters and move homeless populations out of the San Rafael and Chico armories, respectively.

It is shameful that in spite of the good will of the California National Guard, the Legislature and my office, other local governments failed to provide adequate services and protection for their citizens by providing a permanent solution to the homeless shelter problem. In fact, a number of local governments actually accelerated the placement of homeless individuals into already strained and inadequate National Guard facilities.

What was intended as a temporary solution to give time to local governments to devise means to house the homeless during cold weather spells has turned into an over decade-long program that serves neither the needs of the homeless nor the needs of the military.

National Guard facilities are designed for the training, storage and operational missions of the military. National Guard armories are woefully inadequate as shelters for the homeless. The buildings were not designed to house people. They do not meet fire-safety or earthquake or sanitation codes for the housing of individuals. They also do not meet the requirements of the Americans with Disabilities Act.

In the over a decade that the Temporary Emergency Shelter Program has been in operation, National Guard facilities have been infected by lice and TB bacteria and the hepatitis virus. There have been sewage and drainage backups and systematic failures of heating and plumbing systems, and overall failure of equipment due to non-intended use. In addition to the shortfalls of the physical plants, armories can provide no services such as counseling, health care or job training, nor can they address the personal and psychological problems that plague the homeless.

With the above mentioned problems, it is no wonder that the Temporary Emergency Shelter Program has had a significant negative impact on soldier retention levels. Units at Temporary Emergency Shelter armories have suffered a significant loss in unit strength since the beginning of the program. These losses are consistent with the decline observed by the New York National Guard after their state initiated a homeless program.

It is no wonder, given that the majority of program participants are transient males—many with a history of drug and alcohol abuse,

mental problems and criminal behavior—that National Guard members find it difficult to perform their function in such an environment. Guardsmen are citizen soldiers who do not have the professional training to handle many of the problems that arise. In numerous cases, soldiers have been injured by program participants. In addition, the lack of on-site medical personnel to evaluate incoming program participants has significantly increased the health risk to both National Guard soldiers and the homeless. Two soldiers from the Merced armory contracted tuberculosis—which was directly linked by county health officials to their working as supervisors in the Temporary Emergency Shelter Program.

The Temporary Emergency Shelter Program has also generated a great deal of animosity by local residents toward the California National Guard in the cases of those armories located in residential neighborhoods.

As Commander in Chief of the California National Guard, these concerns trouble me greatly. But my most pressing concern remains the occasions when the California National Guard is called into action during states of emergency deployment. From 1992 to 1995, the California National Guard was deployed on 772 emergency missions—more than the rest of the country combined.

Temporary Emergency Shelter Program occupation of an armory during a state of emergency has often resulted in logistical, coordination and security problems for the deploying unit.

An example of this is the 2-159 Infantry Battalion in San Jose, whose deployment during the terrible floods of 1997 was delayed an estimated 4-6 hours due to having to move homeless people out of the armory. A delay during this type of an emergency is intolerable. It did not, but might well result in severe injuries or even death, not to mention unnecessary property damage. I cannot permit the Guard to be disabled from responding immediately due to the Temporary Emergency Shelter Program. The first duty of the California National Guard is to protect the citizens of this state.

Again, local governments have ignored the problem of dealing with long-term homelessness. Although this bill authorizes the availability of specified armories for a two-year period, I will approve the funding for this program for one additional year.

The two bills I have signed—unlike the program that would have been supported by the proposed budget augmentation I vetoed—require local governments to take responsibility for dealing with operational problems arising from the Temporary Emergency Shelter Program. But they do not and cannot resolve the conflict of housing the homeless in California National Guard facilities. Local communities have had a decade to accept this responsibility. It is past time they did so.

This bill does not contain an appropriation to fund shelters in the 1998-99 fiscal year. In signing this bill, I am moved by the threat El Niño poses to the homeless in the coming winter because of the failure of local governments to come to grips with the problem for ten years.

Cordially,

PETE WILSON

Governor's Office, Sacramento  
October 8, 1997

*To the Members of the California State Assembly:*

I have on this date signed three bills (SB 521, Mountjoy; AB 592 (Kuehl); and SB 1189 (Hayden) which address several health and environmental concerns about the use of MTBE and other oxygenates in California's Cleaner Burning Gasoline (CBG).

This package does not include either a review of the effectiveness of the 1998 state and federal standards for underground storage tanks (USTs) or an evaluation of surface water bodies serving drinking water sources. In addition there is a need to review the viability of alternative oxygenates.

To address these issues, I am requesting:

- A. The State Water Resources Control Board, not later than December 1, 1997, to convene an advisory panel of knowledgeable people, including representatives from industry, local governments, and water agencies, to:
  1. Review existing databases of UST contamination sites to determine if there is a leak history associated with UST systems meeting the 1998 federal and state standards; and if so, identifying appropriate measures that would assure the prevention and detection of oxygenate releases from retail marketing facilities.
  2. Evaluate refueling facilities and practices at marinas located on surface water bodies serving as drinking water sources, and identify if any further upgrades should be made to eliminate releases to the water body.
- B. By May 1, 1998, the California Energy Commission (CEC) shall submit to the Secretary of the California Environmental Protection Agency and the Director of the Department of Health Services an evaluation of MTBE and alternative oxygenates. The evaluation shall include:
  1. Alternative additives which could be used in lieu of MTBE;
  2. In conjunction with the Air Resources Board, the State Water Resources Control Board and the Department of Health Services the CEC shall review the relative air quality effects and potential environmental risks and benefits of alternative oxygenates and the present and future ability of alternative oxygenates.

These actions are necessary to ensure that we are comprehensively addressing possible human and environmental health issues associated with oxygenates.

Cordially,

PETE WILSON

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

On this day I have signed Assembly Bill No. 963.

This bill would require the Department of Justice (DOJ) to administer the California Gang, Crime, and Violence Prevention Partnership Program (Program) for the prevention and intervention of youth involvement in gangs, crime, and violence, and would appropriate \$3 million from the General Fund to implement the program. Funds will be disbursed on a competitive basis to community based and nonprofit agencies to provide services for at-risk juveniles.

The objectives of AB 963 are to be applauded. They comport well with my own juvenile justice package. Unfortunately, a week before the end of session, after the bill was approved by policy and fiscal committees in both houses, administration of the program was inexplicably shifted by amendment from the Office of Criminal Justice Planning to the Department of Justice.

DOJ is not equipped to administer to a program of this type and did not support the late amendments. Burdening the Department with this responsibility is not fair to the Department or the organizations competing for funds. It severely undermines the programs potential for success.

The program contemplated by AB 963 is worth salvaging. The Department of Justice and several community based organizations have urged an administrative remedy. I have directed my Office of Criminal Justice Planning to work with DOJ to craft an interagency agreement so that OCJP may provide the services essential to the success of the program.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I have signed this date Assembly Bill No. 1378.

This bill addresses an important issue to the communities and regions throughout California that have welcomed and supported the construction of new prison facilities or the expansion of existing facilities in furtherance of the critical public safety needs of the state.

Beyond the best efforts of the state to plan for the impacts of these facilities upon local infrastructure, traffic, schools and other services, and in addition to state tax subventions which accrue to local governments as a result of these facilities, communities and regions are faced with fiscal and facility impacts which occasionally exceed their ability to continue providing basic services within their existing resources.

As such, this bill establishes a process for providing limited mitigation funding to these communities and establishes a mechanism for dividing these funds equitably between counties, cities and school districts. However, this bill, as drafted, is overbroad.

It does not limit mitigation funding as it should, to future construction of permanent prison housing facilities, to the temporary beds included in the emergency bed program authorized by the 1995 and 1996 Budget Acts, and to any future emergency bed expansions.

This measure also amends Section 7000 of the Penal Code specifying the inclusion of mitigation information in the department's five-year facilities master plan. The master plan is not the appropriate document for this information, and this provision should be removed from that statute. Instead, I have directed the Department of Corrections to include appropriate information on the location of future bed activation within its annual budget request.

The 1997 Budget Act included \$2 million for the payment of mitigation to communities that have been impacted by the department's emergency bed program. Pursuant to the provisions of this bill, I am directing the department to distribute this funding to locations where emergency beds that have been deemed temporary, have been activated as of June 30, 1997.

Finally, I am signing this bill with the commitment of the author to introduce legislation in the next session to ensure the appropriate changes are made.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I have signed today Assembly Bill No. 1485.

This bill would prohibit the enlargement or construction of any water storage facility system that is uphill, and within 1,000 feet of the San Marino High School in Los Angeles County, unless the Division of the Safety of Dams in the Department of Water Resources (DWR) certifies that the facility meets requirements for those facilities regulated by DWR.

This project will not be unduly delayed with the signing of this measure. Indeed, the Department of Water Resources has committed to completing the required review within four months of the plans submission.

Cordially,

PETE WILSON

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

On this date I am signing Assembly Bill 584.

This bill would codify a code of conduct for the Los Angeles County Metropolitan Transportation Authority (MTA) and would require the Authority to appoint an inspector General for a four year term to enforce the code of conduct.

My support of the codification of the MTA's code of conduct, however, should not be construed as support for MTA to make a claim to the State for reimbursement for the enforcement of this codification.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

On this date I am signing Assembly Bill 1106.

This bill would require the California Community Colleges and the State Department of Education to collaborate to ensure the continued success of Middle College Programs, which serve at-risk students, and promote the establishment of new middle college high schools on community college campuses.

I am signing this bill, but I reiterate my opposition to new local assistance funding for this program. As I indicated in my veto message to AB 1578, existing funds, such as the \$8.7 million in the Fund for Success Program in the community colleges, may be used to provide grants for the Middle College High School Program.

Cordially,

PETE WILSON

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 18

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## INTERIM RECESS

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Assembly Chamber, Sacramento  
Thursday, November 6, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

### COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

October 16, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Federal Public Law 94-103-Dev. Dis. Asst. & Bill/Rights Act, I have named Ms. Linda Joy Landry and Ms. Nancy Lim-Yee to serve on the Protection and Advocacy, Board of Directors. The effective date of the appointments is October 16, 1997, and these are term appointments ending June 20, 2000.

Ms. Landry will be replacing Ms. Jennifer Steneberg, and Ms. Nancy Lim-Yee will be replacing Mr. Antonio Wong-Rivadeneyra.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 17, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Penal Code Sec. 13810 (amended by: Ch. 155 of 1996, SB 842—Marks), I have named Mr. Larry M. Guidi to serve on the California Council on Criminal Justice as a public member. The effective date of the appointment is October 17, 1997, and this is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 20, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymembers Brett Granlund and George Runner to the Assembly Select Committee on Palliative Care.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 20, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Jack Scott to serve as Chairman of the Assembly Select Committee on Gun Violence.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 20, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to State Constitution Sec. 9(e) (Ch. Art IX of 1974), I have named Mr. Edward M. Kashian to serve on the Regents Selection Advisory Committee. The effective date of the appointment is October 20, 1997, and this is a term appointment ending November 6, 2000.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 21, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed the following Assemblymembers to the Assembly Select Committee on Agricultural Exports and International Market Development:

Mike Machado, Co-Chairman	Grace Napolitano
Dennis Cardoza, Co-Chairman	Charles Poochigian
Susan Davis	Nao Takasugi
Sally Havice	Tom Woods

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 21, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymembers Mike Machado and Ted Lempert to the Assembly Legislative Ethics Committee. I have also asked Assemblyman Bill Leonard to provide me, as required by Assembly Rule 22.5 (a), with his nominations to fill the remaining two vacancies on this committee.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

October 22, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed the following Assemblymembers to the Joint Committee on Headwaters Forest and Ecosystem Management Planning:

Carole Migden, Co-Chairwoman  
Barbara Alby  
Debra Bowen  
Ted Lempert

Bob Margett  
Virginia Strom-Martin  
Tom Woods

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

November 4, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Government Code 8501, I have named Assembly Member Charles Poochigian to the Little Hoover Commission.

The effective date of the appointment is November 4, 1997.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

November 4, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that as authorized by Public Utilities Code 185020 (Ch. 796 of 1996, SB 1420—Kopp), I have named Mr. T.J. (Tom) Stapleton to serve on the High Speed Rail Authority.

The effective appointment date is November 4, 1997. This is a term appointment ending January 01, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

November 4, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that as authorized by Public Utilities Code 185020 (Ch. 796 of 1996, SB 1420—Kopp), I have named Mr. Dean Florez to serve on the High Speed Rail Authority.

The effective appointment date is November 4, 1997. This is a term appointment ending January 01, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

November 5, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Wally Knox as Chair of the Public Employees, Retirement and Social Security Committee and appointing him as Chair of the Assembly Revenue and Taxation Committee, effective immediately.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

96117

October 16, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the financial impact to San Diego County health care providers of unreimbursed emergency medical care involving unauthorized immigrants and the United States Border Patrol (Border Patrol). This report concludes that San Diego County health care providers incurred unreimbursed charges for emergency medical treatment to unauthorized immigrants as a result of the Border Patrol's policy to pay medical charges only for injured suspects in its custody. Specifically, for incidents we identified occurring between January 1996 and May 1997, and where we noted that Border Patrol agents either arrived at the scene of the injury at

the time, or soon after the injury was discovered, we estimate that unreimbursed health care charges totaled over \$2.9 million. In addition, we believe that additional incidents could exist, and that emergency medical charges related to the additional cases could total between \$2.0 million and \$5.2 million. Finally, we found that the Border Patrol's policies may allow some unauthorized immigrants to avoid custody as a result of their injuries.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Health.

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The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

**Limiting Terms of Elective Office.**

**Initiative Constitutional Amendment. (2nd Revision)**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Taxes. Business Deductions, Credits, Exemptions. Voter Approval.**

**Initiative Constitutional Amendment.**

Referred by the Speaker to the Committees on Revenue and Taxation and Elections, Reapportionment and Constitutional Amendments.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 19

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INTERIM RECESS

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Assembly Chamber, Sacramento  
Sunday, November 30, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

October 29, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Public Resources Code Sec. 33200 (amended by: Ch. Am. 1549 of 1984, AB 2824-Davis), I have named Mr. Jeffrey Schwartz to serve on the Santa Monica Mountains Conservancy. The effective date of the appointment is October 29, 1997, and this is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

November 4, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that as authorized by Welfare & Institutions Code 1798 (Ch. 1479, 1984 AB 2675-Jones), I have named Mr. Reynaud Wallace to serve on the State Commission on Juvenile Justice, Crime and Delinquency Prevention.

The effective appointment date is November 4, 1997. This is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

November 25, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that I have created the Select Committee on Welfare Reform Implementation and have appointed the following Assemblymembers:

Dion Aroner, Chairwoman  
Roy Ashburn  
Bill Campbell  
Mike Honda

Mike Machado  
Tom Woods  
Roderick Wright

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

**Gaming. Video-Slot Machines. Taxation.  
Initiative Constitutional Amendment and Statute.**

Referred by the Speaker to the Committees on Governmental Organization and Revenue and Taxation.

**Gambling. Video-Slot Machines. Taxation.  
Initiative Constitutional Amendment and Statute.**

Referred by the Speaker to the Committees on Governmental Organization and Revenue and Taxation.

**Parental Consent Requirement for Abortion on Unemancipated Minor.  
Medical Emergency Exception. Court Authorization Alternative.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Judiciary.



**Marriage Family Child Counselors. Licensed Clinical Social Workers.  
Substance Abuse Testing.  
Initiative Statute.**

Referred by the Speaker to the Committee on Human Services.

**Mental Health Care. Drug Prescription Authority.  
Initiative Statute.**

Referred by the Speaker to the Committee on Health.

**25-Year Pilot Program for Casino Gambling.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Governmental Organization.

**Textbook Fund. Reallocation of Lottery Revenues.  
Initiative Statute.**

Referred by the Speaker to the Committees on Education and Governmental Organization.

**Appropriations. Budget Bill. Majority Vote.  
Forfeiture of Governor's and Legislators' Salaries Due to Late Budget.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committees on Budget and Elections, Reapportionment and Constitutional Amendments.

**Balanced Budget. Majority Vote. Forfeiture of Salaries Due to Late Budget.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committees on Budget and Elections, Reapportionment and Constitutional Amendments.

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The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

96118

October 27, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report regarding the Cerritos Community College District (district), its operation of the Enterprise Fund (enterprise), the district's relationship with the Cerritos College Foundation (foundation), and its administration of various programs and activities.

This report concludes that the district needs improvement in its operation of the enterprise. Furthermore, the foundation needs to more closely mirror its organization to that of other college auxiliary organizations, it needs to adhere to its own procedures for electing directors to the foundation board, and it needs to follow state regulations for reimbursing the district when district personnel work on foundation business. This report also addresses other concerns

about the management of the college that had been voiced by community members, but where we found no evidence that problems existed.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Higher Education.

California State Auditor

96121

October 28, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the Los Angeles Unified School District (district). This report concludes that in some isolated instances, district administrators have not complied with written district policy when dealing with employees accused of child abuse. As a result, the district may be jeopardizing the rights of its employees and exposing itself to potential legal liabilities. We also found that the district and five schools we visited do not properly manage their school checking and imprest accounts. Consequently, neither the district nor the taxpayers can be sure that the schools are spending public funds appropriately.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Education.

California State Auditor

96020

November 4, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by the California Public Utilities Code, Section 421(f), the Bureau of State Audits presents its audit report concerning the Public Utilities Commission's (commission) expenditure of fees paid by freight and passenger transportation companies to the commission's Public Utilities Commission Transportation Reimbursement Account. This report

concludes that the fees the commission collects from privately owned railroad and passenger transportation companies may not sufficiently cover the costs of regulating these companies. As a result, the commission's other fee payers, such as trucking and utilities companies, may be subsidizing railroad and passenger transportation regulation.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Utilities and Commerce.

California State Auditor

97501

November 5, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its audit report concerning community college districts titled "California Community Colleges: Additional Funds Should Be Collected on Questionable Training Agreements." This follow-up audit examines the actions taken by the Chancellor's Office to implement the recommendations made in our May 1996 audit report. This report concludes that the Chancellor's Office has been slow to implement those recommendations. Specifically, the Chancellor's Office has only reviewed and reclaimed general apportionment funds from San Joaquin Delta Community College (Delta), one of three districts identified in our prior report as not satisfying the minimum requirements to qualify for apportionment funds. Furthermore, while the Chancellor's Office has recovered \$470,069 from Delta, it could potentially recover as much as \$1.8 million more from the three districts identified in our May 1996 audit. On the other hand, we reviewed the current practices of the state agencies that had entered into these training agreements with the Chancellor's Office and determined that the state agencies had discontinued using training agreements to generate additional revenue from the State.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Higher Education.

## California State Auditor

97018.1

November 6, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by the California Government Code, Section 30605, the Bureau of State Audits presents its audit report concerning Los Angeles County's (county) purchasing and warehousing practices. This report concludes that the county needs more comprehensive purchasing information to enable it to analyze departmental purchasing patterns and identify areas where it can consolidate purchases of standardized commodities. Additionally, the county needs to resolve issues related to a contract that its Department of Health Services intends to enter into with a group purchasing organization. The county also incurs significant warehousing and inventory costs because of poor procedures for managing its inventory. Finally, county departments are not always managing purchases carefully and in some cases are circumventing county purchasing policies.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Local Government.

The following communication was presented by the Chief Clerk from:

Walter Vaughn, Acting Executive Officer, California State Personnel Board, Sacramento, dated October 16, 1997, relative to 90-day advance notification of two demonstration projects: Career Management Assignment and Career Supervisory Assignment. Referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

#### REPORTS

The following reports were presented by the Chief Clerk:

**1996-97 Consulting Services Contract Report,  
Department of General Services  
(Pursuant to Public Contract Code Section 10369)**

Above transmitted report, together with letter of transmittal from David N. Kennedy, Director, Department of General Services, Sacramento, dated August 29, 1997, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Consulting Services Contract Report, Department of Health Services  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from S. Kimberly Belshé, Director, Department of Health Services, Sacramento, dated September 24, 1997, referred by the Speaker to the Committee on Health.

**Taxpayers' Bill of Rights, Annual Report to the Legislature  
(Pursuant to Revenue and Taxation Code Sections 21006 and 21009(a))**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated October 1, 1997, referred by the Speaker to the Committee on Revenue and Taxation.

**State Teachers' Retirement System, Quarterly Report  
of System Assets, As of June 30, 1997  
(Pursuant to Education Code Section 22358)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated October 7, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Implementation of Chapter 1139, Statutes of 1992 (Senate Bill 1718)  
(Pursuant to Government Code Section 65584.3)**

Above transmitted report, together with letter of transmittal from Richard E. Mallory, Director, Department of Housing and Community Development, Office of the Director, Sacramento, dated October 7, 1997, referred by the Speaker to the Committee on Housing and Community Development.

**Consulting Services Contract Report, Employment  
Development Department  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, dated October 21, 1997, referred by the Speaker to the Committee on Labor and Employment.

**Evaluation of State-Owned Lands for Wetland Mitigation  
Banking in the Sacramento-San Joaquin Valley, January 1997  
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated October 17, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Quarterly Status Report of  
Majority Capital Outlay Projects, June 30, 1997**

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Director, Department of General Services, Sacramento, dated October 24, 1997, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Living Within California's Annual Colorado River Apportionment,  
First Quarterly Progress Report  
(Pursuant to Budget Item #3460-001-0001)**

Above transmitted report, together with letter of transmittal from Gerald R. Zimmerman, Executive Director, Colorado River Board of California, Glendale, dated October 29, 1997, referred by the Speaker to the Committee on Budget.

**California State Council on Developmental Disabilities,  
1998-2000 State Plan**

**(Pursuant to Welfare and Institutions Code Section 4565)**

Above transmitted report, together with letter of transmittal from Gala Argent, Chair, State Council on Developmental Disabilities, Sacramento, dated October 31, 1997, referred by the Speaker to the Committee on Health.

**Quarterly Report on Loaned Employees  
Quarterly Report on Employees Working for Agency's  
Interdepartmental Initiatives**

**(Pursuant to Budget Items #0555-001-0044.2 and 0555-001-0044.3 respectively)**

Above transmitted report, together with letter of transmittal from B. B. Blevins, Undersecretary, California Environmental Protection Agency, Sacramento, dated October 31, 1997, referred by the Speaker to the Committee on Budget.

**An Evaluation of the California Training Benefits Program  
(Pursuant to California Unemployment Insurance Code Section 9614(b))**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, dated November 3, 1997, referred by the Speaker to the Committee on Labor and Employment.

**STATEMENT OF ASSEMBLY EXPENDITURES PRINTED IN JOURNAL**

The following Statement of Assembly Expenditures was ordered printed in the Journal:

*Honorable Cruz Bustamante*

*Speaker of the Assembly*

*State Capitol, Sacramento, California*

Dear Mr. Speaker: Transmitted herewith is the annual report of Assembly expenses. It includes the total expenditures by Member, committee, leadership office, service operation, and overhead according to various categories for the 12-month period ending November 30, 1996. Every expenditure made from the Assembly Operating Fund during this period is accounted for. Additionally, the report includes an itemization, by Member, of per diem expenditures from the General Fund during the same period of time.

It is important to note that this report is compiled on a cash basis. Therefore, the cost of goods and services incurred by a Member during the preceding reporting period but paid for during the current period are included. Furthermore, some goods and services which were received toward the end of this reporting period were not paid for until the beginning of the December 1996–November 1997 reporting period and are, therefore, not included in this expenditure report.

The following indicates the types of expenditures which are included within each classification:

**Staff Salary:** This includes the salaries paid to all employees in the Member's district office as well as those employees who work in the Member's Capitol office, provided they are not committee or leadership office personnel. The salaries of the latter group of employees are included in the specific detail report for each of the respective committee and leadership offices.

All Assembly personnel are classified according to job descriptions approved by the Assembly Rules Committee. The committee has established specific salary ranges for each of the classifications. The salary within a range for a specific employee reflects a combination of years of service in his or her position and his or her own job performance since the amount of annual merit salary increases is based on evaluations of each employee's work. Thus, a Member whose office staff includes employees with substantial Assembly seniority, and/or outstanding records of service, will have a higher total expenditure for salaries than will a Member who employs more junior personnel.

**Member Travel and Per Diem:** Separate totals are shown for in-state travel and out-of-state travel. Most in-state travel expenditures are for attendance at interim committee hearings. Out-of-state travel expenditures are generally for participation in conferences dealing with an issue area pertinent to the legislative specialty of the Member or are for investigative trips.

*Staff Travel:* Almost all expenditures reported, by Member, in this category, are for mileage reimbursements to district office personnel. The staff travel expenditures reported, by committee, are generally costs incurred in connection with interim committee hearings which are generally held away from Sacramento for the convenience of citizens who wish to provide testimony to the committees.

*Car Lease:* The amount reported in this category is the share of the automotive lease payment made by the Assembly Rules Committee. Assembly policy stipulates that a car will be leased for the legislative use of each Member but that the Assembly will pay only 90% of the monthly lease rate or \$400, whichever is less. The Member must pay the difference from personal funds.

*Car Maintenance:* The costs reported in this category will vary significantly because of the variance in the number of miles driven by the Members. Members in large-sized districts and Members who represent districts wherein air travel between the Capitol and the district is not practical tend to utilize their cars more than other Members. Accordingly, the maintenance costs of such cars is likely to be higher than for others.

*Gas and Oil:* Expenditures in this category are for gasoline and oil supplied to cars and private aircraft for legislative business. These costs, too, vary for the same reasons as those affecting car maintenance.

*Car Rental, Staff and Member:* This expenditure category includes the use of state-owned pool cars and commercial rental cars by both the Member and his/her staff in the course of legislative business.

This category, as listed in the Support Services section of the report, includes, in addition to car rental, the costs of gas, oil, and maintenance for cars utilized by the office of the Sergeant at Arms.

*District Office Rent, Maintenance and Utilities:* Each Member is entitled to rent an office within the district he/she represents so that constituents may have direct access to their legislators. In some of the larger districts, two or three offices are sometimes authorized. Accordingly, Members representing districts in high-rent metropolitan areas or Members representing large districts requiring more than one office will be reported with higher expenditures in this category than will other Members. Costs included in this expenditure item are rent, utilities (except telephone), janitorial service, and incidental maintenance costs.

*Telephone and Telegraph:* All telephone charges (except equipment installation charges for the Capitol phones) are reported in this expenditure category. Included are district office phones, Capitol phones, credit card charges, and state lease-line charges. Members who will likely have higher charges than many of their colleagues are those representing districts which are either far from the Capitol, in areas not serviced by the state lease-line network, or in regions which cover large geographic areas.

*Postage:* The category includes the total amount expended for postage except for the postage utilized in the mailing of legislative mailings.



*Communications—Printing and Postage:* The costs included in this expenditure category are printing, handling and mailing of legislative mailings authorized under provisions of Proposition 73 of June, 1988.

*Furniture and Equipment:* This category includes the purchase, rental, and maintenance of certain furniture and equipment items utilized in the Capitol and district offices of the Members. It does not include the purchase of items which will, during the course of their usefulness, be utilized by a number of Members during succeeding years. Expenditures for items of that description are reported in the Furniture and Equipment category as General Overhead expenditures.

*Office Supplies:* Stationery items, other printing costs charged to the Assembly Operating Fund, general office supplies, and related miscellaneous supplies utilized in the Members' Capitol and district offices are reported in this expenditure category.

*Subscriptions and Publications:* Each Member is authorized to subscribe to the newspapers generally circulated within his/her district and to certain metropolitan daily newspapers. Members representing districts which include many cities and towns will frequently have higher expenditures in this category than will Members representing relatively compact areas. Expenditures for subscriptions and publications incurred by the committees and leadership offices are reported separately. Each committee is authorized to purchase relevant books and to subscribe to periodicals specializing in the subject matter of the committee for which the expenditure is made.

*Miscellaneous Services:* Most of the expenditures shown in the Miscellaneous Services category for the Members are for services such as telephone answering services in district offices and newspaper clipping services. Included in this category for the committee reports are such items as witness expenses, meeting expenses, data-processing costs, and other miscellaneous services.

A number of operational costs incurred by the Assembly are not directly attributable to any of the Members, committees, leadership offices, or support services. Such expenditures are classified as General Overhead and are reported according to the following categories:

*Miscellaneous Salaries:* Accrued vacation payments made to terminating employees, and salaries paid to employees on extended sick leave are reported in this category.

*Employee Benefits:* This expenditure category includes the Assembly's contribution to the OASDI (Social Security) fund, the Public Employees' Retirement System, various health and dental insurance premiums, the Compensation Insurance Fund, and unemployment and disability insurance.

*Building, Rent, Maintenance and Utilities:* Reported in this expenditure category are construction and remodeling costs and the rent, maintenance, and utilities for offices (other than Members' individual district offices) utilized and paid for by the Assembly outside the Capitol.

*Telephone:* This listing is for the cost of telephone equipment installation in all Assembly offices except for the Member's district office.

*Furniture and Equipment:* The expenditure indicated in this category is for the purchase, rental, and maintenance of furniture and equipment not reported elsewhere in the report. Most furniture and equipment is considered a capital investment which will be used, through the years, by a number of different Members or other offices and can therefore not be appropriately reported as an expense on behalf of any particular Member or office.

*Office Supplies:* The amount shown in this expenditure category represents office supplies which were purchased by the Assembly for the use of Members and other offices but which were not distributed to any such offices before the end of this reporting period.

*Annotated Codes and Law Books:* Each Member's office and certain other Assembly offices are furnished with Annotated California Codes and certain other law books. The cost of these books is considered a capital expenditure in the same manner as many furniture and equipment items, and is therefore reported in this General Overhead category.

*Meeting Expenses:* This expenditure category includes certain costs incurred by the Assembly relative to the conduct of Assembly Sessions and Joint Sessions of the Legislature which cannot be readily charged to any other expenditure category, rental costs for some meeting rooms, and some conference registration fees.

*Freight, Moving and Delivery:* This expenditure category includes costs incurred for the transport of furniture, supplies, and other items which are not chargeable to any particular office.

*Printing Reimbursements:* This category reflects the charges made for printing performed by the Assembly.

*Other Miscellaneous Services:* The major expenditures reported in this category are for the costs of photography services related to official Assembly publications, vehicle liability insurance, and organization memberships.

*Study Contracts:* From time-to-time the Assembly finds it practical to contract with individuals, firms, universities, and other governmental agencies in order to expand its research capability with respect to specific projects. The costs reported in this category are for payments made under such contracts during this period.

The next report of Assembly expenditures will be for the period between December 1, 1996 and November 30, 1997.

Sincerely,

DON PERATA

Chairman of the Assembly Committee on Rules

TABLE I  
CALIFORNIA STATE ASSEMBLY  
SUMMARY OF EXPENDITURES  
12/1/95 - 11/30/96

	Member Expenditures	Committee Expenditures	Leadership Expenditures	Support Services Expenditures	General Overhead Expenditures	TOTAL EXPENDITURES
Staff Salary .....	\$14,065,544.79	\$9,210,970.50	\$3,062,623.45	\$14,525,716.20	\$1,667,383.74	\$42,531,538.68
Employee Benefits .....	-	-	-	-	10,425,781.81	10,425,781.81
Travel & Per Diem (In-State) .....	298,650.60	-	-	-	-	298,650.60
Travel & Per Diem (Out-of-State) .....	43,893.02	-	-	-	-	43,893.02
Staff Travel .....	192,928.58	41,141.79	23,989.58	62,652.69	-	320,712.64
Car Lease .....	284,146.38	-	-	-	-	284,146.38
Car Maintenance .....	93,459.92	-	-	-	-	93,459.92
Gas & Oil .....	131,128.30	-	-	-	-	131,128.30
Car Rental—Staff & Member .....	25,227.79	5,412.16	941.53	106,257.49	-	137,838.97
Building, Rent, Maint., & Util. ....	1,831,581.54	-	-	-	170,073.99	2,001,655.53
Office Alterations .....	-	-	-	-	223,105.96	223,105.96
Telephone .....	888,477.37	66,107.74	42,977.25	291,706.29	25,152.90	1,314,421.55
Telegraph .....	-	-	-	-	-	-
Postage .....	410,090.77	8,719.24	2,148.25	95,870.44	-	516,828.70
Communications .....	1,185,580.42	-	-	-	-	1,185,580.42
Furniture & Equipment .....	82,986.12	-	-	439,795.81	154,629.57	677,411.50
Office Supplies .....	262,161.84	26,767.25	6,838.14	115,634.17	95,559.46	506,960.86
Subscriptions, Publ., & Codes .....	110,077.17	29,758.48	9,814.44	38,409.05	128,963.61	317,022.75
Meeting Expenses .....	-	-	-	-	(8,823.12)	(8,823.12)
Meeting Expenses (Meals) .....	-	-	-	-	24,533.09	24,533.09
Freight, Moving, & Delivery .....	64,371.92	773.84	1,662.26	29,602.09	65,912.71	162,322.82
Miscellaneous Services .....	284,761.06	63,712.53	49,646.39	926,080.79	831,225.37	2,155,426.14
Study Contracts .....	-	-	-	-	-	-
TOTALS, OPERATING FUND .....	\$20,255,067.59	\$9,452,663.53	\$3,200,641.29	\$16,631,725.02	\$13,803,499.09	\$63,343,596.52
Member Per Diem (General Fund) .....	1,690,663.00	-	-	-	-	1,690,663.00
TOTALS, ALL FUNDS .....	\$21,945,730.59	\$9,452,663.53	\$3,200,641.29	\$16,631,725.02	\$13,803,499.09	\$65,034,259.52

TABLE II A  
Member Expenditures  
12/1/95 - 11/30/96

Member	Staff Salary	Travel & Per Diem (In-State) *	Travel & Per Diem (Out-of-State) *	Staff Travel	Car Lease	Car Maintenance	Gas & Oil
Ackerman .....	\$146,519.41	\$3,658.00	-	\$1,053.18	\$4,800.00	\$235.35	\$1,468.60
Aguiar .....	126,205.96	7,045.00	-	5,290.62	1,736.64	1,760.05	941.32
Alby .....	203,796.99	1,834.34	\$703.00	2,583.34	4,800.00	859.78	1,979.45
Albert .....	213,562.07	2,473.00	-	1,697.64	671.16	2,425.62	1,033.26
Archie-Hudson .....	210,132.80	4,316.20	1,235.09	573.50	4,800.00	539.63	907.78
Baca .....	219,150.09	4,582.00	-	802.00	4,800.00	70.70	2,027.63
Baldwin .....	143,725.00	3,450.00	-	1,922.09	4,161.24	373.12	1,832.18
Bates .....	219,961.23	1,167.00	1,029.50	317.75	4,800.00	1,691.36	1,831.34
Battin .....	107,866.41	7,581.00	-	5,852.73	4,110.48	1,140.26	2,143.79
Baugh .....	159,352.53	6,681.00	-	1,823.21	4,800.00	879.34	879.34
Boland .....	204,655.76	3,470.22	-	2,072.70	4,800.00	235.23	1,113.91
Bordonaro .....	177,045.21	525.90	-	3,196.12	4,242.20	1,168.49	3,179.47
Bowen .....	199,765.06	6,991.50	719.08	2,338.15	4,486.08	2,235.92	672.61
Bowler .....	200,037.38	1,414.40	-	1,615.91	3,438.72	2,172.42	1,690.90
Brewer .....	38,659.96	7,115.00	-	4,823.72	1,971.96	1,671.80	845.22
Brown, V. ....	203,833.41	327.00	-	1,353.66	3,801.36	1,598.64	1,690.50
Brown, W. (Resigned 12/14/95) .....	3,306.00	-	-	249.00	-	-	-
Brulte .....	109,925.57	6,477.30	-	3,314.16	4,800.00	462.75	1,543.34
Burton .....	189,031.13	3,223.00	657.00	-	3,096.51	708.85	1,373.94
Bustamante .....	172,847.88	10,605.90	(558.95)	205.92	4,800.00	2,341.50	1,028.01
Caldera .....	223,992.61	2,926.00	-	1,185.30	2,144.97	1,457.89	728.05
Campbell .....	178,659.10	849.00	511.88	85.68	4,697.52	2,430.83	2,258.92
Cannella .....	189,310.64	387.56	5,035.89	1,463.20	910.80	3,307.51	2,439.25
Conroy .....	190,853.19	6,459.00	-	2,544.89	1,265.52	1,000.99	681.55
Correse .....	189,812.11	1,357.28	1,734.89	489.00	1,459.64	1,459.64	2,051.92
Cunneen .....	159,826.96	374.00	-	1,505.70	-	237.74	1,386.13
Davis .....	174,433.53	3,309.20	-	656.56	-	35.00	38.86
Ducheny .....	191,681.96	4,682.00	959.41	1,937.75	4,619.16	625.43	860.80
Escutia .....	190,830.86	5,012.32	-	4,702.00	2,513.76	2,098.65	1,212.07
Figuerola .....	185,463.78	105.00	-	1,040.98	4,288.20	2,169.01	1,993.48
Firestone .....	151,843.35	7,001.00	-	2,253.02	-	38.36	1,114.08
Friedman .....	220,574.50	3,277.00	-	645.19	1,019.16	2,694.60	1,009.02
Frusetta .....	108,430.31	-	-	9,091.46	4,800.00	2,007.05	2,502.93
Gallegos .....	207,601.55	5,652.00	-	2,412.94	4,438.10	1,690.47	1,974.75
Goldsmith .....	207,207.23	5,335.20	-	4,589.96	4,424.52	30.25	1,127.23
Granlund .....	145,423.21	6,380.00	4,420.91	8,256.48	4,800.00	3,211.05	4,723.62
Hannigan .....	196,593.33	843.00	-	1,940.65	4,428.96	436.79	1,947.38
Harvey .....	131,488.27	6,150.50	5.00	3,179.91	4,800.00	1,411.12	2,233.86

Hoge.....	174,624.02	2,836.00	-	2,657.16	-	34.25	663.40
House.....	147,741.91	642.00	-	4,969.71	4,638.36	2,443.51	2,115.75
Isenberg.....	247,660.64	1,473.63	-	101.00	2,874.08	829.67	667.33
Kaloogian.....	135,621.96	4,062.06	417.00	9,078.55	-	-	1,564.01
Katz.....	156,389.28	10,909.20	-	3,890.25	3,444.72	566.36	1,243.16
Knight.....	129,324.27	2,310.00	-	135.00	3,160.32	2,439.43	862.77
Knowles.....	177,050.73	589.00	3,090.85	4,740.39	4,800.00	605.67	2,808.02
Knox.....	215,068.48	2,789.00	-	(42.00)	-	33.20	33.20
Kuehl.....	203,351.97	6,063.58	-	4,191.09	-	27.75	216.38
Kuykendall.....	122,346.43	6,737.00	-	3,817.10	3,085.80	1,668.68	1,470.35
Lee.....	197,744.05	444.00	510.30	1,150.77	4,800.00	963.21	2,358.74
Machado.....	168,581.71	159.00	-	2,286.64	3,780.24	3,483.42	3,874.76
Margitt.....	194,778.83	4,823.00	-	7,108.24	4,800.00	231.54	1,306.31
Marinez.....	187,880.79	3,576.73	468.00	1,059.59	4,472.28	541.35	626.93
Mazzoni.....	191,235.30	3,840.00	-	419.11	4,718.18	767.49	2,584.81
McDonald (Resigned 4/15/96).....	139,564.15	3,322.18	1,143.20	434.00	2,000.00	70.54	505.99
McPherson.....	150,733.95	413.00	-	1,113.98	2,943.84	2,456.58	4,827.82
Migden (Effective 3/28/96).....	130,691.87	2,698.72	-	1,986.19	2,800.00	1,269.05	866.90
Miller.....	159,976.01	4,142.00	-	2,456.11	4,211.16	446.10	1,980.56
Morrissey.....	149,487.66	8,410.00	-	2,304.95	4,738.92	104.51	924.37
Morrow.....	201,380.33	5,154.75	-	1,011.00	4,391.64	1,035.32	2,502.98
Murray, K.....	143,032.68	9,928.00	8,826.67	7,067.72	4,800.00	3,489.12	1,946.85
Murray, W.....	234,176.45	5,256.70	8,674.85	3,856.03	4,800.00	1,566.36	818.38
Napolitano.....	209,856.61	4,917.00	351.40	687.20	-	27.75	41.40
Olberg.....	162,597.07	6,698.00	136.50	4,296.61	4,800.00	470.20	1,573.13
Poehigian.....	137,724.37	1,169.00	-	505.20	4,800.00	870.02	1,955.91
Pringle.....	181,520.98	9,387.00	(41.00)	7,413.92	4,800.00	172.65	1,365.01
Raney.....	168,952.36	404.00	-	56.40	4,406.16	682.35	1,917.32
Richter.....	174,688.69	1,095.00	-	1,299.08	4,800.00	2,123.05	4,123.76
Rogan.....	138,871.47	2,058.00	-	800.38	4,800.00	2,570.60	1,324.92
Setenich.....	195,520.98	4,687.58	27.50	1,942.88	4,427.04	377.89	2,082.40
Sher (Resigned 3/28/96).....	101,016.68	109.00	-	192.70	1,162.56	177.86	890.49
Speier.....	216,656.18	2,591.00	-	129.00	4,800.00	1,150.11	2,283.10
Sweeney.....	199,452.22	386.00	-	1,607.03	3,651.23	406.84	1,245.65
Takasugi.....	186,591.73	6,892.80	-	2,432.56	3,641.40	1,056.36	1,236.31
Thompson.....	139,894.37	3,691.00	-	1,836.52	4,800.00	1,295.52	2,940.19
Tucker.....	215,923.54	2,193.00	-	-	4,800.00	482.82	1,877.36
Vasconcellos.....	225,843.34	(316.00)	1,825.00	-	2,523.90	758.42	1,604.82
Villarrigosa.....	188,072.61	5,038.68	(222.95)	2,717.73	4,800.00	1,167.40	1,411.89
Weggeland.....	166,684.19	3,639.00	-	847.33	2,497.21	2,112.29	1,314.02
Woods.....	192,638.32	714.00	489.00	4,300.96	4,800.00	1,566.15	2,377.34
Retired.....	56,964.94	-	-	3,722.62	-	382.21	259.13
TOTALS.....	\$14,065,544.79	\$298,650.60	\$43,893.02	\$192,928.58	\$284,146.38	\$93,459.92	\$131,128.30

NOTE: Asterisk (\*) indicates that expenditure includes committee- or leadership-incurred expenses as well as Member-related expenditures.

TABLE II B  
Member Expenditures  
12/1/95 - 11/30/96

Member	Car Rental Staff & Member	Dist. Office Rent, Mnt., Ut.	Telephone	Telegraph	Freight	Postage	Communications
Ackerman .....	-	\$18,106.47	\$6,712.52	-	\$(182.08)	\$8,948.90	\$27,430.11
Aguiar .....	-	14,842.00	12,102.79	-	693.69	8,922.38	52,712.23
Alby .....	-	35,028.29	9,532.43	-	157.28	4,842.94	5,331.78
Albert .....	\$344.91	86.65	7,500.22	-	813.95	4,808.88	12,595.41
Archie-Hudson .....	-	601.31	8,477.43	-	1,529.42	2,586.91	-
Baca .....	-	19,227.53	9,443.54	-	387.44	3,090.17	73,246.23
Baldwin .....	812.67	29,593.08	9,260.89	-	1,795.39	6,904.88	-
Bates .....	-	29,584.56	13,206.62	-	92.71	2,388.70	-
Battin .....	111.29	34,463.64	20,031.78	-	2,568.15	7,235.83	67,987.60
Baugh .....	263.61	27,816.56	8,025.68	-	1,372.24	4,693.48	49,577.22
Boland .....	-	30,637.15	12,389.36	-	491.78	4,189.28	36,438.71
Bordonaro .....	428.45	30,182.39	8,187.31	-	(122.91)	4,461.76	868.52
Bowen .....	45.42	20,329.34	10,778.67	-	384.39	2,282.74	-
Bowler .....	-	20,416.30	6,504.24	-	27.82	1,710.65	12,222.82
Brewer .....	-	26,612.92	5,657.36	-	180.62	7,719.37	11,194.32
Brown, V. ....	-	16,003.22	15,167.75	-	253.96	5,291.52	856.94
Brown, W. (Resigned 12/14/95) .....	-	12.00	113.71	-	-	48.38	-
Brulte .....	-	28,657.33	17,898.05	-	633.35	10,783.11	55,659.86
Burton .....	-	49,258.66	23,417.67	-	1,001.40	6,982.88	-
Bustamante .....	1,191.92	142.50	13,510.85	-	1,132.11	4,050.48	-
Caldera .....	400.74	20,719.39	8,657.81	-	276.97	971.42	-
Campbell .....	79.49	25,961.02	13,378.39	-	125.61	5,060.51	-
Cannella .....	-	18,543.12	12,361.17	-	111.89	2,160.53	-
Conroy .....	594.52	24,599.97	10,020.76	-	877.87	3,173.72	21,983.78
Cortese .....	152.00	987.63	6,514.24	-	895.75	1,608.10	4,783.64
Cunneen .....	199.69	28,183.60	11,181.68	-	5,138.64	11,348.81	46,798.37
Davis .....	119.36	23,340.49	6,787.77	-	852.06	5,204.89	16,904.37
Ducheny .....	719.57	18,908.60	10,799.75	-	655.02	1,843.12	-
Escuta .....	31.39	40,030.76	8,215.99	-	2,543.09	5,275.60	1,936.45
Figueroa .....	302.29	35,197.82	10,588.33	-	313.29	3,511.05	21,789.24
Firestone .....	142.20	29,203.97	9,193.35	-	494.58	13,584.77	4,595.41
Friedman .....	-	27,808.58	14,013.37	-	213.28	507.69	-
Frusetta .....	-	32,892.58	14,040.19	-	1,698.56	4,093.59	54,960.30
Gallegos .....	63.62	18,708.79	10,664.03	-	2,481.77	6,708.20	-
Goldsmith .....	41.14	21,674.27	11,634.62	-	1,631.08	3,386.95	-
Gratlund .....	-	23,674.05	17,928.07	-	1,487.48	4,342.04	19,628.68
Hannigan .....	14.01	16,485.99	11,193.90	-	28.24	865.75	-
Harvey .....	-	26,523.32	8,967.99	-	439.53	7,876.57	3,152.34
Hauser .....	619.20	8,188.00	7,053.41	-	532.68	2,597.08	-
Hawkins .....	-	20,174.34	7,221.41	-	783.35	7,238.01	54,045.88

Hoge.....	2,106.32	38,240.00	8,254.08	-	1,557.70	6,139.54	29,925.91
Houde .....		17,676.42	10,977.26	-	786.91	6,984.97	8,092.00
Isenberg .....	40.95	2,140.56	6,113.75	-	137.60	85.05	
Kaloogian .....	471.95	25,903.80	13,317.99	-	2,626.18	11,251.20	53,894.07
Katz .....	402.23	21,930.49	26,565.32	-	3,557.08	12,246.48	2,438.47
Knight .....		16,156.06	7,954.96	-	128.49	1,114.52	9,435.27
Knowles .....	196.42	19,248.05	12,175.23	-	105.14	2,180.18	
Knox .....	191.70	26,238.21	9,390.41	-	351.31	2,531.84	
Kuehl .....	401.48	32,940.78	8,119.78	-	933.82	771.96	4,478.10
Kuykendall .....		30,200.89	7,687.12	-	1,606.10	5,548.39	36,340.55
Lee .....	43.08	28,373.57	15,749.46	-	721.68	4,688.58	100.39
Machado .....	103.81	119.23	11,180.27	-	313.71	9,726.09	17,520.90
Margett .....	183.94	27,484.00	8,557.23	-	480.00	5,547.71	2,282.76
Martinez .....		33,876.75	11,238.38	-	402.07	4,344.42	
Mazzoni .....	62.79	6,384.15	9,097.58	-	42.64	2,100.74	2,776.47
McDonald (Resigned 4/15/96) .....	-	25,406.03	6,665.34	-	369.88	4,297.45	39.23
McPherson .....	-	16,615.94	12,073.45	-	217.69	2,844.29	22,456.99
Migden (Effective 3/28/96) .....	13.08	50,181.30	9,854.34	-	624.86	3,083.61	-
Miller .....	71.12	29,443.15	13,017.33	-	468.84	3,973.39	38,421.53
Morrissey .....	55.42	24,714.75	7,819.66	-	2,210.80	2,967.49	50,952.27
Morrow .....	879.17	19,796.53	12,434.36	-	560.86	6,187.57	
Murray, K. ....	1,397.80	28,131.34	20,827.65	-	1,405.60	3,060.96	45,014.87
Murray, W. ....	603.94	21,450.28	12,451.24	-	710.66	3,436.38	15,950.95
Napolitano .....	169.71	22,203.93	14,000.46	-	1,134.75	2,247.65	-
Olberg .....	451.86	21,300.84	16,918.14	-	771.93	10,100.88	18,577.10
Poochigian .....	17.63	15,232.25	9,245.28	-	248.01	2,735.65	-
Pringle .....	(25.15)	32,341.69	11,051.66	-	847.29	10,735.32	26,575.10
Raney .....		34,190.15	5,898.68	-	18.17	8,226.57	18,351.10
Richter .....	7,213.61	26,868.16	15,572.01	-	228.25	11,006.76	12,378.21
Rogan .....		29,595.20	10,039.14	-	926.28	18,989.96	40,042.10
Setencich .....	113.84	19,231.77	14,856.45	-	81.30	5,968.90	269.93
Sher (Resigned 3/28/96) .....		8,423.94	4,826.88	-	45.35	963.88	-
Speter .....	25.66	22,991.50	9,212.73	-	1,175.87	3,779.17	-
Sweeney .....	127.32	30,763.00	6,453.13	-	336.17	6,578.25	4,623.66
Takasugi .....	-	15,730.33	7,856.78	-	517.88	5,608.58	-
Thompson .....	145.67	16,431.80	8,049.38	-	570.28	2,443.37	31,191.53
Tucker .....		15,080.83	13,094.33	-	410.03	3,335.05	7,213.81
Vasconcellos .....	187.02	909.10	5,410.93	-	149.81	8,116.14	170.95
Villaraigosa .....	386.11	26,200.51	22,413.24	-	889.12	4,331.60	1,796.14
Weggeland .....	-	22,140.79	5,141.25	-	320.38	760.06	12,301.79
Woods .....	384.37	20,474.00	9,795.36	-	351.64	4,799.64	13,268.06
Retired .....	2,197.45	3,401.28	8,854.25	-	238.34	928.89	-
TOTALS .....	\$25,227.79	\$1,831,581.54	\$888,477.37	\$0.00	\$64,371.92	\$410,090.77	\$1,185,580.42

TABLE II C  
Member Expenditures  
12/1/95 - 11/30/96

Member	Furniture & Equipment*	Office Supplies	Subser & Publications	Misc. Services	TOTAL	Member Per Diem (Gen. Fund)	TOTAL EXP. (ALL FUNDS)
Ackerman .....	\$796.05	\$1,809.67	\$2,916.08	\$2,038.52	\$226,310.78	\$22,396.00	\$248,706.78
Aguiar .....	2,919.54	8,349.25	1,139.74	3,579.28	248,240.49	22,715.00	270,955.49
Alby .....	602.54	9,805.69	1,300.21	4,645.21	287,803.77	-	287,803.77
Albert .....	128.67	3,388.07	1,368.64	4,446.29	257,344.44	22,501.00	279,845.44
Archie-Hudson .....	1,059.90	1,495.77	-	4,068.05	242,313.79	21,976.00	264,289.79
Baca .....	113.97	2,314.24	958.80	1,905.45	268,493.38	22,715.00	291,208.38
Baldwin .....	2,202.93	3,276.12	2,028.60	2,028.60	285,543.22	22,606.00	308,149.22
Bates .....	-	3,272.23	1,101.74	1,690.25	282,134.99	22,715.00	304,849.99
Battin .....	2,026.98	4,571.28	3,805.97	4,345.50	275,842.69	22,715.00	298,557.69
Baugh .....	590.53	3,799.11	1,344.90	2,033.54	272,239.15	22,606.00	294,835.15
Boland .....	802.26	2,811.27	1,153.57	1,501.58	271,192.59	22,291.00	293,483.59
Bordonaro .....	661.74	2,249.52	895.67	1,626.27	274,373.30	22,182.00	296,555.30
Bowen .....	1,612.99	3,619.53	1,602.24	3,244.28	261,108.00	22,279.00	283,387.00
Bowler .....	333.30	1,089.82	795.64	998.52	254,468.84	-	254,468.84
Brewer .....	1,292.92	6,403.51	1,233.26	9,391.75	124,773.69	22,182.00	146,955.69
Brown, V. ....	1,362.82	2,484.86	1,569.65	4,812.74	260,408.03	22,715.00	283,123.03
Brown, W. (Resigned 12/14/95) .....	2,169.50	586.46	117.00	72.85	6,674.90	-	6,674.90
Brulte .....	1,883.52	5,725.24	1,505.35	1,332.15	250,601.08	22,400.00	273,001.08
Burton .....	3,672.74	2,689.47	944.41	1,888.97	287,946.63	22,715.00	310,661.63
Bustamante .....	2,332.07	5,449.63	1,842.20	4,446.58	225,368.60	22,186.00	247,554.60
Caldera .....	444.25	3,047.43	1,533.70	1,380.90	269,867.43	21,871.00	291,738.43
Campbell .....	1,786.59	1,490.04	639.75	6,398.64	244,330.97	22,715.00	267,045.97
Cannella .....	1,020.42	1,196.26	1,097.89	2,745.74	242,091.87	22,715.00	264,806.87
Conroy .....	258.07	1,674.71	1,245.41	2,400.41	269,544.36	22,400.00	291,944.36
Cortese .....	340.87	1,393.97	2,029.25	2,387.99	224,160.08	22,606.00	246,766.08
Cunneen .....	372.75	6,764.63	2,110.69	1,479.43	272,241.38	22,715.00	294,956.38
Davis .....	1,807.11	3,026.01	1,991.09	3,430.33	241,936.63	22,606.00	264,542.63
Ducheny .....	606.23	3,021.51	1,212.15	4,421.76	247,484.22	22,715.00	270,199.22
Escutia .....	2,042.44	2,794.90	1,135.19	3,996.93	274,372.40	22,715.00	297,087.40
Figuerroa .....	231.32	2,128.77	611.38	3,625.92	273,359.86	22,606.00	295,965.86
Firestone .....	1,347.35	3,315.97	1,710.32	8,256.78	234,094.51	22,392.00	256,486.51
Friedman .....	349.53	1,555.87	1,090.98	1,168.54	275,927.31	22,715.00	298,642.31
Frusella .....	1,055.49	2,905.93	1,558.99	2,181.17	242,208.55	22,715.00	264,923.55
Gallegos .....	1,148.95	3,862.02	2,525.55	3,563.02	273,495.07	22,606.00	296,101.07
Goldsmith .....	952.27	6,488.07	1,825.46	3,366.67	273,814.92	22,182.00	295,996.92
Granlund .....	856.27	4,963.47	960.33	1,763.02	235,818.68	22,715.00	258,533.68
Hannigan .....	614.97	944.82	944.54	1,154.69	238,437.02	22,178.00	260,615.02
Harvey .....	-	1,793.89	1,084.38	1,027.34	200,134.02	22,287.00	222,421.02
Hauser .....	3,377.58	1,908.28	642.83	6,122.09	248,352.54	22,715.00	271,067.54



Hoge .....	1,336.77	4,817.77	2,636.14	5,975.77	281,804.83	22,715.00	304,519.83
House .....	553.38	2,434.31	723.65	5,629.64	916,409.78	22,715.00	239,124.78
Isenberg .....	3,388.83	643.72	1,122.10	1,788.76	265,678.84	-	265,678.84
Kaloogian .....	809.59	6,807.23	2,456.37	6,849.97	277,711.17	22,182.00	299,893.17
Katz .....	284.73	8,470.80	4,155.47	5,556.26	264,877.36	22,400.00	287,277.36
Knight .....	2,757.88	2,256.66	885.76	2,328.55	177,188.12	22,606.00	199,794.12
Knowles .....	-	1,299.39	643.38	2,515.23	234,989.64	22,715.00	257,704.64
Knox .....	167.50	671.86	114.26	809.26	963,573.20	22,287.00	285,860.20
Kuehl .....	1,571.08	2,203.38	1,683.81	6,682.66	272,234.04	22,085.00	294,319.04
Kuykendall .....	1,804.17	3,437.99	1,649.03	2,922.23	230,088.34	22,715.00	252,803.34
Lee .....	485.72	3,971.55	1,791.04	7,733.62	272,948.21	20,119.00	293,067.21
Machado .....	496.84	2,790.47	1,795.87	2,407.14	228,608.98	22,715.00	251,323.98
Margett .....	400.99	2,055.57	986.89	5,203.46	266,326.32	22,715.00	289,041.32
Martinez .....	79.76	2,066.12	1,142.70	3,234.30	955,331.40	22,606.00	277,937.40
Mazzoni .....	490.00	1,895.94	1,348.94	1,974.86	229,328.76	22,715.00	252,043.76
McDonald (Resigned 4/15/96) .....	435.76	1,779.76	(5.32)	2,047.96	188,131.39	7,521.00	195,652.39
McPherson .....	947.06	1,833.34	600.79	2,561.68	222,129.10	21,738.00	243,867.10
Migden (Effective 3/28/96) .....	616.09	7,312.86	720.84	5,608.55	218,659.23	12,925.00	231,584.23
Miller .....	431.20	2,848.17	1,262.30	2,391.32	265,725.18	22,606.00	288,331.18
Morrissey .....	885.03	3,543.31	756.58	3,032.54	962,464.43	22,606.00	285,070.43
Morrow .....	2,900.24	3,663.70	398.57	1,446.28	261,728.09	22,715.00	284,443.09
Murray, K. ....	914.16	2,273.40	3,881.78	10,295.43	298,280.11	22,606.00	320,886.11
Murray, W. ....	398.56	3,148.60	1,053.85	4,570.73	323,459.56	21,843.00	345,302.56
Napolitano .....	1,123.19	2,709.37	725.09	2,089.56	261,560.44	22,715.00	284,275.44
Olberg .....	622.48	3,812.89	4,029.58	2,421.58	260,079.50	22,606.00	282,685.50
Poohigian .....	2,102.00	10,463.45	852.70	3,858.53	181,473.22	22,715.00	204,188.22
Pringle .....	372.11	1,241.77	599.29	10,868.18	310,197.39	22,606.00	332,803.39
Railey .....	1,195.49	5,697.65	327.84	1,086.38	245,759.25	22,715.00	268,474.25
Richter .....	987.21	4,328.26	1,663.72	3,792.85	274,440.41	22,715.00	297,155.41
Rogan .....	279.00	3,564.47	1,122.41	4,150.45	261,355.97	22,279.00	283,634.97
Setenich .....	885.15	683.92	1,841.64	9,834.20	265,096.75	22,715.00	287,811.75
Sher (Resigned 3/28/96) .....	299.96	2,487.94	1,331.90	716.30	121,330.20	8,393.00	129,723.20
Speier .....	111.43	1,829.45	1,115.06	7,120.59	276,619.90	22,610.00	299,229.90
Sweeney .....	2,852.73	4,239.36	1,115.06	2,745.01	261,619.98	22,174.00	283,793.98
Takasugi .....	59.74	2,781.52	1,651.77	2,741.13	240,187.99	21,972.00	262,159.99
Thompson .....	1,430.72	2,161.39	792.90	1,293.91	218,269.39	22,715.00	240,984.39
Tucker .....	201.09	1,096.98	661.34	338.72	270,424.95	21,952.00	292,376.95
Vasconcellos .....	2,574.24	3,909.60	469.89	2,991.57	251,801.61	21,976.00	273,777.61
Villaraigosa .....	-	1,627.18	1,340.55	3,524.96	269,207.90	22,291.00	291,498.90
Weggeland .....	2,574.24	3,627.18	272.02	4,348.48	224,005.95	22,715.00	246,720.95
Woods .....	-	3,505.52	2,033.04	1,821.37	265,519.86	22,715.00	288,234.86
Retired .....	-	421.88	736.31	3,162.10	83,843.64	-	83,843.64
TOTALS .....	\$82,986.12	\$262,161.84	\$110,077.17	\$284,761.06	\$20,255,067.59	\$1,690,663.00	\$21,945,730.59

NOTE: Asterisk (\*) indicates that expenditure includes committee- or leadership-incurred expenses as well as Member-related expenditures.

TABLE III  
Committee Expenditures  
12/1/95 - 11/30/96

<i>Committee</i>	<i>Staff Salary</i>	<i>Staff Travel</i>	<i>Car Rental</i>	<i>Postage</i>	<i>Freight</i>	<i>Tele- phone</i>	<i>Tele- graph</i>
Agriculture.....	\$208,872.95	\$2,314.50	\$319.55	\$18.10	-	\$1,775.07	-
Agriculture—Vice-Chair .....	36,026.82	-	-	-	-	33.00	-
Appropriations.....	562,272.26	519.22	200.00	33.67	\$21.12	5,858.98	-
Appropriations—Vice-Chair .....	298,519.61	-	-	-	-	794.63	-
Banking & Finance .....	194,896.63	1,831.49	-	31.51	8.00	1,505.94	-
Banking & Finance—Vice-Chair .....	38,071.09	-	-	-	-	-	-
Budget .....	477,443.24	1,250.70	31.40	44.08	8.00	8,649.35	-
Budget—Vice-Chair .....	253,517.27	506.35	-	-	-	202.65	-
* No. 1-Health & Human Services .....	55,988.50	-	-	-	-	138.49	-
* No. 2-Education Finance .....	63,590.18	1,162.81	-	-	-	710.63	-
* No. 3-Resources .....	81,407.01	181.30	55.41	-	-	153.68	-
* No. 4-State Administration.....	76,809.61	150.00	-	-	-	298.84	-
* No. 5-Information Technology/Transportation.....	32,001.86	137.28	-	-	-	78.57	-
Consumer Protection, Governmental Efficiency, & Economic Development ..	253,589.83	186.52	-	510.19	8.00	2,077.57	-
Consumer Protection, Governmental Efficiency, & Economic Development—Vice-Chair .....	26,520.54	-	-	-	-	-	-
Education.....	280,656.66	1,297.56	-	817.48	44.00	2,044.45	-
Education—Vice-Chair .....	87,546.35	572.16	-	-	-	327.55	-
Elections, Reapportionment & Constitutional Amendments.....	193,748.76	421.25	55.07	1.31	-	5,301.03	-
Elections, Reapportionment & Constitutional Amendments—Vice-Chair .....	57,417.75	84.00	-	-	-	-	-
Environmental Safety & Toxic Materials.....	314,099.18	3,186.32	865.51	35.09	40.00	1,149.99	-
Environmental Safety & Toxic Materials—Vice-Chair .....	58,473.75	-	-	-	-	-	-
Governmental Organization .....	203,530.33	285.00	-	186.01	-	1,059.03	-
Governmental Organization—Vice-Chair ...	125,402.91	-	-	-	-	-	-
Health .....	427,394.50	2,571.99	248.47	779.79	16.23	1,888.74	-
Health—Vice-Chair .....	117,707.87	99.00	62.06	-	-	1.76	-
Higher Education.....	162,061.74	2,350.66	213.43	136.13	-	872.65	-
Higher Education—Vice-Chair .....	33,336.00	-	-	-	-	31.26	-
Housing & Community Development .....	151,850.50	-	-	152.76	8.00	2,053.13	-
Housing & Community Development—Vice-Chair .....	42,280.59	-	-	-	-	-	-
Human Services .....	211,343.36	1,023.40	-	22.49	-	1,374.14	-
Human Services—Vice-Chair .....	65,062.47	-	-	-	-	9.94	-
Insurance .....	330,869.45	195.00	51.96	85.79	16.00	1,978.70	-

Insurance—Vice-Chair.....	43,197.50	181.94	-	-	-	88.49	-
Judiciary.....	334,150.92	796.20	184.48	332.47	-	2,327.60	-
Judiciary—Vice-Chair.....	29,929.50	168.00	-	-	-	66.29	-
Labor & Employment.....	110,940.93	609.60	-	76.48	-	1,461.16	-
Labor & Employment—Vice-Chair.....	35,297.17	438.50	93.12	-	-	2,010.09	-
Local Government.....	236,759.00	534.28	-	206.25	-	79.90	-
Local Government—Vice-Chair.....	62,204.44	-	-	-	-	1,531.98	-
Natural Resources.....	280,539.89	1,640.48	121.76	13.31	33.50	-	-
Natural Resources—Vice-Chair.....	5,834.00	-	-	-	-	-	-
Public Employees, Retirement & Social Security.....	195,026.32	2,183.37	141.87	1,428.63	146.04	1,299.41	-
Public Employees, Retirement & Social Security—Vice-Chair.....	62,967.15	-	-	-	-	-	-
Public Safety.....	370,739.87	441.70	-	158.95	91.60	3,889.21	-
Public Safety—Vice-Chair.....	100,516.85	10.00	-	-	8.50	2.09	-
Revenue & Taxation.....	219,807.53	1,277.70	60.28	9.60	-	1,544.18	-
Revenue & Taxation—Vice-Chair.....	42,012.94	-	-	-	-	-	-
Televising the Assembly.....	88,716.00	-	-	72.32	22.65	1,064.05	-
Televising the Assembly—Vice-Chair.....	31,295.30	-	-	-	-	-	-
Transportation.....	260,883.63	2,075.20	93.74	942.42	10.75	2,419.56	-
Transportation—Vice-Chair.....	35,292.73	-	-	-	-	142.18	-
Utilities & Commerce.....	227,042.37	1,688.02	572.03	35.14	210.45	826.75	-
Utilities & Commerce—Vice-Chair.....	167,265.77	1,378.98	114.61	-	-	48.89	-
Veterans' Affairs.....	13,225.23	-	-	0.32	-	31.98	-
Water, Parks & Wildlife.....	221,644.95	2,231.84	-	1,766.36	54.50	2,484.52	-
Water, Parks & Wildlife—Vice-Chair.....	62,867.49	-	-	-	-	1,652.08	-
<i>Special &amp; Select Committees</i>							
Bob Moretti Memorial Fund.....	-	-	-	-	-	188.70	-
California Wine Production & Economy.....	6,221.64	1,037.12	-	-	-	151.25	-
California-Mexico Affairs.....	11,666.09	-	-	-	-	-	-
Defense Conversion.....	47,004.32	587.30	-	-	-	-	-
Democratic Economic Prosperity Task Force.....	9,292.80	-	-	-	-	74.96	-
Joint Fisheries & Aquaculture.....	52,318.77	745.04	-	-	-	314.00	-
Joint Legislative Audit.....	189,320.72	-	-	72.43	10.50	58.30	-
Joint Legislative Ethics.....	113,561.00	84.00	-	760.16	-	786.21	-
Joint Rules.....	210.00	210.00	947.71	-	-	468.46	-
Statewide Immigration Impact.....	21,943.91	1,148.90	-	-	-	90.88	-
Status of African-American Males.....	835.00	171.86	-	-	16.00	-	-
Terminated Committees.....	(1,502.10)	512.11	-	-	-	634.77	-
TOTALS.....	\$9,210,270.50	\$41,141.79	\$5,412.16	\$8,719.24	\$773.84	\$66,107.74	\$0.00

\* Subcommittee of Standing Committee.

TABLE III  
Committee Expenditures  
12/1/95 - 11/30/96

<i>Committee</i>	<i>Subscr. &amp; Publications</i>	<i>Office Supplies</i>	<i>Misc. Services</i>	<i>TOTAL EXP.</i>
Agriculture .....				\$214,628.50
Agriculture—Vice-Chair .....	\$863.39	\$280.60	\$185.04	36,195.12
Appropriations .....	211.76	2,336.72	135.30	573,453.84
Appropriations—Vice-Chair .....			2,005.11	299,760.01
Banking & Finance .....	1,066.54	224.17	445.77	200,999.51
Banking & Finance—Vice-Chair .....			1,435.23	38,071.09
Budget .....	424.88			497,249.80
Budget—Vice-Chair .....		4,641.71	4,756.44	254,546.05
* No. 1-Health & Human Services .....	-	40.42	379.36	56,428.35
* No. 2-Education Finance .....	-	26.63	321.36	66,263.13
* No. 3-Resources .....	-		772.88	81,946.44
* No. 4-State Administration .....	-	19.80	149.04	77,484.80
* No. 5-Information Technology/Transportation .....	-		206.55	32,338.73
Consumer Protection, Governmental Efficiency, & Economic Development .....	55.50	691.32	1,763.97	258,882.90
Consumer Protection, Governmental Efficiency, & Economic Development—Vice-Chair .....				26,520.54
Education .....	102.39	810.26	3,279.46	298,826.54
Education—Vice-Chair .....		223.32	10.77	88,680.18
Elections, Reapportionment & Constitutional Amendments .....	312.42	257.59	398.54	200,495.97
Elections, Reapportionment & Constitutional Amendments—Vice-Chair .....				57,501.75
Environmental Safety & Toxic Materials .....	2,011.31	1,027.91	1,106.04	323,521.35
Environmental Safety & Toxic Materials—Vice-Chair .....				58,473.75
Governmental Organization .....	1,330.54	860.14	800.29	208,051.34
Governmental Organization—Vice-Chair .....	298.00	19.68	301.00	125,921.59
Health .....	2,281.18	1,522.98	853.17	437,357.05
Health—Vice-Chair .....			(5.00)	117,865.69
Higher Education .....	322.00	729.59	2,016.52	168,702.72
Higher Education—Vice-Chair .....				33,400.82
Housing & Community Development .....	253.57	100.68	508.18	154,926.82
Housing & Community Development—Vice-Chair .....				42,280.59
Human Services .....	520.04	1,656.14	2,144.48	218,084.05
Human Services—Vice-Chair .....			307.75	65,380.16
Insurance .....	1,961.04	617.23	1,625.60	337,400.77

Insurance—Vice-Chair .....	-	-	69.84	43,537.77
Judiciary .....	2,769.00	723.62	2,202.38	343,476.67
Judiciary—Vice-Chair .....	-	-	-	30,163.79
Labor & Employment .....	880.29	352.05	2,092.99	116,413.50
Labor & Employment—Vice-Chair .....	-	74.59	85.80	35,989.18
Local Government .....	765.49	346.00	393.32	241,014.43
Local Government—Vice-Chair .....	-	-	-	62,284.34
Natural Resources .....	88.69	687.60	1,269.70	285,926.91
Natural Resources—Vice-Chair .....	-	-	456.75	6,290.75
Public Employees, Retirement & Social Security .....	1,312.07	2,153.37	3,663.92	207,375.00
Public Employees, Retirement & Social Security—Vice-Chair .....	390.00	26.81	-	63,383.96
Public Safety .....	2,274.48	1,348.82	4,403.59	383,348.22
Public Safety—Vice-Chair .....	-	591.53	180.30	101,309.27
Revenue & Taxation .....	5,308.05	950.68	2,126.84	231,084.86
Revenue & Taxation—Vice-Chair .....	-	-	-	42,012.94
Televising the Assembly .....	117.00	191.70	2,241.72	92,425.44
Televising the Assembly—Vice-Chair .....	-	-	-	31,295.30
Transportation .....	878.07	986.98	1,501.60	269,791.95
Transportation—Vice-Chair .....	-	-	69.84	35,504.75
Utilities & Commerce .....	2,042.12	756.88	734.36	233,908.12
Utilities & Commerce—Vice-Chair .....	357.27	46.61	204.73	169,416.86
Veterans Affairs .....	-	507.10	683.55	14,445.18
Water, Parks & Wildlife .....	61.50	731.36	2,083.42	231,058.45
Water, Parks & Wildlife—Vice-Chair .....	462.75	-	173.20	65,155.52
<i>Special &amp; Select Committees</i>				
Bob Moretti Memorial Fund .....	-	-	6,776.40	6,776.40
California Wine Production & Economy .....	37.14	-	285.00	7,769.60
California-Mexico Affairs .....	-	-	-	11,817.34
Defense Conversion .....	-	-	51.18	47,642.80
Democratic Economic Prosperity Task Force .....	-	-	130.00	9,497.76
Joint Fisheries & Aquaculture .....	-	-	69.84	53,447.65
Joint Legislative Audit .....	-	40.74	(50.16)	189,452.53
Joint Legislative Ethics .....	-	129.64	1,090.87	116,411.88
Joint Rules .....	-	-	-	1,626.17
Statewide Immigration Impact .....	-	-	-	23,183.69
Status of African-American Males .....	-	-	4,790.00	5,812.86
Terminated Committees .....	-	34.28	87.68	(233.26)
<b>TOTALS .....</b>	<b>\$29,758.48</b>	<b>\$26,767.25</b>	<b>\$63,712.53</b>	<b>\$9,452,663.53</b>

\* Subcommittee of Standing Committee.

TABLE IV  
Leadership Expenditures  
12/1/95 - 11/30/96

Leadership	Staff Salary	Staff Travel	Car Rental	Postage	Freight	Telephone	Telegraph
Speaker—Pringle .....	\$690,107.86	\$20,745.98		\$1,874.95		\$24,303.94	-
Speaker—Setencich .....	103,034.68	1,199.21	325.73	222.66	\$754.31	2,351.76	-
Speaker pro Tempore—Aguar .....	147,886.73	263.68	-	-	407.95	-	-
Speaker pro Tempore—Baca .....	23,138.22	-	-	-	-	-	-
Chairman, Rules Committee .....	43,753.50	-	-	-	-	53.89	-
Vice-Chair of Rules Committee .....	205,295.00	-	-	-	-	15.56	-
Member of Rules—Aguar .....	41,024.58	-	-	-	-	-	-
Member of Rules—Alby .....	95,975.83	-	-	-	-	39.22	-
Member of Rules—Baca .....	116,593.59	-	-	-	-	48.16	-
Member of Rules—Battin .....	107,950.90	-	-	-	-	-	-
Member of Rules—Brewer .....	109,726.00	915.05	133.61	-	-	-	-
Member of Rules—Davis .....	64,245.00	-	-	-	-	-	-
Member of Rules—Escutia .....	143,635.70	-	-	-	-	140.89	-
Member of Rules—Goldsmith .....	25,043.49	-	-	-	-	-	-
Member of Rules—Knight .....	116,348.70	-	-	-	-	54.56	-
Member of Rules—Kuehl .....	24,612.03	-	-	-	-	-	-
Member of Rules—Lee .....	142,556.09	-	-	-	-	158.72	-
Member of Rules—Murray, K. ....	123,094.25	256.25	-	-	-	-	-
Member of Rules—Thompson .....	109,590.46	152.84	-	-	-	-	-
Democratic Floor Leader—Brown, W. ....				50.64	-	1,889.57	-
Democratic Floor Leader—Katz .....	193,781.28	456.57	251.11	-	500.00	9,183.10	-
Republican Floor Leader .....	113,546.99	-	116.31	-	-	9.94	-
Democratic Caucus Chair .....	151,435.26	-	-	-	-	147.59	-
Republican Caucus Chair .....	48,807.27	-	-	-	-	-	-
Democratic Whip .....	19,684.41	-	-	-	-	-	-
Republican Whip .....	33,353.41	-	-	-	-	-	-
Latino Legislative Caucus .....	8,537.36	-	-	-	-	-	-
Retired .....	59,864.86	-	-	-	-	4,610.35	-
TOTALS .....	\$3,062,623.45	\$23,989.58	\$941.53	\$2,148.25	\$1,662.26	\$42,977.25	\$0.00

TABLE IV—Continued  
Leadership Expenditures  
12/1/95 – 11/30/96

	Subscr. & Publications	Office Supplies	Misc. Services	TOTAL EXP.
Speaker—Pringle .....	\$7,983.54	\$2,629.29	\$33,385.37	\$781,848.10
Speaker—Setencich .....	752.45	1,910.58	12,974.64	123,179.66
Speaker pro Tempore—Aguilar .....	-	-	-	148,150.41
Speaker pro Tempore—Baca .....	-	-	-	23,138.22
Chairman, Rules Committee .....	-	-	-	43,807.39
Vice Chair of Rules Committee .....	-	-	-	205,412.71
Member of Rules—Aguar .....	-	918.97	102.15	41,994.73
Member of Rules—Aby .....	-	260.73	51.18	96,415.46
Member of Rules—Baca .....	-	-	139.68	116,781.43
Member of Rules—Battin .....	-	-	139.68	108,999.56
Member of Rules—Brewer .....	-	-	-	109,726.00
Member of Rules—Davis .....	-	-	-	64,245.00
Member of Rules—Escutia .....	-	-	69.84	143,846.43
Member of Rules—Goldsmith .....	-	-	25,043.49	116,473.10
Member of Rules—Knight .....	-	-	69.84	24,612.03
Member of Rules—Kuehl .....	-	-	-	142,784.65
Member of Rules—Lee .....	-	-	69.84	123,350.50
Member of Rules—Murray, K. ....	-	-	-	109,743.30
Member of Rules—Thompson .....	-	2.02	-	1,912.23
Democratic Floor Leader—Brown, W. ....	-	926.77	601.84	206,714.48
Republican Floor Leader .....	1,013.81	-	69.84	113,743.08
Democratic Caucus Chair .....	-	-	-	151,582.85
Republican Caucus Chair .....	-	-	-	48,807.27
Democratic Whip .....	-	-	-	19,684.41
Republican Whip .....	-	-	-	33,353.41
Latino Legislative Caucus .....	-	-	-	8,537.36
Retired .....	64.64	189.78	1,972.49	66,754.03
TOTALS .....	\$9,814.44	\$6,838.14	\$49,646.39	\$3,200,641.29

TABLE V A  
Support Services Expenditures  
12/1/95 – 11/30/96

	Staff Salary	Staff Travel & Per Diem	Car Rental	Telephone	Telegraph	Postage	Freight
Rules Committee .....	\$3,365,850.34	\$11,429.57	\$20,071.65	\$121,401.22	-	\$15,781.22	\$16,629.63
Democratic Office of Research .....	86,717.56	84.00	-	4,296.92	-	160.28	13.00
Republican Office of Research .....	139,106.30	-	-	11,660.65	-	6.30	16.00
Democratic Caucus .....	2,499,962.55	15,386.79	2,055.25	47,726.25	-	4,557.29	3,286.96
Republican Caucus .....	3,693,017.75	10,957.99	1,584.23	27,048.90	-	63,320.78	605.24
Reform Caucus .....	55,935.37	75.36	-	653.59	-	-	-
Reproduction Center .....	854,147.84	-	12,247.30	6,874.41	-	4.46	26.70
Secretarial Services .....	164,094.57	-	-	3,046.93	-	-	-
Clerical Services .....	27,129.40	-	-	1,216.69	-	-	-
Address Control .....	99,925.32	-	-	385.22	-	7.87	16.50
Chief Clerk .....	1,246,055.18	-	61.68	13,594.32	-	2,146.76	73.35
Sergeant-at-Arms .....	1,328,248.05	7,964.84	64,817.42	30,365.09	-	126.11	510.40
Fellowship Program .....	9,177.49	-	-	1,995.73	-	512.59	39.25
Computer Services .....	956,328.48	16,754.14	5,419.96	21,440.37	-	9,246.78	8,383.06
TOTALS .....	\$14,525,716.20	\$62,652.69	\$106,257.49	\$291,706.29	\$0.00	\$95,870.44	\$29,602.09



TABLE V B  
Support Services Expenditures  
12/1/95 - 11/30/96

	<i>Furniture &amp; Equipment</i>	<i>Office Supplies</i>	<i>Subscr. &amp; Publications</i>	<i>Misc. Services</i>	<i>TOTAL EXP.</i>
Rules Committee .....					\$3,714,607.74
Democratic Office of Research .....	\$52,794.02	\$35,743.81	\$4,359.98	\$70,546.30	92,074.76
Republican Office of Research .....	698.28	-	102.72	-	154,523.37
Democratic Caucus .....	745.47	1,468.44	750.36	769.85	2,782,799.47
Republican Caucus .....	88,524.86	15,289.42	10,975.93	95,014.17	4,113,361.51
Reform Caucus .....	252,628.30	22,354.49	13,922.37	25,921.46	56,771.07
Reproduction Center .....	-	10.18	-	96.57	1,655,998.17
Secretarial Services .....	37,259.37	20,572.22	442.00	724,423.87	168,513.62
Clerical Services .....	67.00	1,102.48	48.90	153.74	28,397.27
Address Control .....	-	-	-	51.18	104,046.31
Chief Clerk .....	2,613.70	738.47	-	359.23	1,285,302.20
Sergeant-at-Arms .....	11,497.64	4,605.62	5,238.00	2,028.65	1,432,351.30
Fellowship Program .....	(11,130.15)	7,779.78	548.28	3,121.48	12,485.51
Computer Services .....	531.75	228.70	-	-	1,030,492.72
	3,565.57	5,739.56	20.51	3,594.29	
TOTALS .....	\$439,795.81	\$115,634.17	\$38,409.05	\$926,080.79	\$16,631,725.02

TABLE VI  
General Overhead Expenditures  
12/1/95 - 11/30/96

Miscellaneous Salaries.....	\$1,657,383.74
Employee Benefits .....	10,425,781.81
Building, Rent, Maintenance, & Utilities .....	170,073.99
Office Alterations.....	223,105.96
Telephone .....	25,152.90
Furniture & Equipment .....	154,629.57
Office Supplies.....	95,559.46
Subscriptions, Publications, & Codes .....	128,963.61
Meeting Expenses.....	(8,823.12)
Meeting Expenses (Meals) .....	24,533.09
Freight, Moving, & Delivery .....	65,912.71
Other Miscellaneous Services.....	831,225.37
Study Contracts .....	-
TOTALS.....	<u>\$13,803,499.09</u>

TABLE VII  
Assembly Operating Fund Transfers  
12/1/95 - 11/30/96

Joint Legislative Budget Committee .....	\$2,111,250.00
TOTALS.....	<u>\$2,111,250.00</u>

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 20

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INTERIM RECESS

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Assembly Chamber, Sacramento  
Tuesday, December 2, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

December 1, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Wally Knox from the Assembly Public Employees, Retirement and Social Security Committee and am appointing Assemblymember Mike Honda to replace him. I also am appointing Assemblymember Honda as Chair of the committee.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

**Explanation of Vote—Senate Bill No. 291**

December 2, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Under the provisions of Rule 104, I request the following statement be entered into the Assembly Journal.

On September 9, 1997, I voted for SB 291. I was unaware the bill appropriated payment to plaintiff's attorneys in the misguided decision of *American Academy of Pediatrics et al. vs. Daniel E. Lungren*. I wish to go on record that I would never have knowingly supported this payment.

Sincerely,

BERNIE RICHTER, Assembly Member  
Third District

The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

**Taxes. Enforcement. Limitations. Initiative Statute.**

Referred by the Speaker to the Committee on Revenue and Taxation.

**Arms and Ammunition. Unrestricted Personal Possession and Use.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Public Safety.

**Elections. Term Limits Declarations for Congressional Candidates.  
Initiative Statute.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Elimination of Fluoridation from Public Water Systems.  
Initiative Statute.**

Referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Prohibition on Slaughter of Horses and Sale of Horsemeat  
for Human Consumption. Initiative Statute.**

Referred by the Speaker to the Committee on Agriculture.

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

97500

November 12, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its audit report concerning the California community colleges titled "California Community Colleges: While the Chancellor's Office Has Improved Its Administration of the Economic Development Program, It Has Failed To Fully Address All State Auditor Recommendations." This audit was performed as a follow-up to our January 1996 audit. We reviewed the actions taken by the Chancellor's Office and the Department of Education (department) in response to the recommendations we made in our January 1996 report.

This report concludes that the Chancellor's Office has significantly improved in awarding new grants competitively, has improved its monitoring efforts to ensure that community colleges submit all required reports, and is reviewing the reports it receives. In addition, it imposed stricter subcontracting requirements. However, according to its current plan, the Chancellor's Office will have delayed the use of a competitive process to award seven grants for continuing program initiatives by one year and will allow nine grants to be awarded noncompetitively for periods up to nine years. In addition, according to the Chancellor's Office, because of staffing limits, it cannot implement our recommendation to perform periodic site visits to monitor grantees. As a result, the Chancellor's Office cannot ensure that community colleges report accurate expenditures supported by their accounting records, provide sufficient matching funds as required, or comply with other grant requirements.

Both the Chancellor's Office and the department disagree with our 1996 recommendation to determine the reasonableness of the payment the Chancellor's Office and the department made to a contractor for the preparation of a Needs Assessment and the State Plan for Vocational Education and have not taken the action we requested. Finally, the Chancellor's Office has not addressed other state auditor's recommendations, while the department is making progress at implementation.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Higher Education.

## California State Auditor

96042

November 13, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by the California Health and Safety Code, Section 104145(g)(1), the Bureau of State Audits presents its audit report concerning the University of California's administration of the Breast Cancer Research Program (program). This report concludes that, overall, the program's grant awards process is equitable. However, we found that some procedures should be improved. For example, the program does not require signed conflict-of-interest statements from its reviewers, does not have clearly defined procedures for processing its "wild card" grants, and did not consistently enforce its policy on the responsiveness of grant applications. Further, authority over its appeals process rests with one individual, who is not independent of the decision to approve funding originally. However, the program has improved its administration of its travel and entertainment expenses since our audit in April 1996.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Higher Education.

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The following communication was presented by the Chief Clerk from:

Walter Vaughn, Acting Executive Officer, California State Personnel Board, Sacramento, dated November 6, 1997, relative to 90-day advance notification of demonstration project relating to alternative classification, examination, and selection program for employees of the Legislative Data Center. Referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 21

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INTERIM RECESS

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Assembly Chamber, Sacramento  
Tuesday, December 9, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

December 8, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Mike Honda from the Assembly Rules Committee and appointing Assemblymember Antonio Villaraigosa to replace him, effective immediately.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

96038

December 9, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by Chapter 197, Statutes of 1996, the Bureau of State Audits presents its audit report concerning



the drug management techniques of the Department of Health Services Medi-Cal drug contracting program. This report concludes that generally the department's use of drug management techniques is on a par with the HMOs we surveyed. Although it could expand its use of some techniques, it generally employs all those that are suited to the Medi-Cal Program.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Health.

#### REPORTS

The following reports were presented by the Chief Clerk:

**California State Lottery Fund, Financial Statement, June 30, 1997  
(Pursuant to Government Code Section 8880.43)**

Above transmitted report, together with letter of transmittal from William J. Popejoy, Director, California Lottery, Sacramento, dated October 31, 1997, referred by the Speaker to the Committee on Governmental Organization.

**1997-98 First Quarter Status Update  
on the Security Modifications at Napa State Hospital  
(Pursuant to Chapter 282, Budget Act of 1997, Item 4440-011-0001(13))**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, Sacramento, referred by the Speaker to the Committee on Health.

**Annual Report, Fraud Deterrence and Detection Activities  
(Pursuant to Unemployment Insurance Code Section 2614)**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, Dated November 6, 1997, referred by the Speaker to the Committee on Labor and Employment.

**Bureau of Medi-Cal Fraud—Quarterly Report,  
July 1, 1997–September 30, 1997**

Above transmitted report, together with letter of transmittal from Daniel E. Lungren, Attorney General, Department of Justice, Sacramento, dated November 19, 1997, referred by the Speaker to the Committee on Health.

**Report to the California State Legislature on Funding Sources of California's  
Air Pollution Control Districts with Budgets Exceeding One Million Dollars  
(Pursuant to Health and Safety Code Section 42311.1)**

Above transmitted report, together with letter of transmittal from Michael P. Kenny, Executive Officer, California Environmental Protection Agency, Air Resources Board, Sacramento, dated November 24, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Comparison of Accuracy and Reliability of Clinical Laboratory Testing  
Performed in a Physician Office Laboratory and a Non-Physician Office  
Laboratory**

**(Pursuant to Business and Professions Code Section 1224.5)**

Above transmitted report, together with letter of transmittal from S. Kimberly Belshe, Director, Department of Health Services, Sacramento, dated November 25, 1997, referred by the Speaker to the Committee on Health.

**Natural Community Conservation Planning Program,  
Quarterly Report April-June 1997**

**(Pursuant to the Supplemental Report of the 1992 Budget Act)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated December 1, 1997, referred by the Speaker to the Committee on Budget.

**Annual Report to the Legislature,  
California Public Utilities Commission, Rail Safety and Carriers Division,  
Railroad Safety Branch**

**(Pursuant to Public Utilities Code Sections 309.7 and 765.6)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, San Francisco, dated November 1, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**Plan to Reduce Accountancy Fund Reserve to  
Mandated Three-Month Reserve Level  
(Pursuant to Supplemental Report of the 1997 Budget Act,  
Item #1120-001-0704)**

Above transmitted report, together with letter of transmittal from Carol Sigmann, Executive Officer, Board of Accountancy, Sacramento, dated November 2, 1997, referred by the Speaker to the Committee on Budget.

**Quarterly Status Report of Major Capital Outlay Projects,  
Period Ending September 30, 1997**

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Director, Department of General Services, Sacramento, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

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CRUZ M. BUSTAMANTE, Speaker

ROCEL BETTENCOURT, Acting Minute Clerk

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 22

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INTERIM RECESS

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Assembly Chamber, Sacramento  
December 19, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

December 4, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Welfare and Institutions Code Sec. 10065 (Ch. 270 of 1997, AB 1542—Ducheny), I have named Assembly Member Elaine Alquist to serve on the Electronic Benefits Transfer Committee. The effective date of the appointment is December 4, 1997, and this is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

December 19, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions Code Sec. 4928 (amended, Ch. 676, 1982) (amended Code Sec. 4927, 28, 29 and 75) AB 2367—Filante, Ch. 1249, 1989), I have named Mr. Edmund Y. Tong to serve on the Acupuncture Committee. The effective date of the appointment is December 8, 1997, and this is a term appointment, ending July 1, 2000.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

December 8, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised pursuant to Government Code Sec. 15346.3 (Ch. 445 of 1993, SB 458—Hart), I have named Mr. Chander P. Mittal to serve as my designee to the California Defense Conversion Council. The effective appointment date is December 8, 1997, and this is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

December 8, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Penal Code Sec. 13810 (amended by: Ch. 155 of 1996, SB 842—Marks), I have named Mr. John R. Dierking to serve on the California Council on Criminal Justice as a public member. The effective date of the appointment is December 8, 1997, and this is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

December 17, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am establishing the Select Committee on Aging and am appointing Assemblymember Elaine Alquist as chair.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

97022

December 18, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by Chapter 310, Statutes of 1995, the Bureau of State Audits presents its audit report concerning the Department of Transportation's (department) revenues and expenditures authorized by the Seismic Retrofit Bond Act of 1996 (Bond Act). This report concludes that, although some inappropriate charges have occurred, the department in general has ensured that seismic retrofit projects funded with bond proceeds are consistent with the purpose of the Bond Act. As of November 1997, the department had not yet reimbursed the State Highway Account or the Consolidated Toll Bridge Fund for expenditures incurred during fiscal years 1994-95 and 1995-96.

Respectfully submitted,

KURT J. SJOBERG  
State Auditor

Above report referred to the Committee on Transportation.

## California State Auditor

97023

December 16, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As part of the annual financial and compliance audit of the State of California, the Bureau of State Audits presents its audit report concerning the State's controls over outpatient claims submitted by hospitals participating in the Selective Provider Contracting Program. This report concludes that the Department of Health Services (department) has not activated edits in its automated payment system to detect and prevent payments of certain ineligible outpatient claims. As a result, the department overpaid hospitals by approximately \$1.6 million annually. In addition, we found several problems with the department's proposed plan for implementing edits. Unless the department addresses these problems, it will continue to make incorrect payments to hospitals.

Respectfully submitted,

KURT J. SJOBERG  
State Auditor

Above report referred to the Committee on Health.

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The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiative pursuant to Elections Code, Section 9007:

**Discharges and Releases into Watercourses from Timber Harvest Operations.  
Initiative Statute.**

Referred by the Speaker to the Committees on Environmental Safety and Toxic Materials and Natural Resources.

**Timber Harvest Industry. Discharges and Releases into Watercourses.  
Initiative Statute.**

Referred by the Speaker to the Committees on Environmental Safety and Toxic Materials and Natural Resources.

**Timber Harvest Practices. Discharges or Releases into Watercourses.  
Initiative Statute.**

Referred by the Speaker to the Committees on Environmental Safety and Toxic Materials and Natural Resources.

**Air Quality. Tax Credits.  
Initiative Constitutional Amendment and Statute.**

Referred by the Speaker to the Committees on Environmental Safety and Toxic Materials and Revenue and Taxation.

**Tax Credits. Air Quality.  
Initiative Constitutional Amendment and Statute.**

Referred by the Speaker to the Committees on Environmental Safety and Toxic Materials and Revenue and Taxation.

**Air Quality Improvement. Tax Credits.  
Initiative Statute.**

Referred by the Speaker to the Committees on Environmental Safety and Toxic Materials and Revenue and Taxation.

**Air-Emissions. Tax Credits.  
Initiative Statute.**

Referred by the Speaker to the Committees on Environmental Safety and Toxic Materials and Revenue and Taxation.

**Timber Harvesting. Identification. Old Growth Trees. Clearcutting.  
Initiative Statute.**

Referred by the Speaker to the Committee on Natural Resources.

**Timber Harvest Operations. Discharges/Releases. Clearcutting.  
Initiative Statute. (Corrected)**

Referred by the Speaker to the Committees on Environmental Safety and Toxic Materials and Natural Resources.

**State and County Early Childhood Development Programs.  
Additional Tobacco Surtax.  
Initiative Constitutional Amendment and Statute.**

Referred by the Speaker to the Committees on Health, Revenue and Taxation, and Human Services.

**Family Law. Initiative Statute.**

Referred by the Speaker to the Committee on Judiciary.

**Corporations. Taxes. Initiative Statute.**

Referred by the Speaker to the Committee on Revenue and Taxation.

**Joint and Equal Physical Custody of Children to Both Parents.  
Initiative Statute.**

Referred by the Speaker to the Committee on Judiciary.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Meeting the Challenge, California Housing Finance Agency,  
1996-97 Annual Report**

**Meeting the Challenge, California Housing Finance Agency,  
1996-97 Statistical Supplement  
(Pursuant to Health and Safety Code Section 51005)**

Above transmitted reports, together with letter of transmittal from Theresa A. Parker, Executive Director, California Housing Finance Agency, Sacramento, dated December 5, 1997, referred by the Speaker to the Committee on Housing and Community Development.

**A Report on Legislation Enacted in 1997  
with State-Mandated Local Program Implications  
(Pursuant to Government Code Section 17562(b)3)**

Above transmitted report, together with letter of transmittal from Craig L. Brown, Director, Department of Finance, Sacramento, dated December 1, 1997, referred by the Speaker to the Committee on Revenue and Taxation.

**Regulatory Review Report, Department of Consumer Affairs,  
Arbitration Review Program  
(Pursuant to budget control language of the 1994-95 Budget Act)**

Above transmitted report, together with letter of transmittal from Marjorie M. Berte, Director, Department of Consumer Affairs, Sacramento, dated December 3, 1997, referred by the Speaker to the Committee on Budget.

**Progress Report on the Phase Down of Rice Straw Burning  
in the Sacramento Valley Air Basin, 1995-96**

**Report of the Advisory Committee on Alternatives to Rice Straw Burning**

**Appendices  
(Pursuant to Health and Safety Code Section 41865)**

Above transmitted reports, together with letters of transmittal from John D. Dunlap, III, Chairman, Air Resources Board, Sacramento, dated December 9, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 23

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## INTERIM RECESS

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Assembly Chamber, Sacramento  
Wednesday, December 24, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

### REPORTS

The following reports were presented by the Chief Clerk:

**California State Lottery Fund, Financial Statements, September 30, 1997**  
(Pursuant to Government Code Section 8880.22)

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Chief, Finance Department, California Lottery, Sacramento, dated December 12, 1997, referred by the Speaker to the Committee on Governmental Organization.

#### **Napa River/Napa Creek Flood Protection Project**

Above transmitted report, together with letter of transmittal from Dorothy F. Klasse, Colonel, Corps of Engineers, District Engineer, Department of the Army, Sacramento dated December 16, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**California Training Benefits and Training Extension Claims,  
Annual Program Report,  
State Fiscal Year 1995-1996**

(Pursuant to California Unemployment Insurance Code Section 15079(a))

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, dated December 18, 1997, referred by the Speaker to the Committee on Labor and Employment.

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk from:

Ted W. Dutton, Executive Officer, State Allocation Board, Sacramento, dated December 12, 1997, relative to expenditure of funds and Lease-Purchase Program Costs Reports. Referred by the Speaker to the Committee on Education.

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The following proposed initiative was received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiative pursuant to Elections Code, Section 9007:

**Industrial Use of Hemp (Marijuana).  
Initiative Statute.**

Referred by the Speaker to the Committee on Judiciary.

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The following communications were presented by the Speaker, and ordered printed in the Journal:

December 19, 1997

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that, pursuant to Insurance Code Sec. 12710, I have reappointed Emery B. Dowell to serve on the California Managed Risk Medical Insurance Board. The effective date of the appointment is January 1, 1998.

Thank you for your assistance in this matter.

Sincerely,

**CRUZ M. BUSTAMANTE**  
Speaker of the Assembly

December 24, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am making the following changes to the following committees:

*Agriculture*

Appointing Assemblymember Kevin Murray to fill the vacancy.

*Appropriations*

Removing Assemblymember Don Perata and appointing Assemblymember Martha Escutia.

*Banking and Finance*

Reducing the size of the committee from 13 members to 11 members, removing Assemblymembers Bill Leonard and Brooks Firestone, appointing Assemblymember Curt Pringle and eliminating the vacancy.

*Budget*

Reducing the size of the committee from 28 members to 25 members. Removing Assemblymembers Antonio Villaraigosa, Bill Leonard, Ted Lempert, Wally Knox and Bill Campbell, appointing Assemblymember Dion Aroner.

Sub 1: Removing Assemblymember Antonio Villaraigosa and appointing Assemblymember Dion Aroner

Sub 2: Removing Assemblymember Bill Leonard

Sub 3: Removing Assemblymember Ted Lempert and adding Assemblymember Debra Bowen.

Sub 4: Removing Assemblymembers Debra Bowen, Wally Knox and Bill Campbell.

*Consumer Protection, Governmental Efficiency  
and Economic Development*

Appointing Assemblymember George Runner as member and Vice Chair and removing Assemblymember Bill Campbell.

*Education*

Reducing the size of the committee from 21 members to 19 members, removing Assemblymember Bill Leonard and eliminating the vacancy.

*Governmental Organization*

Replacing Assemblymember Tom Bordonaro with Assemblymember Bob Margett as Vice Chair, appointing Assemblymember Curt Pringle and removing Assemblymember Nao Takasugi. (Mr. Bordonaro will remain a member.)

*Health*

Replacing Assemblymember Brett Granlund with Assemblymember Scott Baugh as Vice Chair, appointing Assemblymember Curt Pringle and removing Assemblymember Keith Olberg. (Mr. Granlund will remain a member.)

*Higher Education*

Appointing Assemblymember Tom Torlakson to fill the vacancy.

*Housing and Community Development*

Removing Assemblymember Robert Hertzberg and appointing Assemblymember Dion Aroner.

*Human Services*

Removing Assemblymember Tom Bordonaro and appointing Assemblymember Tom Woods.

*Insurance*

Appointing Assemblymember Dion Aroner to fill the vacancy.

*International Trade and Development*

Removing Assemblymember Barbara Alby and appointing Assemblymember Scott Baugh.

*Judiciary*

Appointing Assemblymember Robert Hertzberg to fill the vacancy.

*Labor and Employment*

Replacing Assemblymember Steven Kuykendall with Assemblymember Rico Oller as Vice Chair. Assemblymember Kuykendall will remain a member.

*Legislative Audit Committee*

Removing Assemblymembers Steven Kuykendall and Tony Cardenas and appointing Assemblymembers Don Perata and Scott Baugh.

*Local Government*

Reducing the size of the committee from 15 members to 12 members, removing Assemblymembers Robert Hertzberg, Ted Lempert, Steven Kuykendall and Mike Honda and appointing Assemblymember Don Perata.

*Public Employees, Retirement and Social Security*

Removing Assemblymember Tom McClintock and appointing Assemblymember Rod Pacheco.

*Revenue and Taxation*

Removing Assemblymember Carl Washington and appointing Assemblymember Deborah Ortiz.

*Transportation*

Removing Assemblymembers Robert Prenter and Scott Baugh and appointing Assemblymembers Marilyn Brewer and Nao Takasugi. I am also appointing Assemblymember Marilyn Brewer as the Vice Chair.

*Utilities and Commerce*

Removing Assemblymembers Martin Gallegos, Bill Leonard and Deborah Ortiz and appointing Assemblymembers Ed Vincent, Howard Wayne and Tom Woods. I am also appointing Assemblymember Bill Campbell as Vice Chair.

*Water, Parks and Wildlife*

Removing Assemblymember Tony Cardenas and appointing Assemblymember Martha Escutia. I am also replacing Assemblymember Bob Margett with Assemblymember Bruce Thompson as the Vice Chair. (Mr. Margett will remain a member.)

I am also exchanging the meeting times for the Insurance and Judiciary Committees.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 5, 1998**

**ONE HUNDRED THIRTY-NINTH SESSION DAY**

**FOUR HUNDREDTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Monday, January 5, 1998

The Assembly met at 12:05 p.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Wayne moved a quorum call of the Assembly.

Motion carried. Time, 12:06 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 12:12 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—78:

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
Alby	Figueroa	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Campbell	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O God of All, You are transcendent in essence, the Creator of the ages and their Master. We gather today, Lord, and pray that You bless the cycle of this new year. In Your boundless mercy, save all those who worship You, and with our hearts full of hope, we ask that You grant to all a fruitful, productive and prosperous year.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Escutia then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Villaraigosa, seconded by Assembly Member Thompson.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Vincent.*

**COMMUNICATIONS**

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

97102  
December 23, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the State's process of contracting with outside counsel for litigation services. This report concludes that of the requests for litigation services that the Department of Justice (DOJ) declined in fiscal year 1995–96, a substantial portion were the result of DOJ's determination that it lacked resources to provide the service. Further, consent by the DOJ to use other counsel usually results in departments contracting with outside counsel for litigation services. Nevertheless, the DOJ's decision not to provide services because of insufficient resources is not a statutory basis for contracting for legal services. Further, departments do not use adequate management tools to monitor legal contracts and do not consistently use restrictive contract provisions to help control contract costs.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Judiciary.



## California State Auditor

97001

December 30, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its Independent Auditors' Report on the State of California's general purpose financial statements for the year ended June 30, 1997. These financial statements are presented on a basis in conformity with generally accepted accounting principles (GAAP). The financial statements show that the State's General Fund spent approximately \$1.7 billion more than it generated in revenues for fiscal year ended June 30, 1997. The General Fund ended the fiscal year with a fund deficit of nearly \$2.5 billion. The GAAP basis statements included all liabilities owed by the State while the budgetary basis statements that are used to report on the State's budget do not reflect all liabilities.

We conducted the audit to comply with the California Government Code, Section 8546.4.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Budget.

California State Auditor

97008

December 30, 1997

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by the California Government Code, Section 13299.1, the Bureau of State Audits presents its audit report concerning the State Treasurer's Office Statement of Securities Accountability as of June 30, 1997. This report concludes that the statement presents fairly the securities accountability of the State Treasurer's Office as of June 30, 1997.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

The following proposed initiative was received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiative pursuant to Elections Code, Section 9007:

**Regulation of Timber Operations by Counties and Cities.  
Limits on Timber Harvesting.  
Initiative Statute.**

Referred by the Speaker to the Committees on Natural Resources and Local Government.

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The following communications were presented by the Chief Clerk, and ordered printed in the Journal:

January 5, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: The following holiday schedule for 1998 was approved in Assembly Rules Committee today:

Martin Luther King, Jr. Day—Monday, January 19  
Lincoln's Birthday—Monday, February 9  
Washington's Birthday—Monday, February 16  
Memorial Day—Monday, May 25  
Independence Day—Friday, July 3  
Labor Day—Monday, September 7  
Columbus Day—Monday, October 12  
Veterans Day—Wednesday, November 11  
Thanksgiving—Thursday and Friday, November 26 and 27  
Christmas—Thursday and Friday, December 24 and 25  
New Years—Thursday and Friday, December 31 and January 1

In addition, the Rules Committee has authorized Assembly employees to take two personal holidays at anytime during the year with the approval of the member.

Sincerely,

DON PERATA, Chair  
Assembly Rules Committee

**Explanation of Vote—Senate Bill No. 291**

5 January, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the California Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: Under the provisions of Rule 104, I request the following statement be entered into the Journal:

On September 9, 1997 I voted on the floor for SB 291 (Appropriations) that satisfied a number of claims against the state. One claim in the bill concerned payment of \$1.93 million from the General Fund to the Attorney General to pay attorney fees in the case of *American Academy of Pediatrics et. Al. v. Daniel E. Lungren* which permanently enjoined the law requiring unemancipated minors to obtain the consent of one parent or a judge before a physician could perform an abortion.

As the sponsor of the original Parental Consent legislation, I would have never knowingly voted to pay the plaintiff's attorney fees in this misguided judicial decision. With the crush of the end of session and the number of differing analyses on the bill, as well as the confusion that results when we in the Legislature try to deliberate on 150 pieces of legislation per night, I unknowingly voted for something that is in direct conflict with all my principles and convictions.

Sincerely,

BARBARA ALBY, Assembly Member  
Fifth District

**Explanation of Vote—Senate Bill No. 291**

November 14, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the California Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: Under the provisions of Rule 104, I request the following statement be entered into the Journal:

On September 9, 1997, I voted on the Assembly Floor for SB 291 (Appropriations). I did not intend to support a major part of this bill, which required \$1.93 million from the General Fund to be paid in attorney fees in the case of *American Academy of Pediatrics et al. v. Daniel E. Lungren*. With the hectic rush of the end of session and multiple bill analyses, the confusion resulted in a vote, which is contrary to my beliefs.

Sincerely,

GEORGE R. HOUSE JR., Assembly Member  
Twenty-fifth District

**REPORTS**

The following reports were presented by the Chief Clerk:

**First Annual Report on the Substance Abuse Program at the  
California Substance Abuse Treatment Facility (SATF) and  
State Prison at Corcoran  
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from C.A. Terhune, Director, Department of Corrections, Sacramento, dated December 30, 1997 referred by the Speaker to the Committee on Public Safety.

**Department of Industrial Relations,  
Division of Apprenticeship Standards and California Apprenticeship Council,  
1996 Annual Report on Activities to the Legislature and the Public**

Above transmitted report, together with letter of transmittal from John C. Duncan, Acting Director, Office of the Director, Department of Industrial Relations, San Francisco dated December 30, 1997, referred by the Speaker to the Committee on Labor and Employment.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 5, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 873  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

<i>Assembly</i>		<i>Committee</i>
<i>Bill No.</i>		
<b>632</b>	-----	Ins.
<b>1327</b>	-----	Ed.
<b>1514</b>	-----	G.O.

**REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, January 5, 1998

Mr. Speaker: I request permission to suspend Joint Rule 62(a) as it relates to Assembly Bill No. 975.

LIZ FIGUEROA

Assembly Chamber, January 5, 1998

Mr. Speaker: I request permission to suspend Joint Rule 62(a) as it relates to Assembly Bills Nos. 1239 and 1529.

LIZ FIGUEROA

Above requests ordered transmitted to the Committee on Rules.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Senate Concurrent Resolution No. 44

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Chairman

**SENATE CONCURRENT RESOLUTION NO. 44**—Relative to apportionment of income for franchise tax purposes.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 231  
Assembly Bill No. 880

Assembly Bill No. 903  
Assembly Bill No. 1076

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 231**—An act to amend Section 502 of the Penal Code, relating to crimes.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 880**—An act to amend Section 13700 of the Penal Code, relating to minors.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 903**—An act to amend Section 186.22 of the Penal Code, relating to crimes.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1076**—An act to add Section 22.5 to the Penal Code, relating to criminal procedure.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 85

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 85**—An act to amend Sections 48000 and 48010 of, and to add Sections 14022.7 and 42238.20 to, the Education Code, relating to education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 9

Assembly Bill No. 510

Assembly Bill No. 215

Assembly Bill No. 809

Assembly Bill No. 302

Assembly Bill No. 1081

Assembly Bill No. 390

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Chairman

**ASSEMBLY BILL NO. 9**—An act to add Sections 18152 and 24996 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 215**—An act to add Sections 17053.65, 17053.67, and 17053.68 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 302**—An act to add Section 17052.20 to the Revenue and Taxation Code, and to add Section 11251 to the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 390**—An act to add Sections 17053.36 and 23636 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 510**—An act to amend Sections 18633 and 18633.5 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 809**—An act to amend and renumber Section 7120 of, to amend and renumber the heading of Chapter 13 (commencing with Section 7120) of, and to add Chapter 13 (commencing with Section 7120) to, Division 7 of Title 1 of, the Government Code, to amend Sections 17039, 17276.2, 23036, and 24416.2 of, and to add Sections 17052.13, 17053.20, 17053.21, 17160, 17231, 17252.7, 23612, 23624.5, 24311, 24356.6, and 24384 to, the Revenue and Taxation Code, relating to economic development.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1081**—An act to add Section 402.6 to the Revenue and Taxation Code, relating to taxation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 260

Assembly Bill No. 913

Assembly Bill No. 795

Assembly Bill No. 1199

Assembly Bill No. 907

Assembly Bill No. 1617

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 260**—An act to add Section 3032 to the Family Code, relating to custody.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 795**—An act to add Sections 3201, 3202, 3203, 3204, 3205, and 3206 to the Family Code, relating to family law.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 907**—An act to add Division 15 (commencing with Section 11000) to the Family Code, relating to child support.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 913**—An act to add Sections 2330.6, 2330.7, 2330.8, and 2330.9 to the Family Code, relating to marriage.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1199**—An act to amend Section 170.6 of the Code of Civil Procedure, relating to court proceedings.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1617**—An act to add Chapter 4.5 (commencing with Section 6400) to Division 7 of Title 1 of the Government Code, relating to religious freedom.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 124

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 124**—An act to amend Section 76000 of the Government Code, relating to courthouse construction, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Consumer Protection, Governmental Efficiency and Economic Development**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 19

Assembly Bill No. 969

Assembly Bill No. 583

Assembly Bill No. 1136

Assembly Bill No. 771

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DAVIS, Chairwoman

**ASSEMBLY BILL NO. 19**—An act to add Chapter 8.2 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of the Government Code, relating to state government, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 583**—An act to add and repeal Chapter 26.5 (commencing with Section 22765) of Division 8 of the Business and Professions Code, relating to computer services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 771**—An act to amend Sections 7090, 7137, 7152, 7155.5, 7156, 7157, and 7159 of, and to repeal Sections 7153, 7153.1, 7153.2, 7153.3, 7154, and 7155 of, the Business and Professions Code, relating to home improvement salespersons.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 969**—An act to amend Section 130 of, and to repeal and add Chapter 7 (commencing with Section 6700) of Division 3 of, the Business and Professions Code, relating to professional engineers.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.



**ASSEMBLY BILL NO. 1136**—An act to add Section 10160.5 to the Public Contract Code, relating to state contracts.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 459

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 459**—An act to add Division 14 (commencing with Section 141000) to the Public Utilities Code, relating to transportation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 790

Assembly Bill No. 910

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALLEGOS, Chairman

**ASSEMBLY BILL NO. 790**—An act to add Section 1288.5 to the Health and Safety Code, relating to health facilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 910**—An act to amend Section 1341 of, and to add Section 1340.9 to, the Health and Safety Code, relating to health care service plans.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 881

Assembly Bill No. 1426

Assembly Bill No. 1068

Assembly Bill No. 1439

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALLEGOS, Chairman

**ASSEMBLY BILL NO. 881**—An act to add Section 1259.3 to the Health and Safety Code, relating to health care.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1068**—An act to repeal Chapter 3.93 (commencing with Section 1599.60) of, and to repeal and add Chapter 3.9 (commencing with Section 1599) of, Division 2 of the Health and Safety Code, relating to health facilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1426**—An act relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1439**—An act to amend Section 5251 of the Welfare and Institutions Code, relating to mental health.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 1437

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chairwoman

**ASSEMBLY BILL NO. 1437**—An act to amend Sections 39604, 40915, and 40924 of, and to add Section 39611 and 39612 to, the Health and Safety Code, relating to air pollution.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Employees, Retirement and Social Security**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 427

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HONDA, Chairman

**ASSEMBLY BILL NO. 427**—An act to add Article 9 (commencing with Section 22867) to Chapter 1 of Part 5 of Division 5 of Title 2 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:

Assembly Bill No. 24

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**ASSEMBLY BILL NO. 24**—An act relating to transportation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Public Safety reports:**

Assembly Bill No. 565

Assembly Bill No. 1290

Assembly Bill No. 778

Assembly Bill No. 1389

Assembly Bill No. 796

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 565**—An act to amend Section 1016 of the Penal Code, relating to criminal procedure.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 778**—An act to amend Section 499c of the Penal Code, relating to crimes.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 796**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1290**—An act to amend Section 4212 of the Penal Code, relating to corrections.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1389**—An act relating to transportation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Human Services**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 5

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**ASSEMBLY BILL NO. 5**—An act to add Section 727.2 to the Welfare and Institutions Code, relating to juveniles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Housing and Community Development**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 1616

With author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chairman

**ASSEMBLY BILL NO. 1616**—An act to add Chapter 13 (commencing with Section 19894) to Part 3 of Division 13 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Governmental Organization**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 569

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BROWN, Chairwoman

**ASSEMBLY BILL NO. 569**—An act to add Section 24055 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 322

Assembly Bill No. 538

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 322**—An act to repeal Sections 52318 and 52319 of the Education Code, relating to vocational education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 538**—An act to add Section 45452 to the Education Code, relating to classified school employees.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 25

Assembly Bill No. 859

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 25**—An act to add Part 26.5 (commencing with Section 47000) to the Education Code, relating to education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 859**—An act to add Article 14 (commencing with Section 45460) to Chapter 5 of Part 25 of the Education Code, relating to school districts.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 867

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 867**—An act to amend Sections 47605 and 60605 of the Education Code, relating to schools.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Insurance reports:

Assembly Bill No. 333

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chairwoman

**ASSEMBLY BILL NO. 333**—An act to amend Sections 1631 and 1635 of the Insurance Code, relating to insurance.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
 Assembly Bill No. 402

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chairwoman

**ASSEMBLY BILL NO. 402**—An act to add Division 21.5 (commencing with Section 31500) to the Public Resources Code, relating to public resources.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Housing and Community Development**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 923

With author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chairman

**ASSEMBLY BILL NO. 923**—An act to add Chapter 3.6 (commencing with Section 50799) to Division 1 of Title 5 of the Government Code, and to repeal Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, relating to redevelopment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
 Assembly Bill No. 88

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 88**—An act to add Sections 24205.5, 44928.5, and 87489 to the Education Code, relating to the State Teachers' Retirement System.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:  
 Assembly Bill No. 1018

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**ASSEMBLY BILL NO. 1018**—An act to amend Section 11713.15 of the Vehicle Code, relating to vehicles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Assembly Bill No. 346

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**ASSEMBLY BILL NO. 346**—An act to amend Section 144 of the Streets and Highways Code, relating to highways.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Assembly Bill No. 1225

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**ASSEMBLY BILL NO. 1225**—An act to add Section 7154.6 to the Health and Safety Code, and to add Article 6 (commencing with Section 12960) to Chapter 1 of Division 6 of the Vehicle Code, relating to anatomical gifts.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Assembly Bill No. 218

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**ASSEMBLY BILL NO. 218**—An act to amend Section 11515 of the Vehicle Code, relating to vehicles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Local Government reports:  
Assembly Bill No. 759

With author's amendments with the recommendation: Amend, and re-refer to the committee.

SWEENEY, Chairman

**ASSEMBLY BILL NO. 759**—An act to add Section 11000.15 to the Business and Professions Code, relating to subdivided lands.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 1305

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**ASSEMBLY BILL NO. 1305**—An act to amend Sections 10955.1, 10501, 10980, and 11478 of, to add Sections 10990, 10990.1, 10990.2, and 10990.5 to, and to repeal Section 11483 of, the Welfare and Institutions Code, relating to public social services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 521

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 521**—An act relating to education technology.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Water, Parks and Wildlife**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 184

Assembly Bill No. 1047

Assembly Bill No. 609

Assembly Bill No. 1241

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chairman

**ASSEMBLY BILL NO. 184**—An act to add Sections 6082 and 6083 to the Water Code, relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 609**—An act to amend Sections 13575, 13576, 13579, 13580, and 13581 of, and to add Section 13581.5 to, the Water Code, relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.



**ASSEMBLY BILL NO. 1047**—An act to add Section 2081.2 to the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1241**—An act to add Division 35 (commencing with Section 72000) to the Public Resources Code, relating to resources, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 162

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALLEGOS, Chairman

**ASSEMBLY BILL NO. 162**—An act to amend Section 1363 of the Health and Safety Code, relating to health care service plans.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Employees, Retirement and Social Security**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1375

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HONDA, Chairman

**ASSEMBLY BILL NO. 1375**—An act to add Section 31753 to the Government Code, relating to county employees.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Environmental Safety and Toxic Materials**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 733

Assembly Bill No. 871

Assembly Bill No. 983

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**ASSEMBLY BILL NO. 733**—An act to add Section 25417.2 to the Health and Safety Code, relating to the environment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 871**—An act to amend Section 53321.5 of the Government Code, and to amend Sections 33459.3 and 33459.7 of the Health and Safety Code, relating to redevelopment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 983**—An act to amend Section 25205.6 of the Health and Safety Code, relating to hazardous materials.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 1488

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Chairman

**ASSEMBLY BILL NO. 1488**—An act to amend Section 18405 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Assembly Bill No. 585  
Assembly Bill No. 1613

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**ASSEMBLY BILL NO. 585**—An act to amend Section 42205 of the Vehicle Code, relating to vehicles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1613**—An act to add Section 14525.3 to the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Governmental Organization**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:  
Assembly Bill No. 547

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BROWN, Chairwoman

**ASSEMBLY BILL NO. 547**—An act to amend Section 19605.3 of the Business and Professions Code, relating to horseracing.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:  
Assembly Bill No. 126

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**ASSEMBLY BILL NO. 126**—An act to add Chapter 4 (commencing with Section 16300) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 1069

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1069**—An act to add Section 96.11 to the Revenue and Taxation Code, relating to local government finance.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Labor and Employment**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Labor and Employment reports:  
Assembly Bill No. 1185

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOYD, Chairman

**ASSEMBLY BILL NO. 1185**—An act to add Section 9617 to the Unemployment Insurance Code, relating to job training.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Insurance reports:

Assembly Bill No. 1566

Assembly Bill No. 1567

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chairwoman

**ASSEMBLY BILL NO. 1566**—An act to amend Section 11751.8 of the Insurance Code, relating to workers' compensation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1567**—An act to amend Section 1231 of the Unemployment Insurance Code, relating to employment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 401

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 401**—An act relating to school districts.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Higher Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Higher Education reports:

Assembly Bill No. 1328

With author's amendments with the recommendation: Amend, and re-refer to the committee.

LEMPERT, Chairman

**ASSEMBLY BILL NO. 1328**—An act to amend Section 72031 of the Education Code, relating to postsecondary education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 16

With author's amendments with the recommendation: Amend, and re-refer to the committee.

SWEENEY, Chairman

**ASSEMBLY BILL NO. 16**—An act relating to tidelands and submerged lands granted by the state to the City of Long Beach and, in this connection, to amend Section 6 of Chapter 138 of the Statutes of 1964 (First Extraordinary Session).

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Labor and Employment**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Labor and Employment reports:

Assembly Bill No. 744

Assembly Bill No. 959

Assembly Bill No. 1307

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOYD, Chairman

**ASSEMBLY BILL NO. 744**—An act to amend Section 1308.7 of the Labor Code, relating to employees.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 959**—An act to add and repeal Section 10205.1 of the Unemployment Insurance Code, relating to job training.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1307**—An act to amend Sections 1173, 1177, and 1184 of, and to repeal and add Section 1183 of, the Labor Code, relating to employment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Water, Parks and Wildlife**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 540

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chairman

**ASSEMBLY BILL NO. 540**—An act to amend Section 5 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 707

Assembly Bill No. 1373

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 707**—An act to add Section 784 to, to add Chapter 8 (commencing with Section 888.010) to Title 5 of Part 2 of Division 2 of, and to repeal Section 1464 of, the Civil Code, and to amend Section 336 of the Code of Civil Procedure, relating to repeal property.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1373**—An act to amend Section 1279 of, and to add Division 9.8 (commencing with Section 10950) to, the Health and Safety Code, to amend Sections 11165.7 and 11657.13 of the Penal Code, to amend Sections 300, 16206, and 16504 of, and to add Sections 16206.1, 16206.2, 16505, and 18964 to, the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 1073

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**ASSEMBLY BILL NO. 1073**—An act to add Section 10824.5 to the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Elections, Reapportionment and Constitutional Amendments**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 73

Assembly Bill No. 238

With author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chairman

**ASSEMBLY BILL NO. 73**—An act to add Chapter 2.5 (commencing with Section 110) to Division 0.5 of, and to add Chapter 3.5 (commencing with Section 18210) to Division 18 of, the Elections Code, relating to elections.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 238**—An act to add Section 3017 to the Elections Code, relating to elections.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Elections, Reapportionment and Constitutional Amendments**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 1336

With author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chairman

**ASSEMBLY BILL NO. 1336**—An act to amend Sections 82047.5, 84101, and 84215 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Public Safety**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 743

Assembly Bill No. 1115

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 743**—An act to amend Section 1203.1 of, and to add Section 3054 to, the Penal Code, relating to criminal offenders.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1115**—An act to amend Section 12021 of the Penal Code, relating to crimes.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Appropriations**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 254

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 254**—An act to add Division 26 (commencing with Section 79000) to the Water Code, relating to financing a flood control and prevention program, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Higher Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Higher Education reports:

Assembly Bill No. 425

With author's amendments with the recommendation: Amend, and re-refer to the committee.

LEMPERT, Chairman

**ASSEMBLY BILL NO. 425**—An act to add Part 46.5 (commencing with Section 75000) to the Education Code, relating to postsecondary education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 630

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 630**—An act to amend Sections 1983, 1984, 1986, 1987, and 1988 of the Civil Code, to amend Section 431.40 of, and to add Section 431.31 to, the Code of Civil Procedure, relating to tenancies.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 1615

With author's amendments with the recommendation: Amend, and re-refer to the committee.

SWEENEY, Chairman

**ASSEMBLY BILL NO. 1615**—An act to amend Sections 66452.6 and 66463.5 of the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.



**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 274

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 274**—An act to amend Section 1157 of the Evidence Code, relating to evidence.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 964

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chairwoman

**ASSEMBLY BILL NO. 964**—An act to add Section 41781.4 to the Public Resources Code, relating to solid waste.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Governmental Organization**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 1234

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BROWN, Chairwoman

**ASSEMBLY BILL NO. 1234**—An act to amend Section 25664 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORT OF STANDING COMMITTEES**  
**Committee on Insurance**

May 30, 1997

Mr. Speaker: Your Committee on Insurance reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 975

FIGUEROA, Chairwoman

Above bill ordered filed with the Chief Clerk.

June 5, 1997

Mr. Speaker: Your Committee on Insurance reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1239

Assembly Bill No. 1529

FIGUEROA, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Elections, Reapportionment and Constitutional Amendments**

August 6, 1997

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 520

VINCENT, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Judiciary**

October 30, 1997

Mr. Speaker: Your Committee on Judiciary reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1122

ESCUTIA, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Rules**

January 5, 1998

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 62, as it relates to the following bill be granted:

Assembly Bill No. 975

DON PERATA, Chairman

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 5, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 126

Assembly Bill No. 1069

Assembly Bill No. 274

Assembly Bill No. 1073

Assembly Bill No. 521

Assembly Bill No. 1437

Assembly Bill No. 583

Assembly Bill No. 1615

Assembly Bill No. 771

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Speaker Bustamante on the occasion of his birthday and in extending belated birthday greetings to Assembly Members Miller, Havice, Bowen, Leonard, Brown, Wayne, Gallegos, Shelley, Hertzberg, House, Thompson, Aguiar, Napolitano, Ackerman, and Kaloogian.

**ADJOURN IN MEMORY**

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Diane Lohman, of Albany.

Assembly Member Brown was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Bevers Ebbert, of Vallejo.

Assembly Member Cunneen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pat Liden, of San Jose.

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Viramontes, of Baldwin Park.

Assembly Member Havice was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary C. Riley, of San Francisco.

Assembly Member Lempert was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Annie Murray Holmes, of Victorville.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Thornton, of Hayward and Claude Allen, of Hayward.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roland Marchand, Ph.D., of Davis; Qasim Shah, of Davis; Evan Michael Rippee, of Davis; and Robert Currey Schulze III, of Davis.

Assembly Members Wayne, Ducheny and Davis were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Salura Baron, of San Diego.

Assembly Member Woods was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nancy Bennitt, of Sawyers Bar.

**RE-REFERENCE OF BILLS**

Assembly Member Migden was granted unanimous consent that the following bills be re-referred from the Committee on Appropriations as noted:

Assembly Bill No. 228, to the Committee on Natural Resources;  
Assembly Bill No. 263, to the Committee on Transportation;  
Assembly Bill No. 1069, to the Committee on Revenue and Taxation;  
Assembly Bill No. 718, to the Committee on Human Services.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Migden announced her intention to request that Assembly Bill No. 204 be removed from the inactive file.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Aguiar was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1017 and 173 be stricken from file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Mazzoni was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1327 for hearing in the Committee on Education on Wednesday, January 7, 1998.

**RE-REFERENCE OF BILLS**

Assembly Member Mazzoni was granted unanimous consent that Assembly Bill No. 521 be re-referred from the Committee on Education to the Committee on Higher Education.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Mazzoni was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1362 and 39 be stricken from file.

Assembly Member Ackerman was granted unanimous consent that the Governor's veto of Assembly Bill No. 712 be stricken from file.

**REQUEST FOR RE-REFERENCE OF BILL**

Assembly Member Sweeney requested unanimous consent that Assembly Bill No. 1615 be re-referred from the Committee on Local Government to the Committee on Housing and Community Development.

Assembly Member Papan withheld unanimous consent.

**RE-REFERENCE OF BILLS**

Assembly Member Davis was granted unanimous consent that the following bills be re-referred from the Committee on Consumer Protection, Governmental Efficiency and Economic Development as noted:

Assembly Bill No. 583, to the Committee on Public Safety;

Assembly Bill No. 771, to the Committee on Judiciary.

**BILLS RETURNED TO UNFINISHED BUSINESS FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the unfinished business file.

**Assembly Bill No. 1092**, on request of Assembly Member Goldsmith.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Goldsmith was granted unanimous consent that the Governor's veto of Assembly Bill No. 320 be stricken from file.

**BILL RETURNED TO SENATE**

Assembly Member Perata was granted unanimous consent to return Assembly Bill No. 23 to the Senate for further action.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Bordonaro was granted unanimous consent that the Governor's veto of Assembly Bill No. 321 be stricken from file.

Assembly Member Alquist was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1341, 1335, 1321, and 1519 be stricken from file.

**ACTION RESCINDED ON ASSEMBLY BILL NO. 1400**

Assembly Member Ashburn was granted unanimous consent to rescind the action whereby the Assembly, on April 7, 1997 (Assembly Journal, page 872), refused to concur in Senate amendments to Assembly Bill No. 1400, and that the bill be returned to the Senate for further action.

**BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Assembly Bill No. 12**, on request of Assembly Member Figueroa;

**Assembly Bill No. 374**, on request of Assembly Member Kuehl.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****MOTION TO RECONSIDER ASSEMBLY BILL NO. 278 WAIVED**

Assembly Member Escutia waived her motion to reconsider the vote whereby Senate amendments to Assembly Bill No. 278 were refused concurrence.

**ADJOURN IN MEMORY**

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sacramento City Councilman Sam Pannell.

Assembly Member Oller was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ralph Larsen, of Arnold.

**JOINT RULE 62(a) WAIVED**

Assembly Member Lempert was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 521 for hearing in the Committee on Higher Education on Tuesday, January 6, 1998.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****SENATE BILL NO. 1334 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Cardoza was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 1334 was refused passage; and that the bill be placed upon the inactive file.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Baca was granted unanimous consent that the Governor's veto of Assembly Bills Nos. 140, 134, and 369 be stricken from file.

**RE-REFERENCE OF BILLS**

Assembly Member Bowen was granted unanimous consent that Assembly Bill No. 1437 be re-referred from the Committee on Natural Resources to the Committee on Transportation.

**ADJOURN IN MEMORY**

Assembly Member Floyd was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Russell Lee Miller, of Pacific Palisades.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Aroner was granted unanimous consent that the Governor's veto of Assembly Bills Nos. 1124 and 641 be stricken from file.

**RE-REFERENCE OF BILLS**

Assembly Member Aroner was granted unanimous consent that Assembly Bills Nos. 1073 and 126 be re-referred from the Committee on Human Services to the Committee on Public Safety.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Suspend Joint Rules**

By Assembly Member Figueroa:

*Resolved*, That Joint Rule 62(a) be suspended to permit the Committee on Insurance to set Assembly Bill No. 975 for reconsideration and further action.

Resolution read, and adopted by the following vote:

**AYES—75**

Ackerman	Escutia	Leonard	Pringle
Aguiar	Figueroa	Machado	Richter
Alby	Firestone	Margett	Runner
Alquist	Floyd	Mazzoni	Scott
Aroner	Frusetta	McClintock	Shelley
Ashburn	Gallegos	Migden	Strom-Martin
Baca	Goldsmith	Miller	Sweeney
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowen	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brown	Kaloogian	Oller	Washington
Campbell	Keeley	Ortiz	Wayne
Cardenas	Knox	Pacheco	Wildman
Cardoza	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker
Ducheny	Lempert	Prenter	

**NOES—1**

Martinez

**ADJOURN IN MEMORY**

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harvey McGee, of Sonora.

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Officer Steven Gajda, of the Los Angeles Police Department.

Assembly Member Brown was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jesse Bethel, of Vallejo.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Cardenas announced his intention to request that Assembly Bill No. 900 be removed from the inactive file.

**RE-REFERENCE OF BILLS**

Assembly Member Escutia was granted unanimous consent that Assembly Bill No. 274 be re-referred from the Committee on Judiciary to the Committee on Health.

Assembly Member Brown was granted unanimous consent that Assembly Bill No. 1535 be re-referred from the Committee on Governmental Organization to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that the Senate and Assembly would meet in Joint Convention on Wednesday, January 7, 1998, at 4:15 p.m. for the Governor's State of the State Address.

Speaker pro Tempore Kuehl also announced that Friday, January 16th is the last day to submit bill requests to the Office of Legislative Counsel.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bill No. 867 were continued until Wednesday, January 7, 1998.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Resolution to Suspend Joint Rule 62(a):** Brown—Aye.

**MOTION TO ADJOURN**

At 12:50 p.m., Assembly Member Villaraigosa moved that the Assembly do now adjourn.

Assembly Member Thompson seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 12:51 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1618—Morrissey.** An act to add Section 17043 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1619—Baca.** An act to add Sections 140 and 1367.55 to the Health and Safety Code, and to add Section 10123.187 to the Insurance Code, relating to health.

**ASSEMBLY BILL NO. 1620—Scott.** An act to add Sections 44259.5 and 44259.6 to the Education Code, relating to education.

**ASSEMBLY BILL NO. 1621—Figueroa and Leach.** An act to add Section 1367.63 to the Health and Safety Code, to add Section 10123.84 to the Insurance Code, and to add Section 14132.62 to the Welfare and Institutions Code, relating to health care coverage.

**ASSEMBLY BILL NO. 1622—Bowen.** An act to amend Section 12025 of the Penal Code, relating to firearms.

**ASSEMBLY BILL NO. 1623—Figueroa.** An act to add and repeal Sections 17052.33 and 23633 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1624—Figueroa.** An act to amend Section 21655.6 of the Vehicle Code, relating to highways.

**ASSEMBLY BILL NO. 1625—Richter.** An act to amend Section 6400 of, and to add Sections 12022, 12023, 12024, 12025, and 12026 to, the Fish and Game Code, relating to fish, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1626—Alquist.** An act to add and repeal Article 12.5 (commencing with Section 51840) of Chapter 5 of Part 28 of the Education Code, relating to education, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1627—Alquist.** An act to add Section 18621.1 to the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1628—Alquist.** An act to amend Section 1473 of the Penal Code, relating to battered woman syndrome.

**ASSEMBLY BILL NO. 1629—Miller.** An act to add Section 17538.45 to the Business and Professions Code, relating to advertising.

**ASSEMBLY BILL NO. 1630—Sweeney.** An act relating to child support.

**ASSEMBLY BILL NO. 1631—Sweeney.** An act relating to taxation.

**ASSEMBLY BILL NO. 1632—Ortiz.** An act to add and repeal Chapter 5.4 (commencing with Section 16530) of Part 4 of Division 9 of the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 1633—Ortiz.** An act to amend Sections 18533 and 18621.5 of, and to add Sections 18404 and 19310 to, the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1634—Ortiz.** An act to add Sections 462, 12517.5, 34501.17, and 34520.5 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 1635—Migden.** An act to amend Section 5971 of the Penal Code, relating to performing animals.

**ASSEMBLY BILL NO. 1636—Ortiz and Perata.** An act relating to cancer, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1637—Aguiar.** An act to add Section 11274.5 to the Government Code, relating to administrative costs.

**ASSEMBLY BILL NO. 1638—Brown and Villaraigosa.** An act to amend Section 1747.10 of the Civil Code, relating to credit cards.



**ASSEMBLY BILL NO. 1639—Sweeney, Granlund, Honda, Keeley, Lempert, Scott, Shelley, Strom-Martin, Thomson, and Wildman.** An act to amend Section 37253 of, and to add Section 37254 to, the Education Code, relating to schools.

**ASSEMBLY BILL NO. 1640—Migden.** An act to amend Sections 21622 and 21623 of the Government Code, relating to public employees.

**ASSEMBLY BILL NO. 1641—Olberg.** An act relating to endangered and threatened species, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1642—Bowen.** An act to add Section 43830.5 to the Health and Safety Code, relating to motor vehicle fuel.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 28—Honda.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 5.5 to Article IX thereof, relating to public schools.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 81—Scott.** Relative to teacher preparation by the California State University.

**ASSEMBLY CONCURRENT RESOLUTION NO. 82—Baca (Principal Senate Coauthor: Solis), Aguiar, Alquist, Aroner, Ashburn, Bowler, Brown, Bustamante, Cardenas, Cardoza, Davis, Escutia, Gallegos, Goldsmith, Havice, Hertzberg, Honda, Knox, Kuehl, Lempert, Margett, Mazzoni, McClintock, Migden, Napolitano, Papan, Poochigian, Richter, Runner, Scott, Shelley, Sweeney, and Villaraigosa, (Senators Alpert, Brulte, Costa, Craven, Dills, Hayden, Hughes, Karnette, Kopp, Lewis, Lockyer, Monteith, Peace, Rainey, Sher, Vasconcellos, and Watson, coauthors).** Relative to diabetes awareness.

**ASSEMBLY CONCURRENT RESOLUTION NO. 83—Murray.** Relative to National Eye Care Month.

**ASSEMBLY JOINT RESOLUTION NO. 43—Baca, Alquist, Brown, Cardenas, Gallegos, Hertzberg, Honda, Kuehl, Machado, Mazzoni, Migden, Napolitano, Papan, Shelley, Sweeney, and Villaraigosa, (Senators Brulte, Costa, Karnette, Peace, and Solis, coauthors).** Relative to cardiovascular disease.

### AUTHOR'S AMENDMENTS

#### Committee on Natural Resources

January 5, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 228

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chairwoman

**ASSEMBLY BILL NO. 228—**An act to amend Section 42750 of the Public Resources Code, relating to solid waste.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

### AUTHOR'S AMENDMENTS

#### Committee on Health

January 5, 1998

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 192

Assembly Bill No. 619

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALLEGOS, Chairman

**ASSEMBLY BILL NO. 192**—An act to amend Section 1798.24 of the Civil Code, to amend Sections 102100, 102110, 102200, 102247, 102345, 102370, 102475, 103535, 103545, 103555, 103560, 103630, 103635, 103660, 103685, 103695, 103700, 103705, 103710, 103715, 103720, 103725, 103730, and 103780 of, to add Sections 102112, 102420, 102435, 102810, and 103645 to, to repeal Sections 102380, 102390, 102395, 102445, 102450, 102455, 102460, 103570, 103575, 103590, 103595, 103750, 103755, 103760, and 103765 of, and to repeal and add Sections 102375 and 103525 of, the Health and Safety Code, relating to vital records.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 619**—An act to add Section 11755.1 to the Health and Safety Code, to add Section 1463.24 to the Penal Code, and to add Section 23196.5 to the Vehicle Code, relating to substance abuse.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 105

Assembly Bill No. 785

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 105**—An act to amend Section 19.8 of the Penal Code, relating to punishment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 785**—An act to add Section 5027 to the Penal Code, relating to corrections.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 1498

With author's amendments with the recommendation: Amend, and re-refer to the committee.

SWEENEY, Chairman

**ASSEMBLY BILL NO. 1498**—An act to add Section 19955.6 to the Health and Safety Code, relating to accessibility standards.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 1494

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Chairman

**ASSEMBLY BILL NO. 1494**—An act to add Section 17044 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 1531

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 1531**—An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to amend Section 18305 of the Welfare and Institutions Code, relating to domestic violence.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 872

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 872**—An act to add Section 1799.104 to the Civil Code, relating to consumer credit contracts.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 612

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 612**—An act to amend Section 831.8 of the Government Code, relating to liability.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 194

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**ASSEMBLY BILL NO. 194**—An act to add Section 11450.27 to, and to add Article 3 (commencing with Section 11300) to Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 1327

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 1327**—An act to amend Section 56750 of the Education Code, relating to special education finance.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 417

Assembly Bill No. 960

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 417**—An act to amend Section 21015 of, and to add Sections 18650 and 25109 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 960**—An act to add Section 8318 to the Government Code, relating to state property.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Insurance reports:

Assembly Bill No. 632

Assembly Bill No. 1552

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chairwoman

**ASSEMBLY BILL NO. 632**—An act relating to community reinvestment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1552**—An act to amend Section 1871.4 of the Insurance Code, relating to fraud.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Consumer Protection, Governmental Efficiency and**  
**Economic Development**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1535

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DAVIS, Chairwoman

**ASSEMBLY BILL NO. 1535**—An act to amend Section 19820 of the Health and Safety Code, relating to clothing.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

January 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Senate Bill No. 180

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**SENATE BILL NO. 180**—An act to amend Section 47610 of, and to add Section 47611.5 to, the Education Code, relating to charter schools.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Labor and Employment**

Date of Hearing: July 9, 1997

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 297

With amendments with the recommendation: Amend, and do pass, as amended.

FLOYD, Chairman

Above bill ordered to second reading.

**INTRODUCTION OF GUESTS**

Assembly Member Scott, of the 44th Assembly District, introduced his wife Lacreata Scott; his brother-in-law Allen Isbell and wife Mikey Isbell, and their son, John Isbell.

Assembly Member Floyd, of the 55th Assembly District, introduced Nick Vales, of Sacramento.

Assembly Member Villaraigosa, of the 45th Assembly District, introduced his son, Antonio Villaraigosa.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Villaraigosa, the Assembly adjourned until 7 a.m., Tuesday, January 6, 1998, out of respect to the memory of Diane Lohman, on motion of Assembly Member Aroner; out of respect to the memory of William Bevers Ebbert, on motion of Assembly Member Brown; out of respect to the memory of Pat Liden, on motion of Assembly Member Cunneen; out of respect to the memory of Robert Viramontes, on motion of Assembly Member Gallegos; out of respect to the memory of Mary C. Riley, on motion of Assembly Member Havice; out of respect to the memory of Annie Murray Holmes, on motion of Assembly Member Lempert; out of respect to the memory of William Thornton and Claude Allen, on motion of Assembly Member Sweeney; out of respect to the memory of Roland Marchand, Ph.D., Qasim Shah, Evan Michael Rippee, and Robert Currey Schulze III, on motion of Assembly Member Thomson; out of respect to the memory of Salura Baron, on motion of Assembly Members Wayne, Ducheny, and Davis; out of respect to the memory of Nancy Bennitt, on motion of Assembly Member Woods; out of respect to the memory of Sam Pannell, on motion of Assembly Member Bowler; out of respect to the memory of Ralph Larsen, on motion of Assembly Member Oller; out of respect to the memory of Russell Lee Miller, on motion of Assembly Member Floyd; out of respect to the memory of Harvey McGee, on motion of Assembly Member House; out of respect to the memory of Officer Steven Gajda, on motion of Assembly Member Napolitano; and out of respect to the memory of Jesse Bethel, on motion of Assembly Member Brown.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 5, 1998

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The following measures were amended in the Assembly on this day:

AB	RN	AB	RN
5	9725518	583	9724833
9	9725551	585	9725237
16	9725757	609	9725746
19	9724942	612	9726226
24	9725475	619	9725624
25	9725472	630	9725584
73	9725289	632	9725604
85	9725827	707	9725364
88	9724505	733	9725629
105	9725874	743	9725742
124	9724786	744	9725609
126	9725667	759	9724780
162	9725544	771	9725556
184	9725121	778	9725406
192	9725998	785	9725875
194	9800005	790	9725696
215	9725601	795	9724831
218	9724482	796	9725069
228	9725350	809	9725671
231	9725552	859	9725170
238	9725802	867	9724771
254	9725708	871	9725687
260	9725555	872	9725981
274	9726132	880	9724914
302	9725095	881	9725269
322	9725280	903	9725735
333	9725136	907	9725244
346	9725257	910	9725593
390	9725520	913	9725513
401	9725084	923	9725133
402	9725451	959	9725666
417	9725224	960	9726056
425	9726064	964	9725424
427	9725617	969	9725554
510	9725310	983	9725758
521	9725906	1018	9723503
538	9725227	1047	9725750
540	9725898	1068	9725404
547	9725752	1069	9725996
565	9724666	1073	9725660
569	9725282	1076	9725634

AB	RN	AB	RN
1081	9725603	1488	9725930
1115	9725085	1494	9800004
1136	9725605	1498	9725909
1185	9725915	1531	9725907
1199	9725495	1535	9726093
1225	9724879	1552	9726041
1234	9726037	1566	9725897
1241	9725810	1567	9725899
1290	9724758	1613	9725857
1305	9725108	1615	9725826
1307	9725902	1616	9725315
1327	9724467	1617	9725204
1328	9725726		
1336	9725916	SB	RN
1373	9725260	180	9725837
1375	9725230	459	9721285
1389	9725383		
1426	9725564	SCR	RN
1437	9725232	44	9725104
1439	9725316		

**Daily Total: 117**  
**Cumulative Total: 3528**



CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 6, 1998**

**ONE HUNDRED FORTIETH SESSION DAY  
FOUR HUNDRED FIRST CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, January 6, 1998

The Assembly met at 7 a.m.

Hon. Howard Wayne, Assembly Member, 78th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

### ROLL CALL

The following were placed upon the morning roll call—75:

Ackerman	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alby	Floyd	Martinez	Scott
Alquist	Frusetta	Mazzoni	Shelley
Aroner	Gallegos	McClintock	Strom-Martin
Ashburn	Goldsmith	Migden	Sweeney
Baca	Granlund	Morrissey	Takasugi
Baldwin	Havice	Morrow	Thompson
Battin	Hertzberg	Murray	Thomson
Baugh	Honda	Napolitano	Torlakson
Bowen	House	Olberg	Villaraigosa
Bowler	Kaloogian	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker
Ducheny	Leonard	Pringle	

Quorum present.

**At 1:20 p.m., Assistant Speaker pro Tempore Baca,  
62nd District, presiding**

### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Brown and Miller.*

*On personal business, and waiving per diem: Assembly Members Bordonaro and Firestone.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 5, 1998

*The Honorable Cruz Bustamante*  
*Speaker, California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I am writing to respectfully request that I be excused from Check-in Session on Tuesday, January 6, 1998, for legislative business.

Should you have any questions concerning the above, please call my Chief of Staff, John Latimer, at 445-8492.

Sincerely,

VALERIE K. BROWN, Assembly Member  
Seventh District

January 5, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from check-in session on Tuesday, January 6, 1998. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member  
Sixtieth District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

December 30, 1997

*Mr. E. Dotson Wilson, Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Health and Safety Code, Sec. 40420 (Amended by SB 151, Ch. 1301, 1987) [Presley], (Amended by SB 2285, Ch. 741, 1988) [Presley], I have re-appointed Mr. William A. Burke to serve on the South Coast Air Quality Management District Governing Board. The effective date of the appointment is January 15, 1998, and this is a term appointment ending January 15, 2002.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 5, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions Code Sec. 5000 (Amended by: Ch 1273 of 1994, SB 2038—McCorquodale), I have re-appointed Mr. Baxter Rice to serve on the State Board of Accountancy. The effective date of the appointment is January 5, 1998, and this is a term appointment ending June 1, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 6, 1998

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am making the following committee changes:

Assembly Judiciary Committee will meet on the 1st and 3rd Tuesday of each month at 9 a.m. in Room 4202.

Assembly Insurance Committee will meet weekly at 9 a.m. on Wednesday in Room 437.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 6, 1998

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: The Joint Rules Committee of the Senate and Assembly has approved the following additional press credentials:

*Capitol Enquiry*  
Reporter—Kathleen Campbell  
1228 N Street, #10

*Mom Guess What Newspaper*  
Photographer—Eric Thiel  
1725 L Street

*Steel Horse Magazine*  
Reporter—James Taylor  
Reporter—George Munger  
4962 Curvewood Way

Accreditation shall be for the 1997–98 Legislative Session pursuant to Joint Rule 32.

Sincerely,

DON PERATA, Chair  
Joint Committee on Rules

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1643—Escutia.** An act to amend Section 12941 of the Government Code, and to amend Section 2070 of the Unemployment Insurance Code, relating to employment.

**ASSEMBLY BILL NO. 1644—Figueroa.** An act to amend Sections 56.05 and 56.26 of, to amend the heading of Chapter 3 (commencing with Section 56.20) of Part 2.6 of Division 1 of, and to add Sections 56.01 and 56.106 to, the Civil Code, relating to private information.

**ASSEMBLY BILL NO. 1645—Torlakson.** An act to amend Section 3030 of the Family Code, relating to children.

**ASSEMBLY BILL NO. 1646—Battin.** An act to amend Section 3003 of the Penal Code, relating to parole.

**ASSEMBLY BILL NO. 1647—Scott.** An act to amend Section 87732, 87734, and 87735 of the Education Code, relating to education.

### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 44—Knox (Principal coauthors: Bustamante and Leonard) (Principal Senate coauthors: Lockyer and Hurtt)** Alquist, Aroner, Baldwin, Bowen, Bowler, Cardenas, Davis, Escutia, Figueroa, Gallegos, Havice, Hertzberg, Honda, Kaloogian, Keeley, Kuehl, Kuykendall, Leach, Lempert, Machado, Mazzoni, Migden, Murray, Napolitano, Olberg, Papan, Perata, Poochigian, Richter, Scott, Shelley, Strom-Martin, Sweeney, Thompson, Thomson, Torlakson, Villaraigosa, Washington, Wayne, Wildman, Woods, and Wright (Senators Alpert, Brulte, Costa, Hayden, Haynes, Johnston, Karnette, Polanco, Rosenthal, Schiff, Sher, Solis, and Vasconcellos, coauthors). Relative to Israel.

### REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, January 6, 1998

Mr. Speaker: I request permission to suspend Joint Rule 62(a) as it relates to Senate Bill No. 520.

EDWARD VINCENT

Above request ordered transmitted to the Committee on Rules.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 6, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 16  
 Assembly Bill No. 19  
 Assembly Bill No. 24  
 Assembly Bill No. 184  
 Assembly Bill No. 260  
 Assembly Bill No. 322  
 Assembly Bill No. 333  
 Assembly Bill No. 346  
 Assembly Bill No. 401  
 Assembly Bill No. 402  
 Assembly Bill No. 427  
 Assembly Bill No. 538  
 Assembly Bill No. 547  
 Assembly Bill No. 565

Assembly Bill No. 569  
 Assembly Bill No. 585  
 Assembly Bill No. 609  
 Assembly Bill No. 923  
 Assembly Bill No. 959  
 Assembly Bill No. 1018  
 Assembly Bill No. 1047  
 Assembly Bill No. 1305  
 Assembly Bill No. 1307  
 Assembly Bill No. 1328  
 Assembly Bill No. 1375  
 Assembly Bill No. 1426  
 Assembly Bill No. 1439  
 Assembly Bill No. 1567

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 6, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 5  
 Assembly Bill No. 9  
 Assembly Bill No. 85  
 Assembly Bill No. 88  
 Assembly Bill No. 218  
 Assembly Bill No. 425  
 Assembly Bill No. 733  
 Assembly Bill No. 759  
 Assembly Bill No. 790

Assembly Bill No. 795  
 Assembly Bill No. 859  
 Assembly Bill No. 867  
 Assembly Bill No. 880  
 Assembly Bill No. 881  
 Assembly Bill No. 903  
 Assembly Bill No. 1185  
 Assembly Bill No. 1327  
 Assembly Bill No. 1616

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 6, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 25  
 Assembly Bill No. 124  
 Assembly Bill No. 162  
 Assembly Bill No. 744  
 Assembly Bill No. 778  
 Assembly Bill No. 907  
 Assembly Bill No. 910  
 Assembly Bill No. 913

Assembly Bill No. 983  
 Assembly Bill No. 1076  
 Assembly Bill No. 1136  
 Assembly Bill No. 1199  
 Assembly Bill No. 1389  
 Assembly Bill No. 1566  
 Assembly Bill No. 1613

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS****Committee on Environmental Safety and Toxic Materials**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 681

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**ASSEMBLY BILL NO. 681**—An act to add Sections 25297.15, 25299.37.1, and 25355.8 to the Health and Safety Code, and to add Section 13307.1 to the Water Code, relating to the environment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Governmental Organization**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:  
Assembly Bill No. 1514

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BROWN, Chairwoman

**ASSEMBLY BILL NO. 1514**—An act to amend Section 12012 of the Government Code, relating to state government.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Consumer Protection, Governmental Efficiency and Economic Development**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1497

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DAVIS, Chairwoman

**ASSEMBLY BILL NO. 1497**—An act to amend Section 11818 of the Government Code, relating to state government.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Appropriations**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 773

Assembly Bill No. 1232

Assembly Bill No. 1107

Assembly Bill No. 118

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 773**—An act to add Division 11 (commencing with Section 19900) to the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1107**—An act to amend Section 12071 of, and to add Section 12071.2 to, the Penal Code, relating to firearms.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1232**—An act to amend Sections 17053.7 and 23621 of the Revenue and Taxation Code, and to add Section 328 to the Unemployment Insurance Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 118**—An act to add Section 11019.7 to the Government Code, relating to state agencies.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:

Assembly Bill No. 263

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**ASSEMBLY BILL NO. 263**—An act relating to energy resources, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Housing and Community Development**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 258

With author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chairman

**SENATE BILL NO. 258**—An act to amend and renumber Section 67575.9 of the Government Code, to amend Section 33492.4 of, to amend and renumber Sections 33320.5 and 33320.7 of, to amend and renumber Article 7 (commencing with Section 33493.1) of Chapter 4.5 of Part 1 of Division 24, as added by Chapter 222 of the Statutes of 1996, of, to add a heading as Article 1.5 (commencing with Section 33492.40) of Chapter 4.5 of Part 1 of Division 24 of, to repeal Sections 33320.6 and 33492.114 of, and to repeal Article 3 (commencing with Section 33492.60) of Chapter 4.5 of Part 1 of Division 24 of, the Health and Safety Code, relating to redevelopment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 668

Assembly Bill No. 933

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman



**ASSEMBLY BILL NO. 668**—An act relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 933**—An act to amend Section 1596.871 of the Health and Safety Code, and to amend Section 781 of the Welfare and Institutions Code, relating to child day care facilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Governmental Organization**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:  
Assembly Bill No. 1014

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BROWN, Chairwoman

**ASSEMBLY BILL NO. 1014**—An act to amend and repeal Section 19809 of the Business and Professions Code, relating to gaming.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Public Employees, Retirement and Social Security**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1166

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HONDA, Chairman

**ASSEMBLY BILL NO. 1166**—An act to add Section 1227 to the Government Code, relating to public employees.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Public Safety**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 26

Assembly Bill No. 1236

Assembly Bill No. 555

Assembly Bill No. 1386

Assembly Bill No. 987

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 26**—An act to amend Section 707 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 555**—An act to amend Section 707 of the Welfare and Institutions Code, relating to minors.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 987**—An act to amend Section 602 of the Welfare and Institutions Code, relating to minors.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1236**—An act to amend Section 3303 of the Government Code, relating to public employees.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1386**—An act to add Section 668.5 to the Penal Code, relating to crimes.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 457

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 457**—An act to amend Section 11105.03 of the Penal Code, relating to state summary criminal history information, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 6, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 1329

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 1329**—An act to amend Sections 2924c and 2924d of the Civil Code, relating to defaults.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on International Trade and Development**

January 6, 1998

Mr. Speaker: The Chair of your Committee on International Trade and Development reports:

Assembly Bill No. 901

With author's amendments with the recommendation: Amend, and re-refer to the committee.

NAPOLITANO, Chairwoman

**ASSEMBLY BILL NO. 901**—An act to add Section 15363.15 to the Government Code, relating to international trade, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on International Trade and Development**

January 6, 1998

Mr. Speaker: The Chair of your Committee on International Trade and Development reports:

Assembly Bill No. 895

With author's amendments with the recommendation: Amend, and re-refer to the committee.

NAPOLITANO, Chairwoman

**ASSEMBLY BILL NO. 895**—An act to amend Section 15333.5 of, and to add Chapter 1.14 (commencing with Section 15365.75) to Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to international trade.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on International Trade and Development**

January 6, 1998

Mr. Speaker: The Chair of your Committee on International Trade and Development reports:

Assembly Bill No. 894

With author's amendments with the recommendation: Amend, and re-refer to the committee.

NAPOLITANO, Chairwoman

**ASSEMBLY BILL NO. 894**—An act to amend Sections 15311, 15315, 15363.6, 15364.4, 15364.8, 15364.9, 15364.71, 15364.74, and 15365 of, to amend the heading of Chapter 1 (commencing with Section 15310) of Part 6.7 of Division 3 of Title 2 of, and to add Section 15363.5 to, the Government Code, relating to state government.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 297**—An act to add Section 19823.5 to the Business and Professions Code, relating to smoking.

Bill read second time; amendments proposed by the Committee on Labor and Employment read and adopted, bill ordered reprinted and to be returned to the second reading file.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Assembly Bill No. 204**, on request of Assembly Member Migden;

**Assembly Bill No. 900**, on request of Assembly Member Cardenas.

**ADJOURNMENT**

At 5:15 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 7, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 6 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	<b>AB</b>	<b>RN</b>
26	9726489	1014	9800120
118	9725914	1107	9725576
263	9725519	1166	9800156
297	9718330	1232	9725157
457	9800069	1236	9726426
555	9800021	1329	9725813
668	9726298	1386	9800006
681	9726439	1497	9726336
773	9726392	1514	9724803
894	9800137		
895	9726333	<b>SB</b>	<b>RN</b>
901	9726340	258	9725913
933	9726321		
987	9726486		

**Daily Total: 24**  
**Cumulative Total: 3552**

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 7, 1998**

**ONE HUNDRED FORTY-FIRST SESSION DAY**

**FOUR HUNDRED SECOND CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Wednesday, January 7, 1998

The Assembly met at 4:26 p.m.

Hon. Cruz M. Bustamante, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Battin moved a quorum call of the Assembly.

Motion carried. Time, 4:27 p.m.

The Speaker directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 4:29 p.m., Speaker Bustamante declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—76:

Ackerman	Ducheny	Machado	Pringle
Aguiar	Escutia	Margett	Richter
Alby	Figueroa	Martinez	Runner
Alquist	Frusetta	Mazzoni	Scott
Aroner	Gallegos	McClintock	Shelley
Ashburn	Goldsmith	Migden	Strom-Martin
Baca	Granlund	Miller	Sweeney
Baldwin	Havice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thompson
Baugh	Honda	Murray	Thomson
Bowen	House	Napolitano	Torlakson
Bowler	Kaloogian	Olberg	Villaraigosa
Brewer	Keeley	Oller	Vincent
Brown	Knox	Ortiz	Washington
Campbell	Kuehl	Pacheco	Wayne
Cardenas	Kuykendall	Papan	Wildman
Cardoza	Leach	Perata	Woods
Cunneen	Lempert	Poochigian	Wright
Davis	Leonard	Prenter	Mr. Speaker

**PRAYER**

Upon invitation of Speaker Bustamante, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O Lord, You have said that, "As the heavens are higher than the earth, so are Your ways higher than ours and Your thoughts than our thoughts." (Isaiah 55) Yet we know that Your word does not return to You empty, but accomplishes what You desire. Help us, Lord, to struggle for justice and for righteousness in all that we do, and bless this great state with Your mighty hand.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Bustamante, Assembly Member Pringle then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Baca, seconded by Assembly Member Thompson.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Member Floyd.*

*On personal business, and waiving per diem: Assembly Members Bordonaro and Firestone.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 7, 1998

*The Honorable Cruz M. Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from session today due to legislative business. I will still be chairing the Assembly Labor and Employment Committee today at 1:30 p.m.

Thank you for your consideration of this matter. Please call my office should you have any questions.

Cordially,

RICHARD E. FLOYD, Assembly Member  
Fifty-fifth District



**COMMUNICATIONS**

The following communications were presented by the Chief Clerk from:

Bill Jones, Secretary of State, Office of the Secretary of State, dated December 23, 1997, transmitting a copy of the qualified initiative entitled "Education. Public Schools. English as Required Language of Instruction. Initiative Statute." Referred pursuant to Elections Code, Section 9034, to the Committees on Education and Elections, Reapportionment and Constitutional Amendments.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 7, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 297

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, January 7, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 73

Assembly Bill No. 215

Assembly Bill No. 231

Assembly Bill No. 238

Assembly Bill No. 302

Assembly Bill No. 540

Assembly Bill No. 630

Assembly Bill No. 707

Assembly Bill No. 743

Assembly Bill No. 1068

Assembly Bill No. 1081

Assembly Bill No. 1225

Assembly Bill No. 1373

Assembly Bill No. 1617

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 7, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 390

Assembly Bill No. 796

Assembly Bill No. 969

Assembly Bill No. 1166

Assembly Bill No. 1241

Assembly Bill No. 1290

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Senate Bill No. 817

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**SENATE BILL NO. 817**—An act to amend Section 1502 of, and to add Article 2.6 (commencing with Section 1528) to Chapter 3 of Division 2 of, the Health and Safety Code, and to amend Sections 361.2, 777, 11402.5, and 16514 of, and to add Sections 725.6, 11402.7, and 11462.06 to, the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Water, Parks and Wildlife**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 1350

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chairman

**ASSEMBLY BILL NO. 1350**—An act to amend Section 2070 of, to add Sections 2079.1, 2079.2, 2079.3, and 2079.4 to, to repeal Sections 2071.5, 2072.3, 2072.7, 2073.3, 2073.5, 2074.2, 2074.4, 2074.6, and 2076.5 of, and to repeal and add Sections 2071, 2072, 2073, 2074, 2075, 2075.5, 2076, 2077, 2078, and 2079 of the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Consumer Protection, Governmental Efficiency and Economic Development**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1187

Assembly Bill No. 1314

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DAVIS, Chairwoman

**ASSEMBLY BILL NO. 1187**—An act to add part 10.3 (commencing with Section 15740) to Division 3 of Title 2 of the Government Code, relating to economic development.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1314**—An act to add Section 9742.5, 9744.5, and 9749.3 to the Business and Professions Code, relating to cremated remains.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Environmental Safety and Toxic Materials**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 548

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**ASSEMBLY BILL NO. 548**—An act to add Article 8 (commencing with Section 13367) to Chapter 5 of Division 7 of the Water Code, relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Appropriations**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 277

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 277**—An act relating to energy resources, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Public Safety**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 33

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 33**—An act to amend Section 1093 of the Penal Code, relating to criminal procedure.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Human Services**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 718

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**ASSEMBLY BILL NO. 718**—An act to add Article 9 (commencing with Section 11600) to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Utilities and Commerce**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 1154

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MARTINEZ, Chairwoman

**ASSEMBLY BILL NO. 1154**—An act to amend Section 841 of the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 804

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 804**—An act to amend Section 998 of the Code of Civil Procedure, relating to civil actions.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Banking and Finance**

January 7, 1998

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Assembly Bill No. 1203

With author's amendments with the recommendation: Amend, and re-refer to the committee.

PAPAN, Chairman

**ASSEMBLY BILL NO. 1203**—An act to amend Sections 50124, 50302, 50306, and 50401 of the Financial Code, relating to financial institutions.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Public Employees, Retirement and Social Security**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 312

Assembly Bill No. 427

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

HONDA, Chairman

Above bills re-referred to the Committee on Appropriations.

**Committee on Insurance**

May 11, 1997

Mr. Speaker: Your Committee on Insurance reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 825

FIGUEROA, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Higher Education**

Date of Hearing: January 6, 1998

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 521

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

LEMPERT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 6, 1998

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 425

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

LEMPERT, Chairman

Above bill ordered to second reading.

**ADJOURN IN MEMORY**

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Forest "Jack" Eaton, of Illinois.

**ADJOURN IN MEMORY**

Assembly Member Battin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Congressman Sonny Bono, and that the following statement be printed in the Journal:

*In Memoriam  
Congressman Sonny Bono*

I would like to express my family's and my heartfelt condolences to Sonny Bono's wife, Mary, and his children, Chianna, Chesare, Chastity and Christy. I lost a great friend on Monday. The people of California lost one of their best and brightest emissaries, and Washington lost the color and vitality he brought to everything he did.

Always sincere, Sonny was widely noted for the unsurpassed integrity he brought to his district. His heart was deeply invested in his work, making Sonny's life a truly human story. From the melodies of his hit records and the joy of his television comedy, his entrepreneurial ventures, his mayoral term in Palm Springs, and finally during his time in Congress, Sonny inspired us and showed that there is no end to what is possible in America.

But as famous as he came to be, Sonny remained a down to earth family man of extraordinary character. I first met him when we were both on the campaign trail in 1994. From that point on, Sonny's approachable, friendly style made him a valuable colleague and resource; we shared goals to protect families from drugs and crime, promote agriculture, and safeguard the environment of our southern California districts. We worked together to simplify and improve the people's government.

Sonny Bono dedicated years of his life to public service, and served as mayor of Palm Springs from 1988 to 1992. After that he was elected to Congress in 1994 as a Republican from Palm Springs in the 44th district. A tireless advocate for his district, Sonny was able to focus the attention of Washington on the fragile environment of the Salton Sea. He brought congressmen and cabinet officials out to our desert region, helping to revitalize this precious recreational and natural resource. I firmly believe that this will be his congressional legacy.

It was through acts like these that Sonny acquired his flourishing reputation as a true 'citizen legislator,' a common man of uncommon character. His humor and spirit brought him his success in entertainment and public service, and the contribution he made to our country will be deeply missed.

Sonny's death leaves my family and everyone he touched with tremendous feelings of loss, and profound sadness. Sonny's was a great and full life, ended all too soon. Today we remember that the record he built—one of integrity, service and remarkable humanity—survives, and leaves its imprint on us all.

JIM BATTIN, Assembly Member  
Eightieth District

**ADJOURN IN MEMORY**

Assembly Members Murray and Baca were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jeremiah Cremins, of Los Angeles.

**CONSIDERATION OF DAILY FILE****ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 297**, ordered to third reading.

(NOTE: Later this day Assembly Bill No. 297 was re-referred to the Committee on Appropriations.)

**RE-REFERENCE OF BILLS PURSUANT TO THE RULES**

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

**Assembly Bill No. 297.**

**RECESS**

By unanimous consent, at 5:03 p.m., Speaker Bustamante declared the Regular Session of the Assembly recessed.

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**IN JOINT CONVENTION**

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At 5:03 p.m., the Senate and Assembly met in Joint Convention.  
Hon. Cruz M. Bustamante, Speaker of the Assembly, presiding.

**APPOINTMENT OF JOINT COMMITTEE ON ESCORT**

Speaker Bustamante appointed Assembly Members Villaraigosa, Brown, Leonard, and Takasugi, and Senators Watson, Ayala, Maddy, and Kopp as a Joint Committee on Escort to escort Governor Pete Wilson to the Joint Convention.

**INTRODUCTION OF MRS. GAYLE WILSON**

Speaker Bustamante introduced Mrs. Gayle Wilson, wife of Governor Pete Wilson to the Joint Convention.

**INTRODUCTION OF CONSTITUTIONAL OFFICERS**

Speaker Bustamante introduced Lieutenant Governor Gray Davis, Attorney General Dan Lungren, Secretary of State Bill Jones, State Treasurer Matt Fong, State Controller Kathleen Connell, Superintendent of Public Instruction Delaine Eastin, Insurance Commissioner Charles Quackenbush, and Board of Equalization Members Johan Klehs (District 1), Dean Andal (District 2), Ernest Dronenburg, Jr. (District 3), and John Chiang (Acting Member, District 4).

**INTRODUCTION OF SUPREME COURT JUSTICES**

Speaker Bustamante introduced Hon. Ronald M. George, Chief Justice of the Supreme Court, and Associate Justices Hon. Stanley Mosk, Hon. Joyce L. Kennard, Hon. Marvin R. Baxter, Hon. Kathryn M. Werdegarr, Hon. Ming Chin, and Hon. Janice Rogers Brown.

**PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE**

Speaker Bustamante then presented the Honorable Bill Lockyer, President pro Tempore of the Senate.

**PRESENTATION OF LIEUTENANT GOVERNOR**

President pro Tempore Lockyer then presented the Honorable Gray Davis, Lieutenant Governor and President of the Senate.

**PRESENTATION OF GOVERNOR**

Lieutenant Governor Davis then presented the Honorable Pete Wilson, Governor of the State of California, to the Joint Convention.

**ADDRESS BY GOVERNOR**

Governor Wilson then proceeded to address the Joint Convention.

**ADJOURNMENT OF JOINT CONVENTION**

At 5:57 p.m., there being no further business, Speaker Bustamante declared the Joint Convention adjourned *sine die*.

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**IN ASSEMBLY**

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At 5:57 p.m., the Assembly reconvened.

Hon. Cruz M. Bustamante, Speaker of the Assembly, presiding.

**GOVERNOR'S ADDRESS PRINTED IN JOURNAL**

Without objection, the following text of Governor Pete Wilson's State of the State Address was printed in the Journal:

**The Pacific Powerhouse:  
Enriching Individual Potential and California's Future**

**Governor Pete Wilson  
1998 State of the State Address**

Lt. Governor Davis . . . Mr. Speaker . . . Mr. President pro Tem . . . distinguished members of the Legislature . . . constitutional officers . . . distinguished members of the Supreme Court . . . fellow Californians.

Thank you, Happy New Year, my friends, and let me begin by thanking this Legislature for a remarkably productive 1997 . . . and by resolving to work with you . . . to make 1998 a year of which we can be just as proud.

Three Saturdays from now marks 150 years since the first discovery of gold in the South Fork of the American River—the beginning of the great California Gold Rush.

From that day to this, California has drawn risk-takers and pioneers. Men and women of all races and persuasions have struck their own gold in California.

And have they struck it big!



The state of our state is strong . . . and growing stronger every day! As we rang in the New Year, California celebrated its 55th month of economic growth.

Last year, we created more than 400,000 new jobs—economic growth one-and-a-half-times faster than the rest of the nation . . . the largest job-growth that California has seen in a decade.

Unemployment now stands at 5.6%—its lowest since the summer of '90.

More Californians are working than ever before.

Personal income grew by more than 7% last year, its biggest increase during the nineties . . . Californians enjoyed the largest growth in purchasing power in nearly a decade-and-a-half, which explains why families are buying more homes than they have in ten years.

It all adds up to success other states cannot match. In fact, it takes the entire economic and job growth of New York, Illinois, Pennsylvania and Michigan combined to equal what California has achieved in the past three years.

My friends, the “Comeback” is over. We are back.

California has become the “Powerhouse of the Pacific” . . . a beacon of industry and innovation that’s lighting the path to an age of unimaginable incandescence.

But a word of caution:

The nightmare of the early nineties wasn’t just recession. California was losing jobs wholesale—to other states suffering the same recession—because we’d ceased to be competitive . . . ceased to be attractive to investors and job-creators.

Never, ever again can we let that happen to California.

California must remain a magnet for those creative souls whose individual genius is this state’s collective greatness.

To assure that it does, we’ve cut taxes.

Today, the tax burden for California businesses and corporations is at its lowest in three decades.

For working men and women, the tax bite will be less painful this year. We gave them a \$1 billion tax cut . . . a tax cut that allows Californians to save for their children’s future . . . the biggest tax cut this state’s seen in half-a-century.

But neighboring states continue to lower their taxes . . . to lure away our jobs. Last year, every state touching California’s border passed a tax cut.

If we fail to continually address the twin issues of tax fairness and government spending, we’ll find we’ve greatly reduced the power of our “Pacific Powerhouse”.

The best way to assure a full-throttle economy is to keep spending in check . . . and hold down taxes.

It’s almost 20 years since California voters added to the Constitution—the so-called Gann Limit—to limit the growth of government spending.

In the 1980s, the Gann Limit was an effective check upon runaway spending.

Today, it no longer imposes a real limit on state spending.

We need to lower the Gann Limit . . . to put a much tighter lid on government. And we can do so without touching a single dollar of education money.

I ask the Legislature to work with me in preparing a ballot measure to set a new and tighter spending limit, to control the appetite for spending of future state governments.

California's economic and population growth make inevitable the growth of state government. But where we can, we must make it leaner, less costly, and a lot more accountable to the people it serves.

In the last two years, we've repealed some 4,000 regulations. We've transferred billions of dollars of transportation authority to local governments. We've sold more than \$100 million of unused government real estate.

By April, the private sector—not government—will take charge of the third-largest telephone system in California.

We will continue to streamline state government . . . until we can justify to taxpayers the cost and purpose of every way we're investing their tax-dollars.

At the same time, we want to enhance government's role as an enabler of economic growth.

I'll soon appoint a California Electronic Commerce Council consisting of leaders from the state's high-tech community, small business, banking and retail communities.

They'll advise us how we can best position our state trade and economic development activities to take advantage of new opportunities offered by the Internet and the explosion in electronic commerce.

The fact is the fastest-growing ports in California are the ports on the sides of computers. The Internet is as vital to California's economic future as her factories, farms and forests.

I ask that the Legislature work closely with the Council and act promptly upon its findings, so that we maximize the potential that our technology sector offers.

And we do have much to offer. But for all of California's beauty and natural amenities, investors don't create jobs so their workers have an ocean view.

Entrepreneurs who set up shop in California want a place that works. They want an assured quality of life for themselves and their employees—with schools, transportation, recreation and public safety systems they can rely on.

The time has come to invest in our 21st Century economy . . . to provide California with all the infrastructure needed for job growth and greater prosperity.

Tonight, I urge that we place a series of infrastructure bonds on the June and November ballots, to provide for needs ranging from parks and playgrounds to college libraries and dormitories.

That includes a \$1.3 million water bond.

We have a unique opportunity this year to make progress on all of the elements of a comprehensive plan for California's water future.

We must begin by resolving a Colorado River water transfer agreement among San Diego, Imperial Irrigation and the Southern California Metropolitan Water districts.

Then, we must act to assure that businesses, agriculture and the

environment will benefit equally from increased water resources for fish, farm, and factory through conservation, water reuse, flood control, underground storage, transfers and ground storage facilities.

California can afford no less of us . . . this year.

Second, we must address the present construction needs of California's K-12 schools—to meet the deferred maintenance and the space needs generated by enrollment growth.

A challenge of this magnitude—and this importance—requires a sustained, major effort.

I propose that, in each of the next four election cycles, the Legislature place on the ballot a \$2 billion state bond for school construction and repair . . . and that state bond-funding be made available to school districts only on a one-to-one matching basis, to produce a combined state-local total of \$16 billion.

Our children can afford no less.

Developer fees artificially inflate the price of housing, denying thousands of young families the dream of home-ownership. Expensive housing is a damper on our jobs-climate.

Employers simply will not come here if their workers can't afford a California mortgage payment.

So I propose we cap those fees . . . and reduce the vote required for passage of local bonds to a prudent but less stringent majority.

It's essential: No local bonds . . . no new schools.

I cannot too strongly urge you to make these needed reforms . . . so we can have all the classrooms we need . . . when we need them!

A deficit far more serious even than that of classroom space threatens California and, indeed, all America . . . the Land of the Free.

Freedom is our heritage . . . our birthright.

We rightly celebrate those who have died to keep us free.

But have we kept faith and honored their sacrifice? Or have we so abused the precious gift of freedom that we are faced with the cruel irony of losing it—not to a foreign tyrant, but—because we have lacked the discipline and responsibility to keep it.

How free is the 19-year-old who reads at second-grade level in the age of high technology?

How free is the unwed teen mother who drops out of high school and becomes addicted to crack?

How free is her innocently addicted baby—and how free will that child ever be?

On op-ed pages, liberal pundits daily decry poverty as the cause of the circumscribed lives these “victims” lead. They angrily assert that government lack of largesse, and not the individuals, is to blame.

Professor James Q. Wilson has given great wisdom to this state as well as to his students at Harvard and UCLA. Recently, he prescribed three rules for avoiding poverty: finish high school . . . have no child out of wedlock . . . have no babies before age 20.

Time and again, this Legislature has heard me decry the plight of fatherless children . . . and the epidemic increase in out-of-wedlock births that has triggered an explosion in social pathologies that barely existed a generation ago.

You've listened and you've acted upon my calls for action.

Together, we've required unwed teen mothers and their babies to live in the home of a fit parent or guardian.

We've rewarded unwed teen mothers who return to high school and penalized those who drop out.

We've discouraged repeated out-of-wedlock pregnancy by repealing the increase in welfare for a new child.

We've made adoption easier.

We've funded the vigorous prosecution of statutory rape, and funded media campaigns and community programs designed to discourage young women . . . and young men . . . from becoming young parents.

And we've recruited mentors to provide the needed adult guidance to combat out-of-wedlock births.

I thank you for what we've done.

Every way we can, we're making clear to the Nike generation that it's just irresponsible to "just do it" . . . to yield to sexual gratification when the result is a fatherless child, facing a childhood and a lifetime of poverty and public dependency.

Well, kids changing their behavior. Teen births in California are down almost 20% since 1991.

One of the best reasons for that drop in teen births is here with us tonight.

North of here, a remarkable program called the Shasta County Community Challenge is helping the children of Northern California avoid such mistakes.

The project director of the public-private partnership, a woman named, Marylee Boales, is seated in the gallery.

Visit the City of Redding and you'll find a community hard at work, teaching its children common sense and responsibility.

Stop by the River City Pizzeria. You'll find teen fathers in weekly discussion groups, where they learn that fathering a child is a commitment that brings with it heavy new obligations.

Visit the Mary Stone School and you'll find teen girls who think they want to become mothers instead taking temporary custody of "Baby Think It Over" dolls—dolls that cry, and fuss, and demand non-stop attention, just like a real baby.

After a weekend with one of those dolls, most girls have thought it over . . . and wisely reconsider motherhood.

Please join me applauding Marylee Boales.

Californians should not be forced to choose between being a good provider and being a good parent.

The budget I'll introduce Friday includes \$1.8 billion in child care for the working poor—that includes CalWORKs recipients who need such assistance.

No parent will need to leave a child untended.

It will also assure that those who deliberately cheat the system will be caught and punished.

Welfare fraud is a crime. So is any act that encourages kids to make the wrong choices in life.

Kids today face pressures that few of us did—pressure to do drugs, to have sex, to join street gangs. We are committed to making the effort to give them every chance to make the right choices. We have

aggressively pursued a preventive agenda for children from before birth onward.

But we cannot tolerate crime or violence from juveniles, or fail to protect decent citizens from gangs.

Last year, I asked that you work with me to give our people the protection they deserve and need.

I enthusiastically signed Senator Lockyer's measure to move early offenders into intervention programs before they become hardened "gang-bangers"—the "8% Solution" that's proven to be so successful in Orange County.

But California's safety requires tougher steps—intervening in the lives of more serious juvenile offenders, and prosecuting the most violent and dangerous ones in adult court.

We can't deny to law enforcement the laws they need to take back our neighborhoods from street gangs.

A juvenile who murders, rapes or commits armed robbery must stand trial as an adult. Other states, including Oregon, have made this change. So must we.

We need a centralized system of public records for all juvenile felonies, as well as public disclosure of serious offenses, so citizens and law enforcement officials know when dangerous juveniles are in our midst.

A gang member who commits a car-jacking or a home invasion should face life in prison . . . any member of a street gang who intentionally kills to further the gang's agenda should face the death penalty.

Year after year, the public has rallied on the steps of this Capitol, demanding a change to these laws. This year, let's save them the trouble.

Your child may merit a "time-out". Violent juvenile thugs deserve time behind bars.

Common sense dictates that the earlier and deeper we get to the root of a problem, the less likely it will spread.

That's been the philosophy behind all our many efforts to invest in California's children—an approach I've called "preventive" government.

Seven years later, we've dramatically changed the lives of an entire generation of Californians. We've safeguarded them and enhanced their human potential.

And that wouldn't have been possible without your help . . . or without the energy, conviction and eloquent voice lent to that cause by someone who has greatly changed my life for the better—my wife, Gayle.

Earlier today, some 600,000 children across California reported to school healthier and better prepared to learn because of our investment in Healthy Start.

. . . another half-million who once lacked health care coverage are now protected under our Healthy Families initiative.

I ask now that you work with me to make an enormous difference for children . . . from their very earliest moments.

Science now confirms what good parents already knew—children develop as much as 90% of their learning capacity in their first three years of life.

This year, I propose an Early Childhood Development effort designed

to improve children's emotional development, their potential to learn, and their ability to become fully-functional adults.

We'll expand existing pre-school services to all four-year-olds in California living beneath the federal poverty level.

We'll expand child-care for infants and toddlers, and conduct hearing screenings for newborns.

Our children must remain our greatest priority.

Thanks to the remarkable expansion of class-size reduction, 1 million of California's youngest learners now receive much more individualized instruction, and as a result are achieving more at an earlier age.

The benefit they receive will shape all the rest of their learning experience—on through high school, college or community colleges, and even graduate school.

And now they can look forward to the excitement of learning in a California "digital" high school, one of 840 high schools we're connecting to the Internet.

And high-tech education won't end with high-school in California.

We've worked closely with the leaders of California's public and private universities and colleges to transport California into the information age—by creating what we call the "Virtual University".

Tonight, I propose that we invest an additional \$14 million in this effort, to extend the range and reach of California's great institutions worldwide through cyberspace.

Exciting as its prospects are, the Virtual University does not eliminate the need to expand capacity for residential study.

As Governor and Regent, I support a tenth campus of the University of California—The University of California at Merced. My budget includes funding to advance the realization of the deserved Central Valley dream.

Americans have always believed that education is our most reliable means for advancing man's happiness. Today, California's classrooms provide exactly that—they advance hope and enthusiasm.

We're in the process of adopting world-class standards to challenge our children to meet the competition they will surely encounter in the international marketplace.

We've rightly insisted that our children learn the basics, and that parents know what their children have learned through individual student testing.

To allow our kids to compete with Asian and European students, the budget provides funding to increase the school year by seven instructional days.

That will bring to kids in every district a school year of at least 180 days of classroom instruction.

And if our kids have not learned what they must know to compete in this increasingly demanding job market, we must not do them the serious disservice of pretending that they have.

Social promotion is the worst form of false kindness.

Much is written and spoken about the importance of self-esteem to a child's success. It is important. But self-esteem must be earned by performance. It's not a government grant.

Kids who graduate only with the knowledge that they've learned little . . . have little reason to feel good about themselves.

If our kids can't do arithmetic and don't understand rudimentary science . . . if they cannot read, write and speak English . . . they won't be hired, much less promoted.

Social promotion is not honest, and not fair . . . not to kids, or parents, or employers, or taxpayers.

We must end social promotion. It teaches kids a terrible lesson: that competency doesn't count . . . that reward does not depend upon achievement.

We must begin the corrective action to put a halt to this frightful waste of human potential.

My budget includes funding for remedial summer school classes in reading for students in grades 3–6.

And I will sponsor legislation to address social promotion in greater depth and breadth. We will require students in grades 1–4, 7 and 10 who are not performing at grade level to take remedial classes in language arts, math science, and history. If they're not up to standard after taking those classes, they don't advance to the next grade.

By doing this, we change and save lives. If we can teach more kids to open books, fewer will open their veins to drugs.

But now—from those who should know better—comes the ill-conceived notion that our universities should drop the SAT—the Scholastic Achievement Test—as a means of assessing incoming freshmen.

The SAT is perhaps the best objective antidote to grade-inflation. Ending it undermines the accountability we need and are seeking at all levels of our educational system.

Sending students to college who are unprepared to do college work is the ultimate in social promotion. Exposing any youngster to a high probability of failure and disillusionment is worse than deceptive. It's destructive.

We must help educationally deprived but deserving youngsters win admission to college . . . legitimately. Outreach?

Yes, but my vision of outreach requires going into communities and in fact changing kids lives by preparing them for university admission. But to be honest and successful, the effort must begin at pre-school . . . not high-school graduation.

Tonight, I call upon every member of the UC and CSU system to do just that—to work with their host communities to provide SAT preparation in the most effective way possible: create charter schools with local school districts, or at least to become actively engaged in curriculum development for grades K–12.

That's outreach!

Having criticized education folly, let me now express my pleasure and admiration for a great school and a great principal—in fact, the “Outstanding Principal of California”: Howard Lappin, Principal of the Foshay Learning Center in South Central Los Angeles.

Twelve years ago, when he was first assigned to Foshay, one-third of Howard Lappin's students never went to class. Principal Lappin said: “Enough of that nonsense: you come to school, you go to class”. Today, Foshay's attendance rate surpasses 94%; the dropout rate is down from 22% to only 1%.

The Foshay Learning Center teaches us that with attention and encouragement, children with Limited English Proficiency can become



educational high achievers. About one-third of Principal Lappin's students arrive at Foshay unable to take regular English classes.

Howard Lappin would be the first to tell you that too many kids are failing to receive something even more vital than a strong core curriculum—and that's the love and encouragement of a caring adult.

Seated up in the gallery is Edwin Franklin, an MBA candidate at the University of Southern California—one of 125 Trojans tutoring Foshay students in reading.

Edwin Franklin is a very busy young man . . . very likely, soon to be one of the successful and influential business leaders of his community.

But Edwin is not too busy to find time for the kids at the Foshay Learning Center—to help them learn to read and grow.

Edwin probably figures that the kid he helps will one day himself become a tutor and mentor to some other youngster. He may even have concluded that by changing some child's life—by expanding a kid's horizons—you change your own, and likely make more wholesome the community your own kids will grow up in.

Well, Edwin's right. He's right to care, and right to find the time to help. He's making an investment—with the potential for a rich return.

If so busy a young man can, so can the rest of us.

You don't have to read between the lines to see what they've done: the average 6th grader arrives at Foshay reading below the third-grade level. But last year, of the 65 kids who started the 12th grade, all but two were accepted to a college.

Please join me in saluting Howard Lappin, Edwin Franklin and every educator and mentor across this state who's teaching kids to be all they can be.

California—more than any place in the world—is producing the jobs of tomorrow. Employers shouldn't be compelled to import a skilled workforce because our public schools have failed to do their job.

We should never accept a state of educational have's and have-not's. But that's what we've got! It's wrong—very wrong—and we've got to change it!

All children deserve schools that inspire them to study and be creative. But not every child's that lucky. For all too many, their school is a far cry from the Foshay Learning Center.

If we knew that thousands of children were being served school lunches lacking in nutrition, we'd insist they receive a proper diet.

Well, not all children are taking part in our school renaissance. Hundreds of thousands of them are suffering from educational malnutrition. They're trapped in under-performing schools that stifle ambition.

We cannot allow this to continue . . . not if we are to honor the duty we owe California's children . . . to empower them to earn their share of the California Dream.

Tonight, I call upon you to provide “opportunity scholarships” to 15,000 children trapped in California's worst classrooms.

Please don't tell the parents of 15,000 children to be patient . . . to expect that the same system that already has wasted years of their children's precious lives is capable of correcting itself.

Given enough time, a Howard Lappin could change their schools. Good principals do that. But poor kids trapped in bad schools don't have



time. If we don't rescue them now, what will become of them?

Will they be added to the list of victims of social promotion—or lose hope altogether and drop-out? The one thing certain is: without a decent education, they will be less than they deserve to be, or could be.

I refuse to accept the absurd argument that rescuing 15,000 children from failing schools will somehow bring down the entire public school system.

By the way, tell me: how many bad schools has the public school system closed?

Forty years ago, the civil rights battle raged over getting children into good schools. Now, the battle must be joined to get them out of bad schools.

As the United Negro College Fund reminds us: "A mind is a terrible thing to waste."

My friends, we can prevent that unconscionable waste.

If we fail to provide them opportunity scholarships, there will be 15,000 children we can't face. And every one of us should be deeply ashamed.

This is my final State of the State Address.

I'll genuinely miss this job. Even on its worst days, this is the best life I've known.

But tonight I think not of sad farewells but cheerful beginnings . . .

And I think of the words of the Welsh poet Dylan Thomas, who exhorted: "Do not go gently into that good night."

My friends, I have absolutely no intention of going "gently into that good night". Nor should anyone in this chamber.

Not until the day when we can return to our homes and tell our friends and neighbors that we did all we could do in the time given us by the people of California . . . to make their state safer, stronger and more secure for this generation, and for generations to come.

And that time has not yet come.

But the time has come for California to invest in infrastructure for the 21st Century . . . to spend not only money, but time and effort . . . for infrastructure of all kinds.

It's time to invest in and build an infant's neurological infrastructure . . . to stimulate the wondrous computer that is a baby's brain . . . to maximize the capacity of every child for intellectual and emotional development.

It's time to invest as much time and effort as money to reform our schools to make them worthy to receive, nurture, and expand the minds and possibilities of California's children.

And, above all, it's time to invest in values . . . in the creation of character in children, so that they have a moral compass to guide them in their quick and perilous journey to adulthood.

These investments are opportunities . . . and duties. Neglect of any of them cannot be benign. We will pay a terrible price if we are guilty of it.

That's what this State of the State message is really all about. It's about California's future, not just a report on our past.

It poses an ambitious agenda.

It asks for generous personal commitments of time and energy and caring—from those in this chamber and those whom we are privileged to serve.

Change must be made—good, important, needed change.

We're up to it. I've seen Californians rally from recession and natural disasters that would have stunned and defeated a people of less heart.

Time and again I've seen the courage and the generosity of Californians to their neighbors.

We will make these changes and empower Californians. We will turn from warehousing dependency to investment in enriching individual potential. Our legacy to America will be a new generation of Californians with better minds and better hearts than their parents.

We will meet the challenge of building the first society to embrace every ethnic group and culture on the planet. And because each of them is blessed with high achievers, California's successes in every venue will reflect our diversity . . . naturally, without artificial preferences.

We will not allow ourselves to be divided into divergent interests who simply rub up against one another like the tectonic plates of the San Andreas fault.

We will meet the tests that lie ahead, as a people proud of our many different pasts, who now share a common future . . . a proud future . . . one we resolve will offer every California child hope and equality of access to opportunity.

We will shape that future, embracing change, but clinging to the timeless unchanging values of faith and family, of individual effort and personal responsibility, without which no republic can long endure.

Our role, our responsibility is to assure that California can choose greatness. Our duty is to guarantee those seeking opportunity that we will provide it.

While others suffer change, or patiently await it, California will invent its future—and export it.

Time and time again, America has seen California rise to the occasion and triumph over peril. Through every challenge, California has offered a dream to be realized . . .

and we will again.

We will make real the dream of a republic where work is respected and rewarded, where every right is balanced by responsibility, where freedom thrives and opportunity burns bright.

We will be victors, not victims.

We will be . . . Californians!

Thank you, good night, and God Bless California.

#### **MOTION TO ADJOURN**

At 5:58 p.m., Assembly Member Villaraigosa moved that the Assembly do now adjourn.

Assembly Member Leonard seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 5:58 p.m., Speaker Bustamante declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1648—Richter.** An act to add Chapter 3 (commencing with Section 300) to Part 1 of the Education Code, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1649—Wayne.** An act to amend Section 35556 of the Education Code, relating to education.

**ASSEMBLY BILL NO. 1650—Richter.** An act to amend Section 13480 of the Business and Professions Code, and to amend Section 43830 of the Health and Safety Code, relating to gasoline.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 29—Granlund.** A resolution to propose to the people of the State of California a revision to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 84—Richter.** Relative to the Randy Jennings Memorial Bridge.

**INTRODUCTION OF GUESTS**

Assembly Member Washington, of the 52nd Assembly District, introduced Melanie Andrews, of Compton.

**ADJOURNMENT**

At 5:58 p.m., pursuant to the motion by Assembly Member Villaraigosa, the Assembly adjourned until 8:30 a.m., Thursday, January 8, 1998, out of respect to the memory of Forest “Jack” Eaton, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Congressman Sonny Bono, on motion of Assembly Member Battin; and out of respect to the memory of Jeremiah Cremins, on motion of Assembly Members Murray and Baca.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 7, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
33	9726487
277	9800150
548	9800139
718	9800260
804	9800126
1154	9725818
1187	9800083
1203	9800271
1314	9726013
1350	9800240

<b>SB</b>	<b>RN</b>
817	9726173

<b>Daily Total:</b>	<b>11</b>
<b>Cumulative Total:</b>	<b>3563</b>

CALIFORNIA LEGISLATURE  
1997–98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 8, 1998**

**ONE HUNDRED FORTY-SECOND SESSION DAY**

**FOUR HUNDRED THIRD CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Thursday, January 8, 1998

The Assembly met at 8:35 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Washington moved a quorum call of the Assembly.

Motion carried. Time, 8:36 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 9:03 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—76:

Ackerman	Escutia	Machado	Pringle
Aguiar	Figueroa	Margett	Richter
Alby	Floyd	Martinez	Runner
Alquist	Frusetta	Mazzoni	Scott
Aroner	Gallegos	McClintock	Shelley
Ashburn	Goldsmith	Migden	Strom-Martin
Baca	Granlund	Miller	Sweeney
Baldwin	Havice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thompson
Baugh	Honda	Murray	Thomson
Bowen	House	Napolitano	Torlakson
Bowler	Kaloogian	Olberg	Villaraigosa
Brewer	Keeley	Oller	Vincent
Brown	Knox	Ortiz	Washington
Campbell	Kuehl	Pacheco	Wayne
Cardenas	Kuykendall	Papan	Wildman
Cardoza	Leach	Perata	Woods
Davis	Lempert	Poochigian	Wright
Ducheny	Leonard	Prenter	Mr. Speaker

#### REQUEST FOR PHOTOGRAPHER

Assembly Member Baca was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O God in Heaven*, You are above being, all-powerful, all-seeing, the creator of all spiritual beings and rational natures. Enlighten us Your servants that we may make bold to praise Your infinite benevolence and power. Let our prayer be well-pleasing to You and may our offenses not impede the coming of the Holy Spirit among us. For You are the Savior of our souls and bodies and we glorify You.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Baca then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Scott, seconded by Assembly Member Morrissey.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Member Cunneen.*

*On personal business, and waiving per diem: Assembly Members Bordonaro and Firestone.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 7, 1998

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Session Thursday, January 8, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

December 8, 1997

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Government Code Sec. 15364.2 (Ch. 1387 of 1986, AB 2685—Killea) (amended by Ch. 175 of 1996, SB 1572—Monteith), I have named Ms. Claudine Cheng to serve on the World Trade Commission. The effective date of the appointment is December 8, 1997, and this is a term appointment ending December 31, 1999.

Ms. Cheng will be replacing Ms. Michelle Park-Steel.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 5, 1998

*Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that the following payment has been received by the Joint Committee on Rules in connection with the American Red Cross CPR & First Aid Training:

Source:	Farmers Group, Inc.
Amount:	\$2100
Purpose:	American Red Cross CPR & First Aid Training

Person/Class for

Whom Payment Used: Assembly and Senate Staff

Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Sincerely,

JON WALDIE  
Chief Administrative Officer  
California State Assembly



**REPORTS**

The following reports were presented by the Chief Clerk:

**California Highway Patrol's Response to Supplemental Report of  
the 1997 Budget Act  
(Pursuant to the Supplemental Report of  
the 1997 Budget Act Item 2720-001-0044)**

Above transmitted report, together with letter of transmittal from D. O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated December 22, 1997, referred by the Speaker to the Committee on Budget.

**Minority, Women and Disabled Veterans Business Enterprise Program  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from C. A. Terhune, Director, Department of Corrections, Sacramento, dated December 22, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**1998-99 Railroad Corporation Fees Budget, Public Utilities Commission  
(Pursuant to Public Utilities Code Section 421)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, San Francisco, dated December 22, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**State Teachers' Retirement System, Quarterly Report of System Assets,  
As of September 30, 1997  
(Pursuant to Education Code Section 22358)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated December 23, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Internal Control and Fiscal Compliance Report for  
the Fiscal Year Ended June 30, 1997  
(Pursuant to Government Code Section 13405)**

Above transmitted report, together with letter of transmittal from Brenda Premo, Director, Department of Rehabilitation, Sacramento, dated December 26, 1997, referred by the Speaker to the Committee on Human Services.

**Report to the California Legislature:  
Approved Mandate Claims, July 1, 1997-December 31, 1997  
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, Sacramento, dated December 26, 1997, referred by the Speaker to the Committee on Budget.

**Department of Consumer Affairs, Business Strategic Plan,  
December 1997**

**Performance Based Budgeting Pilot Project,  
Fiscal Year 1996–97 Year End Report, December 31, 1997  
(Pursuant to DCA's FY 1996–97 PBB Contract)**

Above transmitted report, together with letter of transmittal from Marjorie M. Berte, Director, Department of Consumer Affairs, Sacramento, dated December 29, 1997, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Eighth Annual Report Job Classifications of Employees Paid Benefits from  
The Uninsured Employers Fund (UEF)  
Fiscal Year 1996–97  
(Pursuant to Labor Code Section 3716.5)**

Above transmitted report, together with letter of transmittal from John C. Duncan, Acting Director, Department of Industrial Relations, Office of the Director, San Francisco, dated December 31, 1997, referred by the Speaker to the Committee on Insurance.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 8, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 228  
Assembly Bill No. 263  
Assembly Bill No. 895  
Assembly Bill No. 901  
Assembly Bill No. 964  
Assembly Bill No. 1014  
Assembly Bill No. 1115

Assembly Bill No. 1203  
Assembly Bill No. 1234  
Assembly Bill No. 1336  
Assembly Bill No. 1488  
Assembly Bill No. 1494  
Assembly Bill No. 1514

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 8, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 277

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 8, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 118  
Assembly Bill No. 960  
Assembly Bill No. 1232

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 8, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 192  
Assembly Bill No. 194  
Assembly Bill No. 612  
Assembly Bill No. 632  
Assembly Bill No. 773  
Assembly Bill No. 785  
Assembly Bill No. 809

Assembly Bill No. 872  
Assembly Bill No. 933  
Assembly Bill No. 1154  
Assembly Bill No. 1498  
Assembly Bill No. 1531  
Assembly Bill No. 1535

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

*Assembly*

*Bill No.*

*Committee*

<b>20</b>	-----	Health
<b>190</b>	-----	Pub. S.
<b>1091</b>	-----	Jud.
<b>1276</b>	-----	Hum. S.
<b>1287</b>	-----	Rev. & Tax.
<b>1392</b>	-----	Pub. S.
<b>1449</b>	-----	Health

*Assembly Constitutional*

*Amendment No.*

*Committee*

<b>21</b>	-----	E.,R. & C.A.
<b>28</b>	-----	E.,R. & C.A. and Ed.

*Assembly Concurrent*

*Resolution No.*

*Committee*

<b>83</b>	-----	Rls.
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**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

January 8, 1998

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 62(a), as it relates to the following bill be granted:

Assembly Bill No. 1239

DON PERATA, Chairman

January 8, 1998

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 62(a), as it relates to the following bill be granted:

Senate Bill No. 520

DON PERATA, Chairman

Date of Hearing: January 8, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 83

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: January 8, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 20

With the recommendation: That the resolution be re-referred to the Committee on Revenue and Taxation.

PERATA, Chairman

Above resolution re-referred to the Committee on Revenue and Taxation.

#### **Committee on Higher Education**

Date of Hearing: January 6, 1998

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 1328

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

LEMPERT, Chairman

Above bill ordered to second reading.

#### **Committee on Labor and Employment**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 1307

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

FLOYD, Chairman

Above bill re-referred to the Committee on Appropriations.

#### **Committee on Education**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 285

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MAZZONI, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 401

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

MAZZONI, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 1327

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MAZZONI, Chairwoman

Above bill ordered to second reading.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Member Leach on the occasion of her birthday.

**ADJOURN IN MEMORY**

Assembly Members Ackerman and Campbell were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hal Bierlein, Wayne Bowers, Michael Kelley, and Paul White, of Orange County.

Assembly Member Aguiar was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elsie Mary Borba, longtime resident of Chino, survived by two daughters and three sons; and Charlene Girard, formerly of Chino, survived by husband David and two daughters.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Denver Pyle, of Toluca Lake; and Daryl and Shirley Arnold, of Corona del Mar.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Shirley Cohelan Burton, of San Francisco.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jules Viden, of Hayward; and John Purchio, of Hayward.

Assembly Member Wright was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Janet Copeland, of Los Angeles.

**RE-REFERENCE OF BILLS**

Assembly Member Sweeney was granted unanimous consent that Assembly Bill No. 1615 be re-referred from the Committee on Local Government to the Committee on Housing and Community Development.

**ADJOURN IN MEMORY**

Assembly Member Pringle was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Willam Van Bruggen, of Anaheim.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Aroner announced her intention to request that Assembly Bill No. 822 be removed from the inactive file.

**ADJOURN IN MEMORY**

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Tsukamoto, of Elk Grove.

Assembly Member Murray was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mattie Mae Fields, of Los Angeles.

**RE-REFERENCE OF BILLS**

Assembly Member Murray was granted unanimous consent that the following bills be re-referred from the Committee on Transportation as noted:

Assembly Bill No. 1613, to the Committee on Revenue and Taxation;  
Senate Bill No. 55, to the Committee on Local Government.

**ASSEMBLY CONCURRENT RESOLUTION NO. 83 TAKEN UP  
BY UNANIMOUS CONSENT**

Assembly Member Murray was granted unanimous consent to take up Assembly Concurrent Resolution No. 83, without reference to file, and that the same be considered engrossed.

**ASSEMBLY CONCURRENT RESOLUTION NO. 83**—Relative to National Eye Care Month.

Resolution read, and adopted by the following vote:

**AYES—74**

Ackerman	Escutia	Martinez	Runner
Aguilar	Figueroa	Mazzoni	Scott
Alby	Frusetta	McClintock	Shelley
Alquist	Gallegos	Migden	Strom-Martin
Aroner	Goldsmith	Miller	Sweeney
Ashburn	Granlund	Morrissey	Takasugi
Baca	Haveice	Morrow	Thompson
Baldwin	Hertzberg	Murray	Thomson
Battin	Honda	Napolitano	Torlakson
Baugh	House	Olberg	Villaraigosa
Bowen	Kaloogian	Oller	Vincent
Bowler	Keeley	Ortiz	Washington
Brewer	Knox	Pacheco	Wayne
Brown	Kuehl	Papan	Wildman
Campbell	Kuykendall	Perata	Woods
Cardenas	Leach	Poochigian	Wright
Cardoza	Lempert	Prenter	Mr. Speaker
Davis	Machado	Pringle	
Ducheny	Margett	Richter	

**NOES—None**

Resolution ordered transmitted to the Senate.

**RE-REFERENCE OF BILLS**

Assembly Member Migden was granted unanimous consent that the following bills be re-referred from the Committee on Appropriations as noted:

Assembly Bill No. 118, to the Committee on Health;  
Assembly Bill No. 277, to the Committee on Natural Resources;  
Assembly Bill No. 960, to the Committee on Judiciary;  
Assembly Bill No. 1232, to the Committee on Revenue and Taxation.

**JOINT RULE 62(a) WAIVED**

Assembly Member Vincent was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Constitutional Amendment No. 21 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments on Monday, January 12, 1998.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Vincent:

*Resolved*, That Joint Rule 62(a) be suspended to permit the Committee on Elections, Reapportionment and Constitutional Amendments to set Senate Bill No. 520 for reconsideration and further action.

By Assembly Member Figueroa:

*Resolved*, That Joint Rule 62(a) be suspended to permit the Committee on Insurance to set Assembly Bill No. 1239 for reconsideration and further action.

Resolutions read, and adopted by the following vote:

**AYES—74**

Ackerman	Escutia	Martinez	Runner
Aguiar	Figueroa	Mazzoni	Scott
Alby	Frusetta	McClintock	Shelley
Alquist	Gallegos	Migden	Strom-Martin
Aroner	Goldsmith	Miller	Sweeney
Ashburn	Granlund	Morrissey	Takasugi
Baca	Havice	Morrow	Thompson
Baldwin	Hertzberg	Murray	Thomson
Battin	Honda	Napolitano	Torlakson
Baugh	House	Olberg	Villaraigosa
Bowen	Kaloogian	Oller	Vincent
Bowler	Keeley	Ortiz	Washington
Brewer	Knox	Pacheco	Wayne
Brown	Kuehl	Papan	Wildman
Campbell	Kuykendall	Perata	Woods
Cardenas	Leach	Poochigian	Wright
Cardoza	Lempert	Prenter	Mr. Speaker
Davis	Machado	Pringle	
Ducheny	Margett	Richter	

**NOES—None****JOINT RULE 62(a) WAIVED**

Assembly Member Vincent was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 520 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments on Monday, January 12, 1998.

**ADJOURN IN MEMORY**

Assembly Member Scott was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roger Barkley, of La Canada Flintridge.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Scott announced his intention to request that Assembly Bill No. 247 be removed from the inactive file.

**ANNOUNCEMENTS**

Assembly Member Hertzberg announced the engagement of Minerva Avila, Consultant to Assembly Rules Committee and James Toma, staff of Assembly Member Hertzberg.

**RE-REFERENCE OF BILLS**

Assembly Member Hertzberg was granted unanimous consent that Assembly Bill No. 1389 be re-referred from the Committee on Public Safety to the Committee on Transportation.

**ADJOURN IN MEMORY**

Assembly Member Strom-Martin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rachelle Scoble, of Sebastopol.

**RE-REFERENCE OF BILLS**

Assembly Member Davis was granted unanimous consent that Assembly Bill No. 1352 be re-referred from the Committee on Education to the Committee on Human Services.

Assembly Member Knox was granted unanimous consent that Assembly Bill No. 302 be re-referred from the Committee on Revenue and Taxation to the Committee on Public Safety.

**JOINT RULE 62(a) WAIVED**

Assembly Member Knox was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 1232, 1287, and 1613 for hearing in the Committee on Revenue and Taxation on Monday, January 12, 1998.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Knox was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1103, 846, 1015, and 701 be stricken from file.

**RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE**

Assembly Member Brown was granted unanimous consent that Assembly Bill No. 900 be referred from the third reading file to the Committee on Governmental Organization.

**JOINT RULE 62(a) WAIVED**

Assembly Member Brown was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 900 for hearing in the Committee on Governmental Organization on Monday, January 12, 1998.

**ADJOURN IN MEMORY**

Assembly Member Machado was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gertrude Bailey.

**RE-REFERENCE OF BILLS**

Assembly Member Machado was granted unanimous consent that Assembly Bill No. 540 be re-referred from the Committee on Water, Parks and Wildlife to the Committee on Local Government.

Assembly Member Figueroa was granted unanimous consent that Assembly Bill No. 1567 be re-referred from the Committee on Insurance to the Committee on Transportation.

**JOINT RULE 62(a) WAIVED**

Assembly Member Murray was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 1389 and 1567 for hearing in the Committee on Transportation.



**ADJOURN IN MEMORY**

Assembly Member Torlakson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Sattler, of Concord.

Assembly Member Alquist was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of C.H.P. Officer Scott Greenly, of Santa Clara County.

**JOINT RULE 62(a) WAIVED**

Assembly Member Bowen was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 277 for hearing in the Committee on Natural Resources on Monday, January 12, 1998.

**RE-REFERENCE OF BILLS**

Assembly Member Escutia was granted unanimous consent that Assembly Bill No. 1373 be re-referred from the Committee on Judiciary to the Committee on Health.

**CAUCUS ANNOUNCEMENTS**

At 9:33 a.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**RECESS**

By unanimous consent, at 9:33 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 9:48 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**CAUCUS ANNOUNCEMENTS**

At 9:50 a.m., Assembly Member Thompson was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 9:50 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 10:08 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**REQUEST TO CONSIDER AND ACT ON BILLS  
WITHIN 30 CALENDAR DAYS**

The following request was submitted:

Assembly Chamber, January 5, 1998

Mr. Speaker: I request permission to introduce a resolution providing that Assembly Constitutional Amendment No. 28 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

MIKE HONDA

**Recommendation of Rules Committee**

January 8, 1998

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member Honda for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 8(a), of the Constitution and suspending Joint Rule 55 as they pertain to Assembly Constitutional Amendment No. 28 be granted.

DON PERATA, Chair

**Resolution to Dispense with Article IV, Sec. 8(a) of the Constitution  
and Suspend Joint Rule 55**

*Resolved*, That, pursuant to Article IV, Section 8(a) of the Constitution, Assembly Constitutional Amendment No. 28 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read, and refused adoption by the following vote:

**AYES—42**

Alquist	Floyd	Migden	Thomson
Aroner	Gallegos	Murray	Torlakson
Baca	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Ortiz	Vincent
Brown	Honda	Papan	Washington
Cardenas	Keeley	Perata	Wayne
Cardoza	Knox	Richter	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Martinez	Strom-Martin	
Figueroa	Mazzoni	Sweeney	

**NOES—21**

Ackerman	Campbell	McClintock	Pringle
Alby	Granlund	Miller	Runner
Baldwin	House	Morrow	Woods
Battin	Kaloogian	Olberg	
Baugh	Leonard	Oller	
Brewer	Margett	Poochigian	

**RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE**

Assembly Member Migden was granted unanimous consent that Assembly Bill No. 204 be referred from the third reading file to the Committee on Insurance.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Migden was granted unanimous consent that the Governor's veto of Assembly Bills Nos. 1578, 494, 501, 1099, and 418 be stricken from file.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Knox announced his intention to request that Assembly Bill No. 532 be removed from the inactive file.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 425**—An act to amend Sections 8093, 16322, 17022.7, 17281, 81033, 81160, 81162, 81177, 81332, 81348, 81401, 81523, 81528, 81529, and 81530 of, to add Article 3 (commencing with Section 81050) to, and to repeal Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of, the Education Code, and to amend Sections 13143 and 19168 of the Health and Safety Code, relating to community colleges.

Bill read second time; amendments proposed by the Committee on Higher Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**UNFINISHED BUSINESS  
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bill No. 867 were continued until the next legislative day.

**REQUEST BY ASSEMBLY MEMBER NAPOLITANO**

Assembly Member Napolitano was joined by the Members of the Assembly in sending expressions of kindness and warm thoughts of support to Barbara Dowling who is gravely ill, and to members of her family.

**MOTION TO ADJOURN**

At 10:14 a.m., Assembly Member Brewer moved that the Assembly do now adjourn.

Assembly Member Washington seconded the motion.

Motion carried.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record her vote on the following item:

**Assembly Concurrent Resolution No. 83:** Bowen—Aye.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 10:16 a.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1651—Ortiz.** An act to amend Section 340.1 of the Code of Civil Procedure, relating to commencement of actions.

**ASSEMBLY BILL NO. 1652—Sweeney.** An act to amend Sections 51871, 51872, 51874, 51875, and 51876 of, to amend and renumber Sections 51881 and 51884 of, to amend, renumber, and repeal Section 51883 of, and to add Sections 51871.5, 51872.5, and 51877.8 to, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1653—Figueroa.** An act to add Chapter 8.6 (commencing with Section 52270) to Part 28 of the Education Code, relating to education.

**ASSEMBLY BILL NO. 1654—Aroner.** An act to amend Sections 16119, 16120.05, 16120.1, and 16121.05 of the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1655—Wright.** An act to amend Section 4016.5 of the Penal Code, relating to corrections.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY JOINT RESOLUTION NO. 45—Pringle, Morrissey, and Kuykendall.** Relative to state and federal supplemental benefits.

**HOUSE RESOLUTION NO. 49—Martinez, Cardenas, Ducheny, Hertzberg, Perata, Scott, Torlakson, Wayne, Wildman, and Wright.** Relative to social promotion in the schools.

### AUTHOR'S AMENDMENTS

#### Committee on Education

January 8, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 1352

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 1352**—An act to add Sections 49494, 49495, 49506, 49507, 49521, 49522, 49537, 49538, 49546.5, 49546.7, 49548.4, 49548.5, 49561, 49562, and 49570.1, to the Education Code, relating to school nutrition programs.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

### AUTHOR'S AMENDMENTS

#### Committee on Governmental Organization

January 8, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 1477

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BROWN, Chairwoman

**ASSEMBLY BILL NO. 1477**—An act to add Sections 19604 and 19612.7 to the Business and Professions Code, relating to horseracing, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 126

Assembly Bill No. 190

Assembly Bill No. 1392

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 126**—An act to amend Sections 1346 and 1347.5 of the Penal Code, relating to criminal procedure.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 190**—An act relating to fraud.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1392**—An act to amend Section 12320 of the Penal Code, relating to deadly weapons.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 945

With author's amendments with the recommendation: Amend, and re-refer to the committee.

SWEENEY, Chairman

**ASSEMBLY BILL NO. 945**—An act to add Article 8.5 (commencing with Section 53880) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to financing a local government improvement program by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Utilities and Commerce**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Constitutional Amendment No. 15

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MARTINEZ, Chairwoman

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 23 to Article IV thereof, amending Section 8 of Article VII thereof, and repealing Article XII thereof, relating to public utilities.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Judiciary**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 737

Assembly Bill No. 1091

Assembly Bill No. 913

Assembly Bill No. 1094

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 737**—An act to amend Section 802 of the Evidence Code, relating to witnesses.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 913**—An act to amend Section 4337 of, and to add Section 2335.1 and 3021.5 to, the Family Code, relating to marriage.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1091**—An act to amend Section 366.26 of the Welfare and Institutions Code, relating to minors.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1094**—An act to amend Sections 6560, 6561, and 6562 of, and to add Article 4 (commencing with Section 6585) to Chapter 5 of Part 3 of Division 6 of, the Probate Code, relating to trusts and wills.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Revenue and Taxation**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 1287

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Chairman

**ASSEMBLY BILL NO. 1287**—An act relating to taxation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Utilities and Commerce**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 579

Assembly Bill No. 1424

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MARTINEZ, Chairwoman

**ASSEMBLY BILL NO. 579**—An act to amend Sections 330 and 368 of the Public Utilities Code, and to amend Section 1 of Chapter 854 of the Statutes of 1996, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1424**—An act to add Section 729.6 to the Public Utilities Code, relating to telecommunications.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 1384

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 1384**—An act to add Section 1175 to the Code of Civil Procedure, relating to controlled substances.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Insurance reports:

Assembly Bill No. 204

Assembly Bill No. 1454

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chairwoman

**ASSEMBLY BILL NO. 204**—An act to amend and repeal Section 3209.3 of the Labor Code, relating to workers' compensation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1454**—An act to add Section 11736.1 to the Insurance Code, relating to workers' compensation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 344

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 344**—An act to amend Section 832.5 of the Penal Code, relating to peace officers: citizen complaints.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Utilities and Commerce**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 1154

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MARTINEZ, Chairwoman

**ASSEMBLY BILL NO. 1154**—An act to amend Sections 330, 367, 368, 376, 840, and 9604 of the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 1276

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ARONER, Chairwoman

**ASSEMBLY BILL NO. 1276**—An act to add Section 56432 to the Education Code, relating to special education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Consumer Protection, Governmental Efficiency and  
Economic Development**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 969

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DAVIS, Chairwoman



**ASSEMBLY BILL NO. 969**—An act to amend Sections 6704, 6706, 6710, 6717, 6730, 6731, 6732, 6735, 6735.1, 6735.6, 6738, 6751, 6751.5, 6753, 6760, 6775, 6785, 6786, 6787, and 6799 of, to amend and renumber Sections 6795, 6795.1, 6796.1, 6796.2, 6796.3, and 6796.5 of, to amend, renumber, and add Sections 6735.2, 6751.2, and 6776 of, to add Sections 6706.3, 6706.5, 6707, 6707.2, 6707.4, 6707.5, 6707.6, 6707.8, 6708, 6708.2, 6708.4, 6708.5, 6708.7, 6708.9, 6717.2, 6717.5, 6730.9, 6731.5, 6732.3, 6732.4, 6735.2, 6738.2, 6751.1, 6751.3, 6751.4, 6755.3, 6770.2, 6770.7, 6771, 6771.2, 6771.5, 6771.7, 6775.3, 6775.4, 6775.5, 6775.6, 6775.7, 6775.8, 6775.9, 6776.1, 6776.2, 6776.3, 6776.4, 6776.5, and 6776.5 to, to repeal and add Sections 6737.2 and 6742 of, and to repeal Sections 6735.3, 6735.4, 6766, and 6796 of, and to amend the headings of Article 4 (commencing with Section 6750), Article 5 (commencing with Section 6775), and Article 6 (commencing with Section 6785) of, and to add an article heading to Chapter 7 (commencing with Section 6700) of, Division 3 of, the Business and Professions Code, relating to professional engineers.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 20

Assembly Bill No. 1397

Assembly Bill No. 1449

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALLEGOS, Chairman

**ASSEMBLY BILL NO. 20**—An act relating to public social services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1397**—An act to amend Section 14085.51 of the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1449**—An act to amend Section 1604 of the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Utilities and Commerce**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 487

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MARTINEZ, Chairwoman

**ASSEMBLY BILL NO. 487**—An act to amend Section 6254 of the Government Code, and to amend Section 2891.1 of the Public Utilities Code, relating to telecommunications.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

January 8, 1998

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 1515

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALLEGOS, Chairman

**ASSEMBLY BILL NO. 1515**—An act relating to health care service plans.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 8, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 33

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE JOINT RESOLUTION NO. 33**—Relative to the Washington National Airport.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Brewer the Assembly adjourned until 11 a.m., Monday, January 12, 1998, out of respect to the memory of Hal Bierlein, Wayne Bowers, Michael Kelley, and Paul White, on motion of Assembly Members Ackerman and Campbell; out of respect to the memory of Mary Tsukamoto, on motion of Assembly Member Bowler; out of respect to the memory of Willam Van Bruggen, on motion of Assembly Member Pringle; out of respect to the memory of Mattie Mae Fields, on motion of Assembly Member Murray; out of respect to the memory of Roger Barkley, on motion of Assembly Member Scott; out of respect to the memory of Rachelle Scoble, on motion of Assembly Member Strom-Martin; out of respect to the memory of Gertrude Bailey, on motion of Assembly Member Machado; out of respect to the memory of William Sattler, on motion of Assembly Member Torlakson; out of respect to the memory of Officer Scott Greenly, on motion of Assembly Member Alquist; out of respect to the memory of Elsie Mary Borba and Charlene Girard, on motion of Assembly Member Aguiar; out of respect to the memory of Denver Pyle and Daryl and Shirley Arnold, on motion of Assembly Member Brewer; out of respect to the memory of Shirley Cohelan Burton, on motion of Assembly Member Shelley, out of respect to the memory of Jules Viden and John Purchio, on motion of Assembly Member Sweeney; and out of respect to the memory of Janet Copeland, on motion of Assembly Member Wright.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 8, 1998

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The following measures were amended in the Assembly on this day:

AB	RN	AB	RN
20	9726190	1154	9800394
126	9800222	1287	9725648
190	9725550	1352	9800282
204	9726043	1384	9800412
344	9800075	1392	9800255
425	9800216	1397	9800094
487	9800283	1424	9800237
579	9800306	1449	9800022
737	9800117	1454	9800392
913	9800202	1477	9800312
945	9800246	1515	*
969	9800307		
1091	9725547	ACA	RN
1094	9800248	15	9800242
1276	9800086		

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

<b>Daily Total:</b>	<b>27</b>
<b>Cumulative Total:</b>	<b>3590</b>

CALIFORNIA LEGISLATURE  
1997–98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 12, 1998**

**ONE HUNDRED FORTY-THIRD SESSION DAY**

**FOUR HUNDRED SEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Monday, January 12, 1998

The Assembly met at 11 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Battin moved a quorum call of the Assembly.

Motion carried. Time, 11:05 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 11:15 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—74:

Ackerman	Figueroa	Martinez	Runner
Aguiar	Floyd	Mazzoni	Scott
Alby	Frusetta	McClintock	Shelley
Aroner	Gallegos	Migden	Strom-Martin
Ashburn	Goldsmith	Miller	Sweeney
Baca	Granlund	Morrissey	Takasugi
Baldwin	Havice	Morrow	Thompson
Battin	Hertzberg	Murray	Thomson
Baugh	Honda	Napolitano	Torlakson
Bowen	House	Olberg	Villaraigosa
Bowler	Kaloogian	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Brown	Knox	Pacheco	Wayne
Campbell	Kuehl	Papan	Wildman
Cardenas	Kuykendall	Perata	Woods
Cardoza	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker
Ducheny	Leonard	Pringle	
Escutia	Machado	Richter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O Lord, Give us prudence, give us knowledge, and teach us how to do Your commandments. Because we are Yours, Lord, we are strangers to the world. In weakness, we are strong, in poverty we are rich and in affliction we rejoice for we have You dwelling in our hearts. Knowing this, we ask Your blessing on all that we seek to accomplish this day and forever.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Leach then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Papan, seconded by Assembly Member Kuykendall.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Member Cunneen.*

*On personal business, and waiving per diem: Assembly Members Alquist, Bordonaro, and Firestone.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 9, 1998

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Session Monday, January 12, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 12, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Lou Papan to the Assembly Budget Committee to fill the vacancy and also Budget Subcommittee No. 4 effective immediately.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 12, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Sheila Kuehl to the Assembly Revenue and Taxation Committee to fill the vacancy for today, January 12, 1998 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 12, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Mike Honda to the Assembly Revenue and Taxation Committee to replace Assemblymember Elaine Alquist for today, January 12, 1998 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly



The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 12, 1998

*Mr. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that the following payment has been received by the Assembly Committee on Rules:

Source	CSUS, LegiSchool Project
Amount	\$1,935 (1,075 blank Sony video tapes)
Purpose	For use by the Assembly Television Project
Person/Class for	
Whom Payment Used	Assembly Television Project Staff

Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Sincerely yours,

JON WALDIE  
Chief Administrative Officer  
California State Assembly

#### REPORTS

The following reports were presented by the Chief Clerk:

**1997 Annual Report to California Legislature**  
**Volume I, Significant Issues for 1998 and**  
**Volume II, 1997 Status Report and Commission Actions**  
**(Pursuant to Government Code Sections 14535–14536)**

Above transmitted report, together with letter of transmittal from Edward G. Jordon, Chairman, California Transportation Commission, Sacramento, dated December 10, 1997, referred by the Speaker to the Committee on Transportation.

**California Integrated Waste Management Board (CIWMB)**  
**Fund 387—Integrated Waste Management Account 1997–98**  
**(Pursuant to Supplemental Report of the 1997 Budget Act)**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Secretary for Environmental Protection, Sacramento, dated December 11, 1997, referred by the Speaker to the Committee on Budget.

**State Board of Equalization Audit Program Report**  
**(Pursuant to the Supplemental Report of the Budget Act of 1997)**

Above transmitted report, together with letter of transmittal from E. L. Sorensen, Jr., Executive Director, State Board of Equalization, Sacramento, dated January 9, 1998, referred by the Speaker to the Committee on Budget.

**Population Management and Facilities Master Plan, 1998–2003**  
**(Pursuant to Chapter 905, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Francisco J. Alarcon, Director, Department of the Youth Authority, Sacramento, dated January 9, 1998, referred by the Speaker to the Committee on Public Safety.

**Minority/Women/Disabled Veteran Business Enterprise Participation  
in Contracts Awarded by the State Teachers' Retirement System  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated December 31, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**City of Long Beach, Tideland Oil Revenue Fund  
Statement of Expenditures Including Unpaid Obligations from Oil Revenue  
Fiscal Year Ended September 30, 1997  
(Pursuant to Section 10, of Chapter 138, Statutes of 1994  
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from John R. Calhoun, City Attorney, Office of the City Attorney of Long Beach, dated December 31, 1997, referred by the Speaker to the Committee on Local Government.

**Annual Report to the Legislature  
Concerning the School Employee Fund, Fiscal Year Ending, June 30, 1997  
(Pursuant to Unemployment Insurance Code Section 832)**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, dated January 7, 1998, referred by the Speaker to the Committee on Insurance.

**Veterans Debenture Revenue Fund  
Financial Statements for the Years Ended June 30, 1997 and 1996 and  
Independent Auditors' Report**

**Veterans Farm and Home Building Fund of 1943  
Financial Statements for the Years Ended June 30, 1997 and 1996 and  
Independent Auditors' Report  
(Pursuant to Assembly Bill 2465, Chapter 184, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Jay R. Vargas, Secretary, California Department of Veterans Affairs, Sacramento, dated January 8, 1998, referred by the Speaker to the Committee on Governmental Organization.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 12, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 26	Assembly Bill No. 987
Assembly Bill No. 105	Assembly Bill No. 1107
Assembly Bill No. 254	Assembly Bill No. 1154
Assembly Bill No. 457	Assembly Bill No. 1236
Assembly Bill No. 487	Assembly Bill No. 1287
Assembly Bill No. 510	Assembly Bill No. 1329
Assembly Bill No. 555	Assembly Bill No. 1386
Assembly Bill No. 579	Assembly Bill No. 1424
Assembly Bill No. 668	Assembly Bill No. 1477
Assembly Bill No. 681	Assembly Bill No. 1497
Assembly Bill No. 871	Assembly Bill No. 1552
Assembly Bill No. 894	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 12, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Constitutional Amendment No. 15  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 12, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 20  
Assembly Bill No. 126  
Assembly Bill No. 190  
Assembly Bill No. 344  
Assembly Bill No. 548  
Assembly Bill No. 718  
Assembly Bill No. 804  
Assembly Bill No. 913  
Assembly Bill No. 969  
Assembly Bill No. 1187  
Assembly Bill No. 1314  
Assembly Bill No. 1350  
Assembly Bill No. 1352  
Assembly Bill No. 1392  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 12, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 737  
Assembly Bill No. 945  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 12, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 33  
Assembly Bill No. 204  
Assembly Bill No. 425  
Assembly Bill No. 1276  
Assembly Bill No. 1397  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following resolution was referred to Committee:

<i>Senate Joint</i>		<i>Committee</i>
<i>Resolution No.</i>		
<b>33</b>	-----	Rls.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Assembly Bill No. 1201  
With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 1201**—An act to amend Sections 470a, 470b, 11106, 12001, 12021, 12026, 12026.2, 12071, 12072, 12076, 12077, 12078, 12081, and 12082 of, and to add Sections 12077.5 and 12077.6 to the Penal Code, and to amend Section 2 of Chapter 1180 of the Statutes of 1988, relating to firearms.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 880

Assembly Bill No. 1290

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 880**—An act to amend Section 368 of the Penal Code, relating to elder abuse.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1290**—An act to amend Sections 667.71 and 1170.1 of the Penal Code, and to amend Sections 676, 707, and 828.1 of the Welfare and Institutions Code, relating to kidnapping.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 771

Assembly Bill No. 795

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 771**—An act to amend Section 116.220 of the Code of Civil Procedure, relating to small claims court.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 795**—An act to add Sections 3201, 3202, 3203, 3204, 3205, and 3206 to the Family Code, relating to family law.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 960

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 960**—An act to amend Sections 3653, 4351, and 5245 of, and to add Sections 3681, 4205, 4206, 4353, and 5245.5 to, the Family Code, and to amend Section 11350.1 of the Welfare and Institutions Code, relating to support orders.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 50

Assembly Bill No. 981

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 50**—An act to amend Section 451.5 of the Penal Code, relating to arson.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 981**—An act to add Sections 20910 and 21328 to the Government Code, relating to public employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:

Assembly Bill No. 1018

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**ASSEMBLY BILL NO. 1018**—An act to amend Section 11713.15 of the Vehicle Code, relating to vehicles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Elections, Reapportionment and Constitutional Amendments**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 21

With author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chairman

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 21**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 8 and Section 12 of, by amending and repealing Section 2 of, and by adding Section 2.1 to, Article IV thereof, and by amending Section 7 of Article XX thereof, relating to state government.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Labor and Employment**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 744

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

FLOYD, Chairman

Above bill ordered to second reading.

**Committee on International Trade and Development**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on International Trade and Development reports:

Assembly Bill No. 901

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

NAPOLITANO, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on International Trade and Development reports:

Assembly Bill No. 894

Assembly Bill No. 895

With the recommendation: Do pass, and be re-referred to the Committee on Utilities and Commerce.

NAPOLITANO, Chairwoman

Above bills re-referred to the Committee on Utilities and Commerce.

**Committee on Rules**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Rules reports:

Senate Joint Resolution No. 33

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Constitutional Amendment No. 7

With the recommendation: That the resolution be re-referred to the Committees on Elections, Reapportionment and Constitutional Amendments and Education.

PERATA, Chair

Above resolution re-referred to the Committees on Elections, Reapportionment and Constitutional Amendments and Education.

**Committee on Governmental Organization**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 1477

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

BROWN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**MESSAGES FROM THE GOVERNOR**

The following Budget message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento

January 9, 1998

*To the Senate and the Assembly of the California Legislature:*

I submit for your consideration the Governor's Budget for 1998–99.

In this past year, the most productive in recent memory, our cooperation brought about a fundamental overhaul of the state's welfare system, significant tax relief for millions of working Californians, and expansion of the reforms that are dramatically improving the health care and education of California children, so that each will be afforded full opportunity to be all that he or she can be.

While we can be proud of these accomplishments, much work remains for us to do. If we apply the same energy and determination that marked the end of our work in 1997, we can achieve even greater progress in 1998. This Budget provides a blueprint of prudent investments in California's future—in better schools, in public safety, in preventive government, and in a stronger system of state infrastructure—that build upon our successes these past seven years.

California has been through remarkable change during the past seven years that I've been privileged to serve as Governor. We have withstood an unprecedented string of natural disasters, weathered the state's worst economic recession in a half-century, and seen our state's economy come rebounding back to lead the world in producing the jobs of the 21st Century. But throughout this turbulent period, there has been one constant: the determination, ingenuity, and spirit of our people that have powered and driven California's return to greatness.

Let us be worthy of their spirit, and work this year to make California safer, stronger, and more secure for this generation, and for generations to come.

Sincerely,

PETE WILSON

Accompanying Governor's Budget and Budget Summary ordered filed with the Secretary of State.

**RECEIPT**

I acknowledge receipt this 9th day of January, 1998, at 4:50 p.m., of the budget for the 1998–99 fiscal year, together with an explanatory message delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

**ADJOURN IN MEMORY**

Assembly Member Alby was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jennifer Ali Smith, of Sacramento.

Assembly Member Baca was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former City Councilmember Ralph Hernandez, of San Bernardino.

Assembly Member Aguiar was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dolores Ferreira, of Ontario.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Margaret Frick, of Newport Beach; and James Dean, of Newport Beach.

Assembly Member Frusetta was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Loren “Sonny” Franklin Paullus, of Paicines; and Lorraine Guerra, of Hollister.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alisha Lyn Miller, of Lancaster; Wyatt O. Lane, of Lancaster; Barbara Lane, of Lancaster; and Randall Miller, of Lancaster.

Assembly Member Havice was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jeannette Paumier, of Downey.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bobbie S. Cahn, of Woodland; Cameron Slane Ward, M.D., of Woodland; and E. Karl Noelting, of San Mateo.

Assembly Member Torlakson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of June Viola Bulman, of Concord; and Jean Will of Martinez.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Fran Acker, of Hayward; and Peter Vigil, of San Francisco.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Thomson was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.



**ADJOURN IN MEMORY**

Assembly Member Ortiz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tina Stathos, a longtime employee of the Assembly Rules Committee and recognized the following Stathos family members, many of whom were in the rear of the Chamber: her husband Gus Stathos, son Frank Stathos and his wife Patti; son Timothy Stathos and his wife Mandy; daughter Paulette Cervantes and her husband Eddie; and grandchildren Edward Cervantes, Alex Cervantes, Jennifer Stathos, and Nicholas Stathos.

**RECESS**

By unanimous consent, at 11:27 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Migden introduced Kate Shindle, Miss America 1998 and presented a resolution commending her dedicated efforts in promoting AIDS awareness and her work in the area of HIV/AIDS prevention.

Kate Shindle then addressed the assemblage.

**REASSEMBLED**

At 11:33 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**ADJOURN IN MEMORY**

Assembly Member Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Tanaka, of Lake Forest.

**RE-REFERENCE OF BILLS**

Assembly Member Escutia was granted unanimous consent that Assembly Bill No. 737 be re-referred from the Committee on Judiciary to the Committee on Public Safety.

Assembly Member Sweeney was granted unanimous consent that Assembly Bill No. 945 be re-referred from the Committee on Local Government to the Committee on Public Safety.

**JOINT RULE 62(a) WAIVED**

Assembly Member Sweeney was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 567 for hearing in the Committee on Local Government on Wednesday, January 14, 1998, pending re-referral of the bill from the Committee on Natural Resources.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Knox announced his intention to request that Assembly Bill No. 1120 be removed from the inactive file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Hertzberg was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 945 for hearing in the Committee on Public Safety on Tuesday, January 13, 1998.

Assembly Member Gallegos was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1225 for hearing in the Committee on Health on Tuesday, January 13, 1998, pending re-referral of the bill from the Committee on Transportation.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Gallegos was granted unanimous consent that the Committee on Health be permitted to hold a special meeting on Thursday January 15, 1998, off the Floor, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1225 for hearing, if the bill is not re-referred to the Committee on Health prior to Thursday.

**ADJOURN IN MEMORY**

Assembly Member Poochigian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Officer James Rapozo, of the Visalia Police Department.

**RECESS**

By unanimous consent, at 11:40 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Ducheny introduced the following delegation from the XV Legislatura de Baja California: The Honorable Javier Castaneda Pomposo, President of the Mesa Directiva; The Honorable Cesar Baylon Chacon, Vice President of the Mesa Directiva; The Honorable Miguel Guerrero Cruz, Pro-Secretary of the Mesa Directiva; The Honorable Maria de Jesus Singh Castro, Pan Caucus Coordinator; The Honorable Juan Pablo Valenzuela Garcia, Pri Caucus Coordinator; Mr. Jose Flores Bringas, Legislative Consultant; and The Honorable Oscar Reyes-Retana, Consul General of Mexico in Sacramento.

**REASSEMBLED**

At 11:41 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Members Mazzoni and Martinez on the occasion of their birthdays.

**JOINT RULE 62(a) WAIVED**

Assembly Member Napolitano was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 894 and 895 for hearing in the Committee on Utilities and Commerce.

**ADJOURN IN MEMORY**

Assembly Member Honda was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Clyde Arbuckle, of San Jose.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1328**—An act to amend Section 5019.5 of, add Article 4 (commencing with Section 72040) to Chapter 1 of Part 45 of, and to amend and renumber Section 72031 of, the Education Code, relating to postsecondary education.

Bill read second time; amendments proposed by the Committee on Higher Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 285**—An act to add Sections 32232.5, 51220.6, and 56524.1 to the Education Code, relating to education.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1327**—An act to amend Section 51745.6 of the Education Code, relating to education.

Bill read second time, and ordered to Consent Calendar.

**LAST DAY TO CONSIDER GOVERNOR'S VETO**

Pursuant to Joint Rule 58.5, January 8, 1998 was the last day to consider the Governor's veto of Assembly Bill No. 1501.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

**Assembly Bill No. 822**, on request of Assembly Member Aroner;

**Assembly Bill No. 247**, on request of Assembly Member Scott;

**Assembly Bill No. 532**, on request of Assembly Member Knox.

**SESSION SCHEDULE ANNOUNCEMENT**

Speaker pro Tempore Kuehl announced the following schedule:

Tuesday, January 13, 1998, Check-in Session;

Wednesday, January 14, 1998, Check-in Session;

Thursday, January 15, 1998, Floor Session, 11 a.m.;

Friday, January 16, 1998, Floor Session, 8:30 a.m.

**CAUCUS ANNOUNCEMENTS**

Assembly Member Sweeney announced that the Local Government Caucus would meet today, at 4:30 p.m., in the Tom Bane Rules Committee Room.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Brown was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 520 and 783 be stricken from file.

Assembly Member Brewer was granted unanimous consent that the Governor's veto of Assembly Bill No. 1588 be stricken from file.

Assembly Member Davis was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 925 and 920 be stricken from file.

Assembly Member Washington was granted unanimous consent that the Governor's veto of Assembly Bill No. 958 be stricken from file.

Assembly Member Torlakson was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 594 and 1190 be stricken from file.

#### **ADJOURN IN MEMORY**

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Barbara Dowling, of La Mirada.

#### **REQUEST TO WAIVE JOINT RULE 62(a)**

Assembly Member Vincent requested unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Constitutional Amendment No. 7 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments, today.

Assembly Member Leonard withheld unanimous consent.

#### **Motion to Waive Joint Rule 62(a)**

Assembly Member Vincent moved that Joint Rule 62(a) be waived to permit Assembly Constitutional Amendment No. 7 to be set for hearing today in the Committee on Elections, Reapportionment and Constitutional Amendments.

Assembly Member Escutia seconded the motion.

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Villaraigosa moved a call of the Assembly.

Motion carried. Time, 11:55 a.m.

The Sergeant of Arms was directed to close the doors, and to bring in the absent members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
VINCENT MOTION TO WAIVE JOINT RULE 62(a) AS IT RELATES TO  
ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7**

At 12:01 p.m., on motion of Assembly Member Villaraigosa, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Vincent motion to waive Joint Rule 62(a) to permit Assembly Constitutional Amendment No. 7 to be set for hearing today in the Committee on Elections, Reapportionment and Constitutional Amendments carried by the following vote:

**AYES—40**

Aroner	Floyd	Mazzoni	Sweeney
Baca	Gallegos	Migden	Thomson
Bowen	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Papan	Washington
Davis	Knox	Perata	Wayne
Ducheny	Kuehl	Scott	Wildman
Escutia	Machado	Shelley	Wright
Figueroa	Martinez	Strom-Martin	Mr. Speaker

**NOES—31**

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	McClintock	Prenter
Alby	Frusetta	Miller	Pringle
Ashburn	Goldsmith	Morrissey	Runner
Baldwin	Granlund	Morrow	Takasugi
Battin	House	Olberg	Thompson
Baugh	Kaloogian	Oller	Woods
Bowler	Leach	Pacheco	

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Scott was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 488 and 226 be stricken from file.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS**

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bill No. 867 were continued until Thursday, January 15, 1998.

**MOTION TO ADJOURN**

At 12:02 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Brewer seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 12:03 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1656—Ducheny.** An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1657—Murray.** An act to amend Section 164.56 of the Streets and Highways Code, relating to transportation.

**ASSEMBLY BILL NO. 1658—Leach.** An act to amend Section 10234 of the Business and Professions Code, relating to real estate.

**ASSEMBLY BILL NO. 1659—Richter.** An act to add Section 15202.2 to the Government Code, and to amend Section 1050 of the Penal Code, relating to homicide.

**ASSEMBLY BILL NO. 1660—Baca.** An act to amend Section 1683 of the Insurance Code, relating to insurance.

**ASSEMBLY BILL NO. 1661—Alquist.** An act to amend Sections 4502 and 4503 of, and to add Section 4015 to, the Family Code, relating to child support.

**ASSEMBLY BILL NO. 1662—Alquist.** An act to add and repeal Section 17052.9 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1663—Migden (Senator Burton, coauthor).** An act to add Section 5061 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 1664—Murray.** An act to add Chapter 7 (commencing with Section 16860) to Part 3 of Division 4 of Title 2 of the Government Code, and to add Article 1.6 (commencing with Section 10116) to Chapter 1 of Part 2 of Division 2 of the Public Contract Code, relating to state contracts. .

**ASSEMBLY BILL NO. 1665—Torlakson.** An act to amend Sections 44670.5, 44670.6, and 52870 of, and to add Chapter 1.5 (commencing with Section 51100) to Part 28 of, the Education Code, relating to education.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 85—Wildman.** Relative to the 100th anniversary of Philippine Independence.

**ASSEMBLY JOINT RESOLUTION NO. 46—Kaloogian, Oller, Ackerman, Aguiar, Alby, Ashburn, Baldwin, Battin, Baugh, Bordonaro, Bowler, Brewer, Campbell, Cunneen, Firestone, Frusetta, Goldsmith, Granlund, Hertzberg, House, Keeley, Kuykendall, Leach, Lempert, Leonard, Margett, McClintock, Miller, Morrissey, Morrow, Olberg, Pacheco, Poochigian, Prenter, Richter, Runner, Scott, Takasugi, Thompson, and Woods, (Senators Ayala, Brulte, Haynes, McPherson, O'Connell, Peace, and Rainey, coauthors).** Relative to the Washington National Airport.

### AUTHOR'S AMENDMENTS Committee on Appropriations

January 12, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 1030

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1030—**An act to add Section 110663 to the Health and Safety Code, relating to agricultural commodities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Insurance reports:

Assembly Bill No. 449

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chairwoman

**ASSEMBLY BILL NO. 449**—An act to amend Sections 132a, 2803.4, 4060, 4061, 4062, 4553, 4553.1, 4600, 5402, 5502, and 6315.5 of the Labor Code, relating to employment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 26

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 26**—An act to amend Sections 182.22 and 629.52 of, and to add Section 182.5 to, the Penal Code, relating to juveniles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Education**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 538

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MAZZONI, Chairwoman

Above bill ordered to second reading.

**Committee on Transportation**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1225

With the recommendation: Do pass, and be re-referred to the Committee on Health.

MURRAY, Chairman

Above bill re-referred to the Committee on Health.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 7

With amendments with the recommendation: Amend, be adopted, as amended, and be re-referred to the Committee on Education.

VINCENT, Chairman

Above resolution re-referred to the Committee on Education.

**INTRODUCTION OF GUESTS**

Assembly Member McClintock, of the 38th Assembly District, introduced Jim Van Beveran, of Chatsworth.

Assembly Member Washington, of the 52nd Assembly District, introduced the California Youth Connection, from Los Angeles.

Assembly Member Leach, of the 15th Assembly District, introduced the following students who were winners of the Red Ribbon Week essay contest: Michelle Hurtig, of Bristow Middle School, Brentwood; Jeff Greco, of Joaquin Moraga Intermediate School, Moraga; Kristen Van Diggelen, of St. Isidore Elementary School, Danville; and Timothy Schweickert, of St. Michael's Elementary School, Livermore.

**ADJOURNMENT**

At 5:55 p.m., pursuant to the motion by Assembly Member Washington the Assembly adjourned until 7 a.m., Tuesday, January 13, 1998, out of respect to the memory of Ralph Hernandez, on motion of Assembly Member Baca; out of respect to the memory of Tina Stathos, on motion of Assembly Member Ortiz; out of respect to the memory of George Tanaka, on motion of Assembly Member Campbell; out of respect to the memory of Jennifer Ali Smith, on motion of Assembly Member Alby; out of respect to the memory of Dolores Ferreira, on motion of Assembly Member Aguiar; out of respect to the memory of Margaret Frick and James Dean, on motion of Assembly Member Brewer; out of respect to the memory of Loren "Sonny" Franklin Paullus and Lorraine Guerra, on motion of Assembly Member Frusetta; out of respect to the memory of Alisha Lyn Miller, Randall Miller, Wyatt O. Lane, and Barbara Lane, on motion of Assembly Member Runner; out of respect to the memory of Jeannette Paumier, on motion of Assembly Member Havice; out of respect to the memory of Bobbie S. Cahn, Cameron Slane Ward, M.D., and E. Karl Noelting, on motion of Assembly Member Thomson; out of respect to the memory of June Viola Bulman and Jean Will, on motion of Assembly Member Torlakson; out of respect to the memory of Fran Acker and Peter Vigil, on motion of Assembly Member Sweeney; out of respect to the memory of Officer James Rapozo, on motion of Assembly Member Poochigian; out of respect to the memory of Clyde Arbuckle, on motion of Assembly Member Honda; and out of respect to the memory of Barbara Dowling, on motion of Assembly Member Napolitano.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 12, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
26	9800477
50	9800278
285	9725540
449	9800635
771	9800090
795	9800400
880	9800457
960	9800322
981	9726237
1018	9800390
1030	9800426
1201	9800496
1290	9800277
1328	9800214

<b>ACA</b>	<b>RN</b>
21	9800270

<b>Daily Total:</b>	<b>15</b>
<b>Cumulative Total:</b>	<b>3605</b>

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 13, 1998**

**ONE HUNDRED FORTY-FOURTH SESSION DAY**

**FOUR HUNDRED EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, January 13, 1998

The Assembly met at 7 a.m.

Hon. Steven T. Kuykendall, Assembly Member, 54th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—74:

Ackerman	Escutia	Machado	Runner
Aguilar	Figueroa	Martinez	Scott
Alby	Floyd	Mazzoni	Shelley
Alquist	Frusetta	McClintock	Strom-Martin
Aroner	Gallegos	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Baldwin	Havice	Morrow	Thomson
Battin	Hertzberg	Murray	Torlakson
Baugh	Honda	Olberg	Villaraigosa
Bowen	House	Oller	Vincent
Bowler	Kaloogian	Ortiz	Washington
Brewer	Keeley	Pacheco	Wayne
Brown	Knox	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Kuykendall	Poochigian	Wright
Cardoza	Leach	Prenter	Mr. Speaker
Davis	Lempert	Pringle	
Ducheny	Leonard	Richter	

Quorum present.

**At 3:35 p.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding**

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Member Napolitano.*

*On personal business, and waiving per diem: Assembly Members Bordonaro and Firestone.*

*To attend a funeral in his district: Assembly Member Cunneen.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 12, 1998

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in session, Public Safety Committee and Consumer Protection, Governmental Efficiency and Economic Development Committee to travel to my district office in Santa Fe Springs on Monday, January 12, 1998 and return on Tuesday, January 13, 1998 to attend to legislative matters.

Thank you for your prompt consideration to this matter and if you should have any questions, please feel free to contact me at (916) 445-0965.

Warmest regards,

GRACE F. NAPOLITANO, Assembly Member  
Fifty-eighth District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 12, 1998

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that, pursuant to Health and Safety Code Section 104365, I have appointed Lourdes Baezconde-Garbanati to the Tobacco Education and Research Oversight Committee. The effective date of the appointment is January 9, 1998.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 13, 1998

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Tony Cardenas to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee to replace Assemblymember Grace Napolitano for today, January 13, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 13, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Ed Vincent to the Assembly Public Safety Committee to replace Assemblymember Grace Napolitano for today, January 13, 1998, only

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 13, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Lou Papan from the Assembly Utilities and Commerce Committee and replacing him with Assemblymember Tony Cardenas effective immediately.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

**Jury Nullification. Initiative Statute.**

Referred by the Speaker to the Committee on Judiciary.

**Income Taxes. Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Revenue and Taxation.

**"None of the Above" Ballot Option. Initiative Statute.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 1666—Alquist.** An act to add Section 7110 to the Public Contract Code, and to amend Section 11478.5 of the Welfare and Institutions Code, relating to child support.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 13, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 619

Assembly Bill No. 1449

Assembly Bill No. 880

Assembly Bill No. 1454

Assembly Bill No. 1201

Assembly Bill No. 1515

Assembly Bill No. 1384

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 13, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Constitutional Amendment No. 21

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 13, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 50

Assembly Bill No. 960

Assembly Bill No. 417

Assembly Bill No. 981

Assembly Bill No. 449

Assembly Bill No. 1290

Assembly Bill No. 771

Assembly Bill No. 1328

Assembly Bill No. 795

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS****Committee on Agriculture**

January 13, 1998

Mr. Speaker: The Chair of your Committee on Agriculture reports:

Assembly Bill No. 1525

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CARDOZA, Chairman

**ASSEMBLY BILL NO. 1525**—An act to amend Section 58889 of the Food and Agricultural Code, relating to agriculture.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Utilities and Commerce**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 579

Assembly Bill No. 1154

With the recommendation: That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study.

MARTINEZ, Chairwoman

Subject matter of the above bills referred to the Committee on Rules.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 894

Assembly Bill No. 1424

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

MARTINEZ, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 895

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

MARTINEZ, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 487

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MARTINEZ, Chairwoman

Above bill ordered to second reading.

#### **Committee on Transportation**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1567

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 263

Assembly Bill No. 1389

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

MURRAY, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 218

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MURRAY, Chairman

Above bill ordered to second reading.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 346

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above bill ordered to second reading.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 238

Assembly Bill No. 1336

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

VINCENT, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 21

With the recommendation: Be adopted.

VINCENT, Chairman

Above resolution ordered to second reading.

**Committee on Governmental Organization**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 569

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

BROWN, Chairwoman

Above bill ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 277

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

BOWEN, Chairwoman

Above bill ordered to second reading.

**Committee on Education**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 385

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MAZZONI, Chairwoman

Above bill ordered to second reading.



**Committee on Revenue and Taxation**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 215

Assembly Bill No. 1062

Assembly Bill No. 809

Assembly Bill No. 1494

Assembly Bill No. 821

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bills re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS****ASSEMBLY BILL NO. 744**—An act to amend Section 1308.7 of the Labor Code, relating to employees.

Bill read second time; amendments proposed by the Committee on Labor and Employment read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 538**—An act to add Section 45452 to the Education Code, relating to classified school employees.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7**—A resolution to express the intent to propose to the people of the State of California an amendment to the Constitution of the State, relating to school facilities financing.

Resolution read second time; amendments proposed by the Committee on Elections, Reapportionment and Constitutional Amendments read and adopted, resolution ordered reprinted and to be re-referred to the Committee on Education.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

**Assembly Bill No. 1120**, on request of Assembly Member Knox.**BILLS CONSIDERED ENGROSSED**

Unanimous consent was granted that the following bills be considered engrossed:

Assembly Bills Nos. 1091 and 1094.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****MOTION TO RECONSIDER BILLS CONTINUED**

By unanimous consent the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bill No. 867 were continued until Friday, January 16, 1998.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 13, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Sher, Watson and McPherson as a Committee on Conference concerning:

**Assembly Bill No. 278.**

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Senate Chamber, January 13, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Lee, Johannessen and Rosenthal as a Committee on Conference concerning:

**Assembly Bill No. 949.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**ADJOURNMENT**

At 3:40 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 14, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 13, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
538	9800420
744	9800389
1525	9800797

<b>ACA</b>	<b>RN</b>
7	9800634

<b>Daily Total:</b>	<b>4</b>
<b>Cumulative Total:</b>	<b>3609</b>

CALIFORNIA LEGISLATURE  
1997–98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 14, 1998**

**ONE HUNDRED FORTY-FIFTH SESSION DAY**

**FOUR HUNDRED NINTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, January 14, 1998

The Assembly met at 7 a.m.

Hon. Bruce Thompson, Assembly Member, 66th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—73:

Ackerman	Escutia	Machado	Scott
Aguilar	Figueroa	Martinez	Shelley
Alby	Floyd	Mazzoni	Strom-Martin
Alquist	Frusetta	McClintock	Sweeney
Aroner	Gallegos	Migden	Takasugi
Baca	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrissey	Thomson
Battin	Havice	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	
Ducheny	Leonard	Runner	

Quorum present.

**At 1:50 p.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding**

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Ashburn, Oller, and Poochigian.*

*On personal business, and waiving per diem: Assembly Members Bordonaro and Firestone.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 14, 1998

*The Honorable Cruz Bustamante  
California State Assembly Speaker  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from check-in session on Wednesday, January 14, 1998. I will be in my district on legislative business.

Thank you for your immediate attention to this matter. If you have any questions, please feel free to contact me at: 445-8498.

Best regards,

ROY ASHBURN, Assembly Member  
Thirty-second District

January 14, 1998

*The Honorable Cruz M. Bustamante  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: Please accept my request to be excused from the mandatory session check in on Wednesday, January 14, 1998. I will be participating in a California Forestry Association event out of town. Should you have any questions, please call my Chief of Staff, Dave Titus at 916-774-4430.

Sincerely,

THOMAS "RICO" OLLER, Assembly Member  
Fourth District

January 13, 1998

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: I respectfully request permission to be excused from check-in session on Wednesday, January 14, 1998, due to legislative business in my district.

Thank you for your consideration of this request. If you have any questions, please contact Michael Villines of my office.

Sincerely,

CHARLES S. POOCHIGIAN, Assembly Member  
Twenty-ninth District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 14, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Nao Takasugi to the Assembly Local Government Committee to replace Assemblymember Bob Margett for today, January 14, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 14, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Carole Migden to replace Assemblymember Martha Escutia to the Assembly Insurance Committee for today, January 14, 1998 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:



**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1667—Migden.** An act to amend Section 1368 of, and to add Article 12 (commencing with Section 1399.80) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to add Article 2.7 (commencing with Section 10309) to Chapter 4 of Part 2 of Division 2 of the Insurance Code, relating to health.

**ASSEMBLY BILL NO. 1668—Richter.** An act to add Section 214.15 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1669—Hertzberg, Bustamante, and Villaraigosa, (Senator Lockyer, coauthor).** An act to amend Sections 6086.65 and 6145 of, to amend and repeal Section 6031 of, to add Sections 6001.2, 6001.5, 6001.7, and 6008.6 to, and to add, repeal, and add Section 6140 of, the Business and Professions Code, relating to the State Bar of California, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1670—Morrissey.** An act to add Section 3212.11 to the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1671—Keeley.** An act to amend Sections 7550.5, 63041, 63042, and 65040.1 of, and to repeal Article 5 (commencing with Section 65041) of Chapter 1.5 of Division 1 of Title 7 of, the Government Code, to amend Sections 5096.88 and 6370.1 of, to amend the heading of Division 13.5 (commencing with Section 21190) of, to add a chapter heading immediately preceding Section 21190 of, and to add Chapter 2 (commencing with Section 21200) to Division 13.5 of, the Public Resources Code, relating to the environment, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1672—Scott.** An act to amend Section 6471 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1673—Pringle.** An act to add Section 60207 to the Education Code, relating to instructional materials, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1674—Pringle.** An act to add Part 26.5 (commencing with Section 47000) to the Education Code, relating to schools.

**ASSEMBLY BILL NO. 1675—Margett.** An act to amend Section 6254.4 of the Government Code, relating to public records.

**ASSEMBLY BILL NO. 1676—Bowen.** An act to amend Section 17538.4 of the Business and Professions Code, relating to advertising.

**ASSEMBLY BILL NO. 1677—McClintock.** An act to add Sections 33101.5 and 33640.5 to the Health and Safety Code, relating to redevelopment.

**REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, January 14, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(1) as it relates to Assembly Bills Nos. 26, 33, 457, 555, and 987.

ROBERT M. HERTZBERG

Assembly Chamber, January 14, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(1) as it relates to Assembly Bill No. 302.

MARTIN GALLEGOS

Assembly Chamber, January 14, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(1) as it relates to Assembly Bill No. 1370.

ROBERT M. HERTZBERG

Above requests ordered transmitted to the Committee on Rules.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 14, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 285

Assembly Bill No. 1018

Assembly Bill No. 538

Assembly Bill No. 1030

Assembly Bill No. 744

Assembly Bill No. 1525

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 14, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Constitutional Amendment No. 7

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 14, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 263

Assembly Bill No. 312

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 263**—An act relating to energy resources, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 312**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 14, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 697

Assembly Bill No. 1528

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 697**—An act to add Section 15314.5 to the Government Code, relating to state government.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1528**—An act to add Chapter 11.7 (commencing with Section 66970) to Part 40 of the Education Code, relating to financing a program for postsecondary education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

### **REPORTS OF STANDING COMMITTEES**

#### **Committee on Environmental Safety and Toxic Materials**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports: Assembly Bill No. 983

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WAYNE, Chairman

Above bill re-referred to the Committee on Appropriations.

#### **Committee on Revenue and Taxation**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports: Assembly Bill No. 510

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

KNOX, Chairman

Above bill ordered to second reading.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports: Assembly Bill No. 1613

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bill ordered to second reading.

#### **Committee on Banking and Finance**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Banking and Finance reports: Assembly Bill No. 1203

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

PAPAN, Chairman

Above bill ordered to second reading.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 681

Assembly Bill No. 871

Assembly Bill No. 921

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

WAYNE, Chairman

Above bills ordered to second reading.

**Committee on Human Services**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 194

Assembly Bill No. 668

Assembly Bill No. 1276

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

ARONER, Chairwoman

Above bills re-referred to the Committee on Appropriations.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 520

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

VINCENT, Chairman

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1091

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

ESCUTIA, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1329

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

ESCUTIA, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 707

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1531

With the recommendation: Do pass.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 548

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

WAYNE, Chairman

Above bill ordered to second reading.

**Committee on Health**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 192

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

GALLEGOS, Chairman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1515

With the recommendation: Do pass, and be re-referred to the Committee on Insurance.

GALLEGOS, Chairman

Above bill re-referred to the Committee on Insurance.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 20

Assembly Bill No. 910

Assembly Bill No. 1373

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

GALLEGOS, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 162

Assembly Bill No. 1068

Assembly Bill No. 1397

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

GALLEGOS, Chairman

Above bills re-referred to the Committee on Appropriations.

**Committee on Human Services**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 933

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

ARONER, Chairwoman

Above bill ordered to second reading.

**Committee on Consumer Protection, Governmental Efficiency and Economic Development**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1497

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

DAVIS, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1437

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MURRAY, Chairman

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1617

With amendments with the recommendation: Amend, and do pass, as amended.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

**Committee on Insurance**

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 632

Assembly Bill No. 1454

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

FIGUEROA, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 333

With the recommendation: Do pass.

Pursuant to the provision of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

FIGUEROA, Chairwoman

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 231

Assembly Bill No. 1290

Assembly Bill No. 384

Assembly Bill No. 1386

Assembly Bill No. 583

Assembly Bill No. 1450

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

HERTZBERG, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1236

With the recommendation: Do pass, and be re-referred to the Committee on Public Employees, Retirement and Social Security.

HERTZBERG, Chairman

Above bill re-referred to the Committee on Public Employees, Retirement and Social Security.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1115

With the recommendation: Do pass.

HERTZBERG, Chairman

Above bill ordered to second reading.

**Committee on Public Safety**

January 14, 1998

Mr. Speaker: Your Committee on Public Safety reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 432

Assembly Bill No. 687

Assembly Bill No. 577

Assembly Bill No. 1283

HERTZBERG, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Consumer Protection, Governmental Efficiency and Economic Development**

January 14, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1235

DAVIS, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Health**

January 14, 1998

Mr. Speaker: Your Committee on Health reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1312

GALLEGOS, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Transportation**

January 8, 1998

Mr. Speaker: Your Committee on Transportation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 394

MURRAY, Chairman

Above bill ordered filed with the Chief Clerk.

January 12, 1998

Mr. Speaker: Your Committee on Transportation reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 585

Assembly Bill No. 653

Assembly Bill No. 893

MURRAY, Chairman

Above bills ordered filed with the Chief Clerk.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 487**—An act to amend Section 6254 of the Government Code, relating to telecommunications.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 218**—An act to amend Section 11515 of the Vehicle Code, relating to vehicles.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 346**—An act to amend Section 35401.3 of the Vehicle Code, relating to vehicles.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 21**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 8 and Section 12 of, by amending and repealing Section 2 of, and by adding Section 2.1 to, Article IV thereof, and by amending Section 7 of Article XX thereof, relating to state government.

Resolution read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 569**—An act to amend Section 25658.1 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 277**—An act relating to energy resources, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 385**—An act to add Sections 47606.1 and 47610.5 to the Education Code, relating to schools.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.



**ADJOURNMENT**

At 4:40 p.m., the Assembly adjourned until 7 a.m., Thursday, January 15, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 14, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
218	9800494
263	9800417
277	9800958
312	9800879
346	9800636
385	9800421
569	9800812
697	9800826
1528	9725557

<b>Daily Total:</b>	<b>9</b>
<b>Cumulative Total:</b>	<b>3618</b>

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 15, 1998**

**ONE HUNDRED FORTY-SIXTH SESSION DAY**

**FOUR HUNDRED TENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Thursday, January 15, 1998

The Assembly met at 7 a.m.

Hon. Steven T. Kuykendall, Assembly Member, 54th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—70:

Ackerman	Davis	Machado	Runner
Aguilar	Ducheny	Martinez	Scott
Alby	Figueroa	Mazzoni	Shelley
Alquist	Floyd	McClintock	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Gallegos	Morrissey	Takasugi
Baca	Goldsmith	Morrow	Thompson
Baldwin	Granlund	Napolitano	Thomson
Battin	Havice	Olberg	Torlakson
Baugh	Hertzberg	Oller	Villaraigosa
Bordonaro	Honda	Ortiz	Vincent
Bowen	House	Pacheco	Washington
Bowler	Kaloogian	Papan	Wayne
Brewer	Keeley	Perata	Wildman
Brown	Kuehl	Poochigian	Wright
Campbell	Kuykendall	Prenter	Mr. Speaker
Cardenas	Leach	Pringle	
Cardoza	Leonard	Richter	

Quorum present.

**At 11:20 a.m., Hon. Howard Kaloogian, 74th District, presiding**

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Cunneen, Escutia, Knox, Lempert, Miller, Murray, and Woods.*

*On personal business, and waiving per diem: Assembly Member Firestone.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 14, 1998

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Thursday, January 15, due to legislative business in my district. Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

January 12, 1998

*Honorable Cruz Bustamante  
Speaker of the Assembly  
California State Legislature  
State Capitol Building-Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from session on Thursday, January 15, 1998 during which day I will be attending to legislative business in my District.

This request supersedes my request dated January 8, 1998.

Thank you for your attention to this request. I look forward to receiving your favorable response.

Sincerely,

MARTHA M. ESCUTIA, Assembly Member  
Fiftieth District

January 13, 1998

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Cruz: I kindly request to be excused from Assembly Session on Thursday, January 15 due to a previously-scheduled press conference in my district. My press conference is set for 9:30 a.m. and I will be taking a flight to Sacramento immediately following.

Thank you.

Sincerely,

WALLY KNOX, Assembly Member  
Forty-second District

January 14, 1998

*The Honorable Cruz M. Bustamante  
Speaker, California State Assembly  
Room 219, State Capitol  
Sacramento, California*

Dear Mr. Speaker: This letter is to request that I be excused from Check-In Session on January 15th for legislative business in my District.

I am returning to my home and District Office from Wednesday's Session. During Thursday, I will be conducting legislative business in my office and throughout my District.

Sincerely,

TED LEMPert, Assembly Member  
Twenty-first District

January 14, 1998

*The Honorable Cruz Bustamante  
Speaker of the State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: Please excuse me from check-in session on Thursday, January 15, 1998. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member  
Sixtieth District

January 12, 1998

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Legislative Session, Thursday, January 15, 1998, so that I may attend to legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

KEVIN MURRAY, Assembly Member  
Forty-seventh District

December 19, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: Please excuse me from session on Thursday, January 15th and Friday, January 16th for legislative business. I will be participating on a legislative panel at the California Forestry Association's annual conference on these days.

If you have any questions, please do not hesitate to contact my office. Thank you for your consideration.

Sincerely,

TOM WOODS, Assembly Member  
Second District

#### COMMUNICATIONS

The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

97103

January 15, 1998

*The Honorable Speaker of the Assembly*  
*The Honorable Members of the Assembly*  
*of the Legislature of California*  
*State Capitol, Room 3196*  
*Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the Kern County Child Protective Services system. This report concludes that the Kern County Department of Human Services' Family Preservation Bureau has management weaknesses at critical points in its child protective process. Additionally, although the Kern County Juvenile Court is generally effective in adjudicating cases of abuse or neglect, it could minimize the negative effects the dependency process has on children by better controlling continuances. Furthermore, a statewide survey of county child protective services agencies indicates that the problems Kern County is experiencing may be prevalent throughout the State. Finally, we find that the California Department of Social Services could help find solutions to these problems by improving its oversight of the State's child welfare services system.

Respectfully submitted,

MARIANNE P. EVASHENK  
for  
KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Human Services.

**COMMUNICATIONS**

The following communications were presented by the Chief Clerk from:

Bill Jones, Secretary of State, Office of the Secretary of State, dated August 16, 1996, transmitting a copy of the qualified initiative entitled "Schools. Spending Limits on Administration. Initiative Statute." Referred pursuant to Elections Code, Section 9034, to the Committees on Education and Elections, Reapportionment and Constitutional Amendments.

Bill Jones, Secretary of State, Office of the Secretary of State, dated August 20, 1996, transmitting a copy of the qualified initiative entitled "Design and Engineering Services, State-Funded. Cost Analysis. Civil Service. Competitive Bidding. Contractor Responsibility. Initiative Constitutional Amendment." Referred pursuant to Elections Code, Section 9034, to the Committees on Consumer Protection, Governmental Efficiency and Economic Development and Elections, Reapportionment and Constitutional Amendments.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1678—Alquist.** An act to add Article 7 (commencing with Section 19291) to Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1679—Perata.** An act to add Chapter 6 (commencing with Section 16643) to Part 1 of Division 4 of Title 2 of the Government Code, relating to state funds.

**ASSEMBLY BILL NO. 1680—Alquist.** An act to amend Sections 1328, 1334, and 1376 of the Unemployment Insurance Code, relating to unemployment insurance.

**ASSEMBLY BILL NO. 1681—Sweeney.** An act to amend Section 76102 of the Government Code, relating to law enforcement.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 86—Machado.** Relative to the anniversary of the Boy Scouts of America.

**ASSEMBLY CONCURRENT RESOLUTION NO. 87—Papan.** Relative to American Flag Month.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 15, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 26

Assembly Bill No. 312

Assembly Bill No. 218

Assembly Bill No. 569

Assembly Bill No. 263

Assembly Bill No. 697

Assembly Bill No. 277

Assembly Bill No. 1528

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.



Assembly Chamber, January 15, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 346

Assembly Bill No. 385

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 15, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 66

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 66**—An act to add Section 7205.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 15, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 1107

Assembly Bill No. 1322

Assembly Bill No. 1000

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1107**—An act to add Section 53071.6 to the Government Code, relating to firearms.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1322**—An act to add Section 11216 to the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1000**—An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 15, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 297

Assembly Bill No. 1424

Assembly Bill No. 164

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 297**—An act to add Section 19823.5 to the Business and Professions Code, relating to smoking.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1424**—An act to add Article 9 (commencing with Section 885) to Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, relating to telecommunications.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 164**—An act to amend Sections 404, 404.6, and 405 of, and to add Section 4019.1 to, the Penal Code, relating to crimes.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 15, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 1392

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 1392**—An act to amend Section 606 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Public Safety**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 302

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Health.

HERTZBERG, Chairman

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 960

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

**Committee on Governmental Organization**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 1514

With amendments with the recommendation: Amend, and do pass, as amended.

BROWN, Chairwoman

Above bill ordered to second reading.

**Committee on Education**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 322

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

MAZZONI, Chairwoman

Above bill ordered to second reading.

**Committee on Agriculture**

Date of Hearing: January 15, 1998

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 1525

With the recommendation: Do pass.

CARDOZA, Chairman

Above bill ordered to second reading.

Date of Hearing: January 15, 1998

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 1058

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

CARDOZA, Chairman

Above bill ordered to second reading.

**Committee on Local Government**

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1427

With the recommendation: Do pass.

SWEENEY, Chairman

Above bill ordered to second reading.

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 540

Assembly Bill No. 759

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

SWEENEY, Chairman

Above bills ordered to second reading.

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 16

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

SWEENEY, Chairman

Above bill ordered to second reading.

#### **Committee on Housing and Community Development**

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 1265

With the recommendation: Do pass.

TORLAKSON, Chairman

Above bill ordered to second reading.

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 1615

With amendments with the recommendation: Amend, and do pass, as amended.

TORLAKSON, Chairman

Above bill ordered to second reading.

#### **Committee on Consumer Protection, Governmental Efficiency and Economic Development**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1136

Assembly Bill No. 1314

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

DAVIS, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 969

With amendments with the recommendation: Amend, and do pass, as amended.

DAVIS, Chairwoman

Above bill ordered to second reading.

**Committee on Insurance**

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 204

Assembly Bill No. 1552

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

FIGUEROA, Chairwoman

Above bills ordered to second reading.

**Committee on Health**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1449

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

GALLEGOS, Chairman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 118

Assembly Bill No. 1225

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

GALLEGOS, Chairman

Above bills ordered to second reading.

**Committee on Public Safety**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 945

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

HERTZBERG, Chairman

Above bill ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 228

Assembly Bill No. 391

Assembly Bill No. 964

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

BOWEN, Chairwoman

Above bills ordered to second reading.

**Committee on Water, Parks and Wildlife**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 1241

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MACHADO, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 510**—An act to amend Sections 17052.10, 17053.14, 17053.45, 17053.46, 17053.49, 17053.66, 17268, 17276, 19011, 19551, and 23666 of, and to repeal Chapter 1.5 (commencing with Section 23081) of, Chapter 1.6 (commencing with Section 23091) of, and Chapter 1.7 (commencing with Section 23097) of, Part 11 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1613**—An act to amend Section 17140 of, and to add Sections 17053.51 and 17204 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1203**—An act to amend Section 10234 of the Business and Professions Code, relating to real estate.

Bill read second time; amendments proposed by the Committee on Banking and Finance read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 681**—An act to add Sections 25297.15, 25299.37.2, and 25355.8 to the Health and Safety Code, and to add Section 13307.1 to the Water Code, relating to the environment.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 871**—An act to amend Section 53321.5 of the Government Code, and to amend Sections 25220, 25301, 25355, 33459.1, 33459.3, and 33459.4 of, and to repeal Sections 33459.2 and 33459.7 of, the Health and Safety Code, relating to hazardous substances.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 921**—An act to add Section 13554.4 to the Water Code, relating to water.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 707**—An act to add Section 784 to, and to repeal Section 1464 of, the Civil Code, and to amend Section 336 of the Code of Civil Procedure, relating to real property.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1531**—An act to amend Section 6380 of the Family Code, relating to domestic violence.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 548**—An act to add Article 8 (commencing with Section 13367) to Chapter 5 of Division 7 of the Water Code, relating to water.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 192**—An act to add Section 102101 to the Health and Safety Code, relating to vital records.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 933**—An act to add Section 1596.872 to the Health and Safety Code, relating to child day care facilities.

Bill read second time; amendments proposed by the Committee on Human Services read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1437**—An act to add Section 39612 to the Health and Safety Code, relating to air pollution.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1617**—An act to add Section 43.2 to the Civil Code, and to add Chapter 4.5 (commencing with Section 6400) to Division 7 of Title 1 of the Government Code, relating to religious freedom.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 333**—An act to amend Section 1734.5 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1115**—An act to amend Section 186.22 of the Penal Code, relating to crimes.

Bill read second time, and ordered to third reading.

#### **SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 520**—An act to add Section 84305.7 to the Government Code, relating to elections.

Bill read second time; amendments proposed by the Committee on Elections, Reapportionment and Constitutional Amendments read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

#### **ADJOURNMENT**

At 3:15 p.m., the Assembly adjourned until 9 a.m., Friday, January 16, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 15, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
66	9801187
164	9800904
192	9800779
297	9800473
548	9801058
681	9800644
871	9800730
921	9800549
933	9800572
1000	9800641
1107	9801243
1203	9800955
1322	9800286
1392	9800967
1424	9801475
1437	9800962
1613	9800233
1617	9801120
<b>SB</b>	<b>RN</b>
520	9801038
<b>Daily Total:</b>	<b>19</b>
<b>Cumulative Total:</b>	<b>3637</b>



CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, January 16, 1998**

**ONE HUNDRED FORTY-SEVENTH SESSION DAY**

**FOUR HUNDRED ELEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Friday, January 16, 1998

The Assembly met at 9:05 a.m.

Hon. Carl Washington, Assembly Member, 52nd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Papan moved a quorum call of the Assembly.

Motion carried. Time, 9:06 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

**At 9:43 a.m., Speaker pro Tempore Sheila James Kuehl,  
41st District, presiding**

#### Quorum Present

At 9:43 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—71:

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Floyd	Mazzoni	Shelley
Aroner	Gallegos	McClintock	Strom-Martin
Ashburn	Goldsmith	Migden	Sweeney
Baca	Granlund	Miller	Takasugi
Baldwin	Havice	Morrissey	Thompson
Baugh	Hertzberg	Murray	Thomson
Bordonaro	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brown	Kaloogian	Oller	Vincent
Campbell	Keeley	Ortiz	Washington
Cardenas	Knox	Pacheco	Wayne
Cardoza	Kuehl	Papan	Wildman
Cedillo*	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

\*(NOTE: Assembly Member Cedillo took and subscribed to the Oath of Office this day, at 9:54 a.m.)

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Pastor Clifford Cheathon, of Shiloh Baptist Church, in Sacramento:

First, thanks to the California State Assembly and California Legislative Black Caucus for the opportunity to be a guest chaplain in observance of the late Dr. Martin Luther King.

Let us pray, Bless the Lord, O my soul: And all that is within me, bless His holy name. Bless the Lord, O my soul and forget not all His benefits: Who healeth all thy diseases; Who redeemeth thy life from destruction; Who crowneth thee with loving kindness and tender mercies; Ps 103: 1–4.

God our Father in name of Jesus Christ I come before You and Your holy throne and angels to thank You for all of Your many blessings that You have bestowed upon us from the earliest of our existence up until this present moment. I ask now for Your blessings upon the California State Assembly; truly You know all and see all that they have to do today and forever. I pray for Your divine intervention to be in their midst for the sake of all of the people of this state. I pray that their decisions will be immersed in justice, and righteousness and that the outcome of their decisions would be equitable for both government and civilians. Give them grace and humbleness of heart as they converse and collaborate with one another today, in Jesus' name I pray.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Murray then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Pacheco, seconded by Assembly Member Shelley.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Battin, Bowen, Brewer, Frusetta, Morrow, Pringle, and Woods.*

*On personal business, and waiving per diem: Assembly Member Firestone.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 13, 1998

*The Honorable Cruz Bustamante*  
*Speaker, California Assembly*  
*Room 219, State Capitol*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from session on Friday, January 16, 1998 as I will be in my district office on legislative business. Thank you for your consideration.

Sincerely,

JIM BATTIN, Assembly Member  
Eightieth District

January 7, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I would like to request that I be excused from session on Friday, January 16th for legislative business. I will be in my district attending a meeting with the Torrance Chamber of Commerce. This is a meeting that was scheduled prior to the announcement of the holiday calendar and would be very difficult to change.

Thank you for your attention to this request. Please feel free to contact me should you have any questions.

Sincerely,

DEBRA BOWEN, Assembly Member  
Fifty-third District

January 12, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am respectfully requesting to be excused from Assembly Floor Session on Friday, January 16, 1998, due to legislative business in my District Office.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 445-7222.

Sincerely,

MARILYN C. BREWER, Assembly Member  
Seventieth District

January 12, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I humbly request to be excused from legislative session on January 16, 1998 to attend to legislative business in my district. I will be touring portions of the Pajaro River, which have been rising steadily as a result of recent rainfall.

As you may know, my district experienced serious flood damage in 1995. I have been working steadfastly to help prevent a similar occurrence in the future. That is the reason for the tour.

Thank you for your time and consideration.

Sincerely,

PETER FRUSETTA, Assembly Member  
Twenty-eighth District

January 12, 1998

*The Honorable Cruz Bustamante*  
*Speaker, California Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from floor session on January 16, 1998, as I will be in my district on legislative business.

If you have any questions please call Jayme Murray in my Capitol Office at 445-7676.

Sincerely,

BILL MORROW, Assembly Member  
Seventy-third District

January 13, 1998

*The Honorable Cruz Bustamante*  
*Speaker, California Assembly*  
*Room 219, State Capitol*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from session on Friday, January 16, 1998 as I will be in my district office on legislative business.

Thank you for your consideration.

Sincerely,

CURT PRINGLE, Assembly Member  
Sixty-eighth District

(NOTE: For letter explaining the absence of Assembly Member Woods on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Thursday, January 15, 1998.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 16, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Denise Ducheny to the Assembly Education Committee to replace Assemblymember Ted Lempert for today, January 16, 1998 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 14, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that the following payment has been received by the Joint Committee on Rules:

Source	Greater Sacramento Defibrillation Project
Amount	\$2,970 (one automatic external defibrillator)
Purpose	For use by the Emergency Medical Care Unit in cardiac emergencies
Person/Class for Whom	
Payment Used	Emergency Medical Care Unit

Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Sincerely yours,

JON WALDIE  
Chief Administrative Officer  
California State Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 16, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1203

Assembly Bill No. 1617

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 16, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 66	Assembly Bill No. 1000
Assembly Bill No. 164	Assembly Bill No. 1107
Assembly Bill No. 192	Assembly Bill No. 1322
Assembly Bill No. 297	Assembly Bill No. 1392
Assembly Bill No. 548	Assembly Bill No. 1424
Assembly Bill No. 871	Assembly Bill No. 1437
Assembly Bill No. 921	Assembly Bill No. 1613
Assembly Bill No. 933	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to Committee:

<i>Assembly</i>		<i>Committee</i>
<i>Bill No.</i>		
<b>1656</b>	-----	Budget
<i>Assembly Concurrent</i>		
<i>Resolution No.</i>		<i>Committee</i>
<b>81</b>	-----	Higher Ed.
<b>82</b>	-----	Rls.
<b>84</b>	-----	Trans.
<b>85</b>	-----	Rls.
<b>86</b>	-----	Rls.
<i>Assembly Joint</i>		
<i>Resolution No.</i>		<i>Committee</i>
<b>43</b>	-----	Rls.
<b>44</b>	-----	Rls.
<b>45</b>	-----	Rls.
<b>46</b>	-----	Rls.
<i>House</i>		
<i>Resolution No.</i>		<i>Committee</i>
<b>49</b>	-----	Ed.

REPORTS OF STANDING COMMITTEES  
Committee on Rules

January 16, 1998

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(b)(1), as it relates to the following bills be granted:

Assembly Bills Nos. 26, 33, 302, 457, 555, 987, and 1370.

DON PERATA, Chairman

Committee on Judiciary

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 630

With amendments with the recommendation: Amend, and do pass, as amended.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 913

With amendments with the recommendation: Amend, and do pass, as amended.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

#### **Committee on Rules**

Date of Hearing: January 16, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 46

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: January 16, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 86

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

#### **Committee on Judiciary**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1094

Assembly Bill No. 1199

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

ESCUTIA, Chairwoman

Above bills ordered to second reading.

#### **Committee on Health**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1439

With amendments with the recommendation: Amend, and do pass, as amended.

GALLEGOS, Chairman

Above bill ordered to second reading.

#### **ADJOURN IN MEMORY**

Assembly Member Aguiar was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Peti Setelich, of Chino, survived by sons, Johnny, Peter and Mike; Andrew Grant, former resident of Chino, survived by his wife Barbara; and daughter Donna Beno.

Assembly Member Cunneen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Officer Scott Greenly, of San Jose.

Assembly Member Granlund was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lloyd McCall, of City of Hemet.



Assembly Member Havice was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Blackwell, of Long Beach.

Assembly Member Lempert was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ted Eriksen, of Half Moon Bay.

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patricia M. Chiesa, of San Francisco.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ted Byler, of Hayward/Castro Valley; and Pete Pegis, of Castro Valley.

#### **REQUEST FOR PHOTOGRAPHER**

Assembly Member Shelley was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**At 9:48 a.m., Speaker Cruz M. Bustamante, 31st District, presiding**

#### **APPOINTMENT OF SELECT COMMITTEE ON ESCORT FOR ASSEMBLY MEMBER-ELECT GIL CEDILLO**

Speaker Bustamante appointed Assembly Members Villaraigosa, Leonard, Shelley, Leach, Escutia, and Cardenas as a Select Committee on Escort to escort Assembly Member-elect Gil Cedillo to the Rostrum.

#### **CERTIFICATE OF ELECTION**

The following Certificate of Election was presented, read by the Clerk, and ordered printed in the Journal:

##### **Certificate of Election**

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That according to the semi-official canvass of votes cast in the Special Election held on the 13th day of January, 1998 in the 46th Assembly District,

**GIL CEDILLO**

was elected to the office of

**STATE ASSEMBLY—DISTRICT 46**

for the term prescribed by law.

IN WITNESS WHEREOF, I hereunto set my  
hand and affix the Great Seal of the State of  
California at Sacramento, this 14th day of  
January, 1998

[SEAL]

**BILL JONES**  
Secretary of State

**OATH OF OFFICE**

The following Oath of Office was administered by the Honorable Cruz M. Bustamante, Speaker of the Assembly.

**OATH**

*for the Office of Member of the Assembly  
Forty-Sixth Assembly District*

I, Gil Cedillo, 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.

GIL CEDILLO

Subscribed and sworn to before me,  
this 16th day of January  
A.D. 1998

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**PRESENTATION OF ASSEMBLY MEMBER GIL CEDILLO**

Speaker Bustamante presented Hon. Gil Cedillo, Assembly Member for the 46th District to the assemblage.

Assembly Member Cedillo introduced his parents Gilbert Cedillo, Sr. and Mary Cedillo, his wife Ruby Oliva, brother Phil Cedillo, sister and brother-in-law Roseann and Edward Ramirez, and children Natalia and Charlie Ramirez, and numerous friends in the Assembly Gallery.

Assembly Member Cedillo then addressed the assemblage.

**ASSEMBLY MEMBER CEDILLO ESCORTED TO DESK**

The Select Committee on Escort then escorted newly-elected Assembly Member Gil Cedillo to his desk.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 16, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am making the following changes to the following committees:

*Budget*

Removing Assemblymember Martha Escutia and appointing Assemblymember Gil Cedillo. Mr. Cedillo will also replace Ms. Escutia on Subcommittee No. 1.

*Consumer Protection, Governmental Efficiency and  
Economic Development*

Removing Assemblymember Deborah Ortiz and appointing Assemblymember Gil Cedillo.

*Insurance*

Removing Assemblymember Martha Escutia and appointing Assemblymember Gil Cedillo.

*Labor and Employment*

Removing Assemblymember Diane Martinez and appointing Assemblymember Gil Cedillo.

*Revenue and Taxation*

Appointing Gil Cedillo to fill the vacancy.

*Utilities and Commerce*

Removing Assemblymember Howard Wayne and appointing Assemblymember Gil Cedillo.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**At 10 a.m., Hon. Kevin Murray, 47th District, presiding**

**RECESS****California Legislative Black Caucus****Dr. Martin Luther King, Jr., Birthday Observance**

By unanimous consent, at 10 a.m., Acting Speaker Murray declared the Assembly recessed to permit the introduction of the Hiram Johnson High School Gospel Choir who then performed for the Members of the Assembly.

**REASSEMBLED**

At 10:07 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**ADJOURN IN MEMORY**

Assembly Member Mazzoni was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary J. Prossor, of Kensington, Maryland; and Alva Vernon Johnson II, of Castro Valley.

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alma Hawkins, of Santa Monica.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Sweeney announced his intention to request that Assembly Bill No. 338 be removed from the inactive file.

**BILL RETURNED TO SENATE**

Without objection, Assembly Member Goldsmith returned Assembly Bill No. 1092 to the Senate for further action.

### NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Scott announced his intention to request that Assembly Bill No. 812 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Alquist announced her intention to request that Assembly Bill No. 1218 be removed from the inactive file.

### ADJOURN IN MEMORY

Assembly Member Cardoza was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jim Chipponeri, of Stanislaus County.

### RESOLUTIONS

The following resolutions were offered:

#### Resolutions to Suspend Joint Rules

By Assembly Member Hertzberg:

*Resolved*, That Joint Rule 61(b)(1) be suspended to permit the Committee on Public Safety to meet, consider, and report Assembly Bills Nos. 26, 33, 457, 555, and 987 for further action.

By Assembly Member Hertzberg:

*Resolved*, That Joint Rule 61(b)(1) be suspended to permit the Committee on Public Safety to meet, consider, and report Assembly Bill No. 1370 for further action.

By Assembly Member Gallegos:

*Resolved*, That Joint Rule 61(b)(1) be suspended to permit the Committee on Health to meet, consider, and report Assembly Bill No. 302 for further action.

Resolutions read, and adopted by the following vote:

### AYES—68

Ackerman	Davis	Leach	Poochigian
Aguiar	Ducheny	Lempert	Prenter
Alby	Escutia	Leonard	Runner
Alquist	Figueroa	Machado	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Gallegos	Mazzoni	Strom-Martin
Baca	Goldsmith	McClintock	Sweeney
Baldwin	Granlund	Migden	Takasugi
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brown	House	Olberg	Vincent
Campbell	Kaloogian	Oller	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Pacheco	Wildman
Cedillo	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker

### NOES—None

### JOINT RULE 62(a) WAIVED

Assembly Member Gallegos was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 302 for hearing in the Committee on Health on Tuesday, January 20, 1998.

**RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE**

Assembly Member Hertzberg was granted unanimous consent that Assembly Bill No. 247 be referred from the third reading file to the Committee on Public Safety.

**JOINT RULE 62(a) WAIVED**

Assembly Member Hertzberg was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 247, 26, 33, 457, 555, 987, 1370, and 737 for hearing in the Committee on Public Safety on Tuesday, January 20, 1998.

**ADJOURN IN MEMORY**

Assembly Member Papan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carroll "Tom" Howle, of Sacramento.

**COMMITTEE MEETING ADJOURNED**

Assembly Member Mazzoni announced that the meeting of the Committee on Education which recessed earlier this day would not be reconvened, and would be adjourned upon adjournment of the House.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Kuehl announced her intention to request that Assembly Bill No. 695 be removed from the inactive file.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Member Escutia on the occasion of her birthday.

**RE-REFERENCE OF BILLS**

Assembly Member Honda was granted unanimous consent that Assembly Bill No. 1236 be re-referred from the Committee on Public Employees, Retirement and Social Security to the Committee on Appropriations.

**CONSIDERATION OF ASSEMBLY BILL NO. 532 BY UNANIMOUS CONSENT**

Assembly Member Knox was granted unanimous consent to take up Assembly Bill No. 532, out of order.

**ASSEMBLY BILL NO. 532 (Knox)**—An act to amend Sections 12070, 12072, 12076, 12077, and 12084 of the Penal Code, relating to firearms.

Bill read third time.

**Motion to Amend**

Assembly Member Knox moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF SENATE JOINT RESOLUTION NO. 33  
BY UNANIMOUS CONSENT**

Assembly Member Kaloogian was granted unanimous consent to take up Senate Joint Resolution No. 33, out of order.

**SENATE JOINT RESOLUTION NO. 33 (Brulte)**—Relative to the Washington National Airport.

Resolution read, and presented by Assembly Member Kaloogian.  
The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Papan moved a call of the Assembly.

Motion carried. Time, 10:30 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY JOINT RESOLUTION NO. 46 TAKEN UP  
BY UNANIMOUS CONSENT**

Assembly Member Kaloogian was granted unanimous consent to take up Assembly Joint Resolution No. 46, without reference to file, and that the same be considered engrossed.

**ASSEMBLY JOINT RESOLUTION NO. 46**—Relative to the Washington National Airport.

Resolution read, and adopted by the following vote:

**AYES—47**

Ackerman	Figueroa	Leonard	Richter
Aguir	Goldsmith	McClintock	Runner
Alby	Granlund	Miller	Scott
Ashburn	Havice	Morrissey	Sweeney
Baca	Hertzberg	Olberg	Takasugi
Baldwin	House	Oller	Thompson
Baugh	Kaloogian	Ortiz	Thomson
Bordonaro	Knox	Pacheco	Torlakson
Bowler	Kuehl	Papan	Wayne
Campbell	Kuykendall	Perata	Wildman
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—2**

Alquist                      Migden

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Joint Resolution No. 46: Assembly Member Alquist, from "Aye" to "No".

Resolution ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 10:35 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Cardenas introduced Amy E. Garrett, of his staff who is leaving her service with the California State Assembly to accept a position with the Student Aid Commission.

Assembly Members Cardenas and Baca then addressed the assemblage.

**REASSEMBLED**

At 10:36 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**ASSEMBLY BILL NO. 812 REMOVED FROM INACTIVE FILE  
AND RE-REFERRED**

Speaker pro Tempore Kuehl was granted unanimous consent that Assembly Bill No. 812 be withdrawn from the inactive file, and re-referred to the Committee on Appropriations.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE JOINT RESOLUTION NO. 33**

At 10:36 a.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Joint Resolution No. 33 adopted by the following vote:

**AYES—47**

Ackerman	Figueroa	Lempert	Richter
Aguilar	Floyd	Leonard	Runner
Alby	Goldsmith	McClintock	Scott
Ashburn	Granlund	Morrissey	Sweeney
Baca	Havice	Olberg	Takasugi
Baldwin	Hertzberg	Oller	Thompson
Baugh	House	Ortiz	Thomson
Bordonaro	Kaloogian	Pacheco	Torlakson
Bowler	Knox	Papan	Wayne
Campbell	Kuehl	Perata	Wildman
Cunneen	Kuykendall	Poochigian	Mr. Speaker
Davis	Leach	Prenter	

**NOES—3**

Alquist	Migden	Murray
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Resolution ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT**

Speaker pro Tempore Kuehl was granted unanimous consent that all bills reported with amendments from policy committees to the Committee on Appropriations and from policy committee to a policy committee of second reference, be taken up without reference to file, for purpose of second reading and adoption of committee amendments and that the bills be re-referred to the appropriate committee.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bill No. 1617**, ordered to third reading;

**Assembly Bill No. 1203**, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 302**—An act to amend Section 5328 of the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Health.

**ASSEMBLY BILL NO. 960**—An act to amend Sections 3653, 4351, 5235, and 5241 of, and to add Section 4205 to, the Family Code, and to amend Section 11350.1 of the Welfare and Institutions Code, relating to support orders.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1514**—An act to amend Section 54981.7 of the Government Code, relating to public safety services.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 322**—An act to amend Section 52335.4 of, and to repeal Sections 52318 and 52319 of, the Education Code, relating to vocational education.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1525**—An act to amend Section 58889 of the Food and Agricultural Code, relating to agriculture.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1058**—An act to amend Section 33452 of the Food and Agricultural Code, relating to agriculture.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1427**—An act to amend Section 22435.7 of, and to add Section 22435.8 to, the Business and Professions Code, relating to shopping carts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 540**—An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 759**—An act to amend Sections 11000.1, 11010.2, 11010.4, 11018.3, and 11018.12 of the Business and Professions Code, relating to subdivided lands.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 16**—An act relating to tidelands and submerged lands granted by the state to the City of Long Beach.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1265**—An act to amend Section 33031 of the Health and Safety Code, relating to redevelopment.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1615**—An act to amend Section 33334.19 of the Health and Safety Code, relating to land use.

Bill read second time; amendments proposed by the Committee on Housing and Community Development read and adopted, bill ordered reprinted and to be returned to the second reading file.



**ASSEMBLY BILL NO. 1136**—An act to add Part 6 (commencing with Section 22400) to Division 2 of the Public Contract Code, relating to state contracts.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1314**—An act to add Sections 9742.5, 9744.5, and 9749.3 to the Business and Professions Code, relating to cremated remains.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 969**—An act to amend Sections 6710 and 6732 of, and to add Sections 6706.3 and 6732.3 to, the Business and Professions Code, relating to professional engineers.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 204**—An act to amend Sections 139, 139.2, 3209.3, 3209.5, 4600, 4600.3, 4600.5, and 4601 of the Labor Code, relating to workers' compensation.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1552**—An act to amend Sections 11770, 11776, 11781.5, 11783, 11784, 11785, 11786, 11787, 11788, 11790, 11797, 11820, 11822, 11841, and 11860 of, and to repeal Sections 11805 and 11823 of, the Insurance Code, relating to the State Compensation Insurance Fund.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1449**—An act to add Section 4980.08 to the Business and Professions Code, relating to healing arts.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 118**—An act to add Section 14133.95 to the Welfare and Institutions Code, relating to health.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1225**—An act to amend Sections 27491.4 and 27491.41 of the Government Code, to amend Sections 7150.5 and 7155 of, and to repeal and add Section 7151.5 of, the Health and Safety Code, and to amend Sections 12811 and 13005 of the Vehicle Code, relating to health.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 945**—An act to add Article 4.5 (commencing with Section 12085) to Chapter 1 of Title 2 of Part 4 of the Penal Code, relating to firearms.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 228**—An act to amend Sections 42825, 42835, 42846, 42850, and 42855 of the Public Resources Code, relating to waste tires.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 391**—An act to amend Sections 4142 and 4144 of the Public Resources Code, relating to fire protection.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 964**—An act to add Sections 42889.1 and 42889.2 to, and to repeal and add Chapter 14 (commencing with Section 42700) of Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1241**—An act to amend Sections 2, 103, 1701, 7000, 7015, 7020, 7025, 7256, 7290, 7350, 7370, 7710, 8100, and 8150.7 of, to add Sections 105, 1702, 1703, 1704, 1705, 1706, 7010, 7010.1, 7010.2, 7010.3, 8140, 8610, 9024.5, 9025, and 9056 to, to add a division heading immediately preceding Section 1 of, to add Chapter 2 (commencing with Section 90) to Division .5 and Article .5 (commencing with Section 8130) to Chapter 2 of Part 3 of Division 6 of, and to repeal and add Sections 1700, 7005, 7022, 7030, 7710.1, and 8140 of, the Fish and Game Code, relating to marine life, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 16, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1058

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

Assembly Chamber, January 16, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1427

Assembly Bill No. 1265

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

**ASSEMBLY BILL NO. 1327 (Wayne)**—An act to amend Section 51745.6 of the Education Code, relating to education.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 487 (Leach)**—An act to amend Section 6254 of the Government Code, relating to telecommunications.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

**AYES—69**

Ackerman	Ducheny	Leonard	Scott
Aguiar	Escutia	Machado	Shelley
Alby	Figueroa	Martinez	Strom-Martin
Alquist	Floyd	Mazzoni	Sweeney
Aroner	Gallegos	McClintock	Takasugi
Ashburn	Goldsmith	Migden	Thompson
Baca	Granlund	Morrissey	Thomson
Baldwin	Havice	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cedillo	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Runner	

**NOES—None****CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bill No. 867 were continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Resolutions to Suspend Joint Rules:** Aguiar and McClintock—Aye.

**Assembly Joint Resolution No. 46:** Davis—Aye.

**Senate Joint Resolution No. 33:** Papan—Aye; Alquist—No.

**MOTION TO ADJOURN**

At 10:43 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Thompson seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 10:44 a.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 980051.

RICHARD E. FLOYD

**Permission of Rules Committee**

Assembly Chamber, January 16, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 980051.

DON PERATA, Chairman

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time.

**ASSEMBLY BILL NO. 1682—Ortiz.** An act to add Section 1032 to the Government Code, relating to public officers and employees.

**ASSEMBLY BILL NO. 1683—Kuykendall.** An act to amend Section 8107 of the Commercial Code, and to add Part 3 (commencing with Section 5500) to Division 5 of the Probate Code, relating to the Uniform TOD Security Registration Act.

**ASSEMBLY BILL NO. 1684 (RN 980051)—Floyd.** An act to amend Sections 1088, 1110, 1110.1, 1269, 10521, 10530, 15076, and 15077 of, to repeal Sections 976.6 and 976.8 of, to repeal Article 6 (commencing with Section 1610) of Chapter 6 of Part 1 of Division 1 of, and to repeal Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3 of, the Unemployment Insurance Code, relating to the Employment Training Panel.

**ASSEMBLY BILL NO. 1685—Hertzberg.** An act to amend Sections 21500 and 21601 of the Elections Code, relating to local elections.

**ASSEMBLY BILL NO. 1686—Murray.** An act to amend Sections 163, 164, and 167 of the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 1687—Lempert (Principal Senate coauthor: Sher) (Coauthors: Kuehl, Shelley, Sweeney, and Wayne) (Senators: O'Connell, Solis, and Watson, coauthors).** An act to add Sections 17030.7, 17269, and 32006 to the Education Code, relating to school facilities, and making an appropriation therefor.

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

January 16, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 1534

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1534**—An act to amend Section 14005.21 of, and to add Section 14005.195 to, the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

January 16, 1998

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 224

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALLEGOS, Chairman

**ASSEMBLY BILL NO. 224**—An act to add Section 1342.2 to the Health and Safety Code, relating to health care service plans.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Rules**

January 16, 1998

Mr. Speaker: The Chair of your Committee on Rules reports:

Assembly Concurrent Resolution No. 85

With author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chairman

**ASSEMBLY CONCURRENT RESOLUTION NO. 85**—Relative to the 100th anniversary of Philippine Independence.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Public Employees, Retirement and Social Security**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1166

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

HONDA, Chairman

Above bill ordered to second reading.

**Committee on Consumer Protection, Governmental Efficiency and Economic Development**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1187

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

DAVIS, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 183

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

DAVIS, Chairwoman

Above bill ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1069

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bill ordered to second reading.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1081

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bill ordered to second reading.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1488

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bill ordered to second reading.

**Committee on Local Government**

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1498

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

SWEENEY, Chairman

Above bill ordered to second reading.

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Local Government reports:

Assembly Constitutional Amendment No. 10

With amendments with the recommendation: Amend, be adopted, as amended, and be re-referred to the Committee on Revenue and Taxation.

SWEENEY, Chairman

Above resolution ordered to second reading.

**Committee on Health**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 790

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

GALLEGOS, Chairman

Above bill ordered to second reading.

**Committee on Education**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 867

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MAZZONI, Chairwoman

Above bill ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 390

Assembly Bill No. 1287

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bills ordered to second reading.

**Committee on Judiciary**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 795

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 796

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

HERTZBERG, Chairman

Above bill ordered to second reading.

**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. 1166**—An act to amend Section 22138.5 of the Education Code, to amend Sections 20057, 20200, 20201, 20322, 20398, 20403, 20575, 20578, 20636, 21493, 22013, 22013.1, 22013.3, 22013.4, 22013.6, 22013.7, 22013.75, 22013.76, 22013.8, 22013.85, 22013.9, 22013.95, 22013.955, 22013.96, 22013.97, 22013.10, 22013.11, 22014, 22014.1, and 22014.5 of, and to add Section 1227 to, the Government Code, relating to public employees.

Bill read second time; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1187**—An act to amend Sections 15339.1, 15339.2, and 15339.3 of, and to amend the heading of Article 3.2 (commencing with Section 15339.1) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to economic development.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 183**—An act to add Section 9883 to the Business and Professions Code, relating to consumer affairs.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1069**—An act to add Sections 401.7 and 401.8 to the Revenue and Taxation Code, relating to local government finance.

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 Appropriations.

**ASSEMBLY BILL NO. 1081**—An act to add Section 402.6 to, and to add and repeal Sections 17053.26 and 23636 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1488**—An act to amend Sections 19374, 19717, 21005, 21007, 21009, 21013, and 21021 of, and to add Sections 19133.7 and 19316 to, the Revenue and Taxation Code, relating to taxation.

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 Appropriations.

**ASSEMBLY BILL NO. 1498**—An act to add Section 19955.6 to the Health and Safety Code, relating to accessibility standards.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.



**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 10**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 29 of Article XIII thereof, relating to taxation.

Resolution read second time; amendments proposed by the Committee on Local Government read and adopted, resolution ordered reprinted and to be re-referred to the Committee on Revenue and Taxation.

**ASSEMBLY BILL NO. 790**—An act to add Section 2092 to the Business and Professions Code, relating to healing arts.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 867**—An act to amend Sections 47605 and 60605 of the Education Code, relating to schools.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 390**—An act to add and repeal Sections 17053.36, 17053.37, 23636, and 23637 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1287**—An act to add Sections 17053.20 and 23615 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 795**—An act to add Sections 3201, 3202, 3203, 3204, 3205, and 3206 to the Family Code, relating to family law.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 796**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 7 a.m., Tuesday, January 20, 1998, out of respect to the memory of Mary J. Prosser and Alva Vernon Johnson II, on motion of Assembly Member Mazzoni; out of respect to the memory of Alma Hawkins, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Jim Chipponeri, on motion of Assembly Member Cardoza; out of respect to the memory of Carroll "Tom" Howle, on motion of Assembly Member Papan; out of respect to the memory of Peti Setelich and Andrew Grant, on motion of Assembly Member Aguiar; out of respect to the memory of Officer Scott Greenly, on motion of Assembly Member Cunneen; out of respect to the memory of Lloyd McCall, on motion of Assembly Member Granlund; out of respect to the memory of George Blackwell, on motion of Assembly Member Havice; out of respect to the memory of Ted Eriksen, on motion of Assembly Member Lempert; out of respect to the memory of Patricia M. Chiesa, on motion of Assembly Member Migden; and out of respect to the memory of Ted Byler and Pete Pegis, on motion of Assembly Member Sweeney.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 16, 1998**

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	<b>AB</b>	<b>RN</b>
16	9800606	1081	9801164
118	9801173	1136	9801238
183	9801722	1166	9800342
204	9801180	1187	9801192
224	9801544	1225	9801247
228	9801161	1241	9801119
302	9801157	1287	9801160
322	9800428	1314	9801307
390	9801169	1449	9801158
391	9801222	1488	9801163
532	9801273	1498	9801584
790	9802087	1514	9801231
795	9801676	1534	9801777
796	9801174	1552	9801202
867	9801810	1615	9800323
945	9801370		
960	9801056	<b>ACA</b>	<b>RN</b>
964	9801223	10	9801783
969	9801176	<b>ACR</b>	<b>RN</b>
1069	9801178	85	9801654

**Daily Total: 37**  
**Cumulative Total: 3674**

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 20, 1998**

**ONE HUNDRED FORTY-EIGHTH SESSION DAY**

**FOUR HUNDRED FIFTEENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, January 20, 1998

The Assembly met at 7 a.m.

Hon. Debra Bowen, Assembly Member, 53rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

### ROLL CALL

The following were placed upon the morning roll call—69:

Ackerman	Davis	Mazzoni	Scott
Aguir	Ducheny	McClintock	Shelley
Alby	Figueroa	Migden	Strom-Martin
Alquist	Floyd	Morrissey	Takasugi
Aroner	Frusetta	Morrow	Thompson
Ashburn	Gallegos	Murray	Thomson
Baca	Goldsmith	Napolitano	Torlakson
Baldwin	Granlund	Olberg	Villaraigosa
Battin	Havice	Oller	Vincent
Baugh	Hertzberg	Ortiz	Washington
Bordonaro	Honda	Pacheco	Wayne
Bowen	House	Papan	Wildman
Bowler	Kaloogian	Perata	Woods
Brewer	Keeley	Poochigian	Wright
Brown	Kuehl	Prenter	Mr. Speaker
Cardenas	Kuykendall	Pringle	
Cardoza	Machado	Richter	
Cedillo	Martinez	Runner	

Quorum present.

**At 2:10 p.m., Hon. Jim Morrissey, 69th District, presiding**

### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Cunneen, Escutia, Knox, Leach, Lempert, Leonard, and Miller.*

*On legislative business, and waiving per diem: Assembly Member Sweeney.*

*On personal business, and waiving per diem: Assembly Members Campbell and Firestone.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 16, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Tuesday, January 20, due to legislative business in my district. Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

January 16, 1998

*The Honorable Cruz Bustamante*  
*Speaker, California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: This letter is to respectfully request a pass for Tuesday, January 20, 1998 from check-in session and Health Committee due to legislative business in my district

Thank you for your help in this matter.

Sincerely,

MARTHA M. ESCUTIA, Assembly Member  
Fiftieth District

January 16, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Cruz: I respectfully request to be excused from Check-In Session on Tuesday, January 20, due to legislative business in my district that day. Thank you.

Sincerely,

WALLY KNOX, Assembly Member  
Forty-second District

January 16, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*Room 219*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: Please excuse me from check-in Session on Tuesday, January 20, 1998. I must be in my district due to legislative business.

Thank you for your attention to this request.

Sincerely,

LYNNE C. LEACH, Assembly Member  
Fifteenth District

January 16, 1998

*The Honorable Cruz M. Bustamante*  
*Speaker, California State Assembly*  
*Room 219, State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: This letter is to request that I be excused from Check-In Session on January 20th for legislative business in my District.

I will be in my District Office on Tuesday. During the day, I will be conducting legislative business in my office and throughout my District.

Sincerely,

TED LEMPert, Assembly Member  
Twenty-first District

January 15, 1998

*Speaker Cruz Bustamante*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante, I would like to notify you that I will be conducting Legislative Business on January 20, 1998 out of my district office.

Should you have any questions please call Jim Richardson. Thank you for your prompt response to this matter.

Sincerely,

BILL LEONARD, Assembly Member  
Sixty-third District

January 16, 1998

*The Honorable Cruz Bustamante  
Speaker of the State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: Please excuse me from check-in session on Tuesday, January 20, 1998. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member  
Sixtieth District

January 20, 1998

*The Honorable Cruz Bustamante  
Speaker of the Assembly  
Room 219, State Capitol  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that my per diem be waived for January 20, 1998, due to the fact that I am in my district today on legislative business.

Respectfully,

MICHAEL SWEENEY, Assembly Member  
Eighteenth District

#### **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1688—Torlakson.** An act to add Section 8655.5 to the Government Code, relating to emergencies.

**ASSEMBLY BILL NO. 1689—Keeley.** An act relating to forest resources, and declaring the urgency thereof, to take effect immediately.

#### **RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 88—Mazzoni (Principal coauthor: Woods) (Principal Senate coauthors: McPherson and Vasconcellos).** Relative to Long-Term Care Awareness.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 20, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 969

Assembly Bill No. 1514

Assembly Bill No. 1615

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.



Assembly Chamber, January 20, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 532

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, January 20, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 86

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, January 20, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 204

Assembly Bill No. 302

Assembly Bill No. 224

Assembly Bill No. 681

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 20, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 85

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 20, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 16

Assembly Bill No. 796

Assembly Bill No. 118

Assembly Bill No. 960

Assembly Bill No. 183

Assembly Bill No. 964

Assembly Bill No. 322

Assembly Bill No. 1136

Assembly Bill No. 390

Assembly Bill No. 1187

Assembly Bill No. 391

Assembly Bill No. 1314

Assembly Bill No. 790

Assembly Bill No. 1449

Assembly Bill No. 795

Assembly Bill No. 1488

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 1514, 1615, and 969**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 630**—An act to amend Sections 1983, 1984, 1986, 1987, and 1988 of and to add Section 1941.5 to, the Civil Code, reading to tenancies.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 913**—An act to add Chapter 4.5 (commencing with Section 2350) to Part 3 of Division 6 of the Family Code, relating to marriage.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1094**—An act to amend Section 6301.1 of the Business and Professions Code, to amend Section 3144 of the Civil Code, to amend Sections 437c, 438, 704.090, 704.750, 708.160, 760.010, 904.2, 2024, and 2031 of, and to repeal Section 87 of, the Code of Civil Procedure, to amend Sections 4251 and 4508 of the Family Code, to amend Sections 21290, 26854, 53069.4, 68511.3, 69845.5, 75050, 76219, and 77200 of the Government Code, to repeal Section 101 of the Labor Code, and to amend Sections 40230 and 40256 of the Vehicle Code, and to amend Section 602 of the Welfare and Institutions Code, relating to civil law.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1199**—An act to amend Section 170.6 of the Code of Civil Procedure, relating to court proceedings.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1439**—An act to add Article 7.5 (commencing with Section 680) to Chapter 1 of Division 2 of the Business and Professions Code, and to amend Section 5251 of the Welfare and Institutions Code, relating to health.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be returned to the second reading file.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Water, Parks and Wildlife**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 609

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MACHADO, Chairman

Above bill ordered to second reading.

### **Committee on Human Services**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 718

Assembly Bill No. 1440

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

ARONER, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1305

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

ARONER, Chairwoman

Above bill ordered to second reading.

**SECOND READING OF BILLS BY UNANIMOUS CONSENT**

Unanimous consent was granted that all Assembly bills reported with amendments from policy committees to the Committee on Appropriations and from policy committee to a policy committee of second reference, be taken up without reference to file, for purpose of second reading and adoption of committee amendments and that the bills be re-referred to the appropriate committee.

**ASSEMBLY BILL NO. 609**—An act to amend Sections 13575, 13576, 13579, 13580, and 13581 of, and to add Section 13581.5 to, the Water Code, relating to water.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 718**—An act to add Chapter 5.1 (commencing with Section 16523) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Human Services read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1440**—An act to add Chapter 3.5 (commencing with Section 100600) to Part 1 of Division 101 of the Health and Safety Code, and to add Section 12300.8 to the Welfare and Institutions Code, relating to public social services.

Bill read second time; amendments proposed by the Committee on Human Services read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1305**—An act to add Section 10990 to the Welfare and Institutions Code, relating to public social services.

Bill read second time; amendments proposed by the Committee on Human Services read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Assembly Bill No. 338**, on request of Assembly Member Sweeney;

**Assembly Bill No. 1218**, on request of Assembly Member Alquist;

**Assembly Bill No. 695**, on request of Assembly Member Kuehl.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****MOTION TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bill No. 867 were continued until Thursday, January 22, 1998.

**ADJOURNMENT**

At 3:10 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 21, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 20, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
609	9801063
630	9801059
718	9804605
913	9801061
1094	9801055
1199	9801052
1305	9802310
1439	9801265
1440	9802182
<b>Daily Total:</b>	<b>9</b>
<b>Cumulative Total:</b>	<b>3683</b>

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 21, 1998**

**ONE HUNDRED FORTY-NINTH SESSION DAY**

**FOUR HUNDRED SIXTEENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, January 21, 1998

The Assembly met at 7 a.m.

Hon. Louis J. Papan, Assembly Member, 19th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—76:

Ackerman	Cunneen	Leach	Pringle
Aguiar	Davis	Lempert	Richter
Alby	Ducheny	Machado	Runner
Alquist	Escutia	Martinez	Scott
Aroner	Figueroa	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Morrissey	Takasugi
Battin	Goldsmith	Morrow	Thompson
Baugh	Granlund	Murray	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	House	Ortiz	Washington
Brown	Kaloogian	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cedillo	Kuykendall	Prenter	Mr. Speaker

Quorum present.

**At 11:23 a.m., Hon. Steven T. Kuykendall, 54th District, presiding**

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Leonard and Miller.*

*On personal business, and waiving per diem: Assembly Member Firestone.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 15, 1998

*Speaker Cruz Bustamante  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante,

I would like to notify you that I will be conducting Legislative Business on January 21, 1998 out of my district office.

Should you have any questions please call Jim Richardson. Thank you for your prompt response to this matter.

Sincerely,

BILL LEONARD, Assembly Member  
Sixty-third District

January 20, 1998

*The Honorable Cruz Bustamante  
Speaker of the State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: Please excuse me from check-in session on Wednesday, January 21, 1998. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member  
Forty-fifth District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Penal Code Section 2802, I have named Mr. Joel Corona to serve on the Prison Industry Board.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending January 1, 2002.

Mr. Joel Corona will be replacing Mr. Rotea Gilford.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Government Code Sec. 8280 (Amended Ch. 1335, 1984, SB 1891 [Beverly]), I have named Assembly Member Howard Wayne to serve on the California Law Revision Commission. The effective date of the appointment is January 20, 1998, and this is a pleasure appointment.

Assembly Member Wayne will be replacing Assembly Member Richard Ackerman.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Health & Safety Code Section 39670 (amended by Ch. 1047 of 1983, AB 1807 [Tanner]); (amended by Ch. Am. 726 of 1986, [La Follette]), I have re-appointed Mr. John Radford Froines to serve on the Scientific Review Panel on Toxic Air Contaminants.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending January 1, 2000.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions, 5621 (created by: Ch. 475 of 1997, AB 1546—Committee on Consumer Protection), I have appointed Mr. David H. Tatsumi to serve on the Landscape Architect Technical Committee.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending June 1, 2002.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly



January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Unemployment Insurance Code 10202 (Ch. 1074 of 1982); (amended by: Ch. 449 of 1985, SB 177—Seymour); (amended by Ch. 926 of 1989, AB 28—Johnston); (amended by Ch. 1080 of 1993, SB 96—Johnston), I have appointed Mr. Ruben Zuniga to serve on the Employment Training Panel.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending January 1, 2000.

Mr. Zuniga will be replacing Mr. Clifford Cummings.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Government Code 9149.1 (Ch. 1757 of 1984, AB 2767), I have appointed Ms. Alice Carey to serve on the Historic State Capitol Commission.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending January 1, 2001.

Ms. Carey will be replacing Mrs. Marilyn Moretti.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions Code, Sec. 2920 et seq. (amended, Ch. 676, 1982); AB 858 [Margolin] (Ch. 888, 1989), I have re-appointed Ms. Mary McMillan to serve on the Board of Psychology.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending January 15, 2002.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Government Code Sec. 8164.1, I have re-appointed Mr. Albert M. Dreyfuss to serve on the Capitol Area Committee.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending December 31, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions Code Section 3010 et. seq. (amended, Ch. 676, 1982), I have named Mr. Sunil (Sunny) Aghi to serve on the State Board of Optometry.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending June 1, 2001.

Mr. Aghi will be replacing Mr. Mel Santos.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 20, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Public Resources Code Sec. 31100 (Ch. 1618 of 1982), I have named Mr. Gary A. Hernandez to serve on the California State Coastal Conservancy.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending November 5, 2001.

Mr. Hernandez will be replacing Mr. Marcus E. Powers.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Scott Baugh to the Assembly Appropriations Committee replacing Assemblymember Tom Bordonaro for today, January 21, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Mike Honda to replace Assemblymember Antonio Villaraigosa on the Assembly Appropriations Committee for today, January 21, 1998 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*E. Dotson Wilson**Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am appointing the following Assemblymembers to the Select Committee on Aging:

Assemblymember Dion Aroner  
Assemblymember Marilyn Brewer  
Assemblymember Bill Campbell  
Assemblymember Mike Honda  
Assemblymember George House  
Assemblymember Lynn Leach

Assemblymember Kerry Mazzoni  
Assemblymember Don Perata  
Assemblymember Jack Scott  
Assemblymember Nao Takasugi  
Assemblymember Helen Thomson  
Assemblymember Carl Washington

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*Mr. E. Dotson Wilson, Chief Clerk**California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Labor Code 75 (amended by: Ch. 227 of 1993, SB 1005—Lockyer), I have re-appointed Mr. Gerald O'Hara to serve on the Commission on Health and Safety and Workers' Compensation.

The effective date of the appointment is January 21, 1998, and this is a term appointment ending December 31, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*E. Dotson Wilson**Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Public Resources Code Section 40400 AB 939 (Sher) Ch. 1095 (1989), I have named Daniel V. Eaton to serve on the Integrated Waste Management Board.

The effective date of the appointment is January 21, 1998, and this is a term appointment ending January 1, 2002.

Mr. Eaton will be replacing Ms. Janet Lee Gotch.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following proposed initiatives were received from the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

**Verified Identification Documents. Initiative Statute.**

Referred by the Speaker to the Committee on Transportation.

**Tobacco Tax for Breast and Prostate Cancer Prevention. Initiative Statute.**

Referred by the Speaker to the Committee on Revenue and Taxation and Health.

**Sales and Use Taxes. Retailers. Initiative Statute.**

Referred by the Speaker to the Committee on Revenue and Taxation.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Report on the Status of the Claims Review and Payment Process for the Underground Storage Tank Fund  
(Pursuant to the Supplemental Report of the 1997-98 Budget Act Item 3940-001-0439)**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Secretary for Environmental Protection, Sacramento, dated December 23, 1997, referred by the Speaker to the Committee on Budget.

**Academic Volunteer and Mentor Service Program  
Annual Report to the Legislature, Fiscal Year 1996-97  
(Pursuant to Government Code Section 96103)**

Above transmitted report, together with letter of transmittal from Marian Bergeson, Governor's Office of Child Development and Education, Sacramento, dated January 9, 1998, referred by the Speaker to the Committee on Education.

**Property Tax Assessment Surveys  
(Pursuant to Government Code Sections 9795 and 15646)**

Above transmitted report, together with letter of transmittal from E.L. Sorensen, Jr., Executive Director, State Board of Equalization, Sacramento, dated January 12, 1998, referred by the Speaker to the Committee on Revenue and Taxation.

**California's Job Agent Programs, Fiscal Year 1996-97  
(Pursuant to Unemployment Insurance Code Section 9614(a)(2))**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, dated January 13, 1998, referred by the Speaker to the Committee on Labor and Employment.

**Reports on Salaries  
in Occupations Comparable to State Civil Service, 1997–98  
(Pursuant to Government Code Section 19826)**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Office of the Director, Sacramento, dated January 13, 1998, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Accounts Receivable Management Act, Fiscal Year 1996–97  
(Pursuant to Government Code Section 16582)**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, dated January 14, 1998, referred by the Speaker to the Committee on Labor and Employment.

**Annual Report on Minority/Women/Disabled Veteran Business Enterprises  
July 1, 1996–June 30, 1997  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Andrew M. Mecca, Dr. P.H., Director, Department of Alcohol and Drug Programs, Sacramento, dated January 14, 1998, referred by the Speaker to the Committee on Utilities and Commerce.

**Assembly Bill No. 2463, Emancipated Foster Youth**

Above transmitted report, together with letter of transmittal from June M. Cooper, Senior Vice Chancellor and Interim Chief of Staff, The California State University, Long Beach, dated January 14, 1998, referred by the Speaker to the Committee on Higher Education.

**Hazard Evaluation System and Information Service  
Annual Report December 1996–November 1997  
(Pursuant to Labor Code Section 147.2)**

Above transmitted report, together with letter of transmittal from John C. Duncan, Acting Director, Office of the Director, Department of Industrial Relations, San Francisco, dated January 15, 1998, referred by the Speaker to the Committee on Labor and Employment.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1690—Prenter.** An act to add Section 338 to the Business and Professions Code, and to add Section 1669.5 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 1691—Prenter.** An act to amend Section 6012 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, January 21, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(2) as it relates to Assembly Bills Nos. 16, 20, 66, 105, 119, 183, 194, 204, 209, 215, 218, 222, 228, 238, 277, 294, 297, 302, 305, 312, 322, 344, 357, 385, 390, 391, 401, 423, 427, 448, 484, 496, 511, 538, 548, 598, 599, 609, 646, 668, 677, 718, 785, 790, 795, 796, 803, 809, 821, 828, 867, 880, 884, 903, 910, 913, 930, 945, 960, 964, 972, 981, 1030, 1062, 1063, 1069, 1081, 1102, 1135, 1136, 1166, 1187, 1201, 1225, 1229, 1236, 1241, 1276, 1287, 1290, 1305, 1314, 1328, 1352, 1384, 1386, 1397, 1437, 1440, 1449, 1469, 1477, 1488, 1494, 1498, 1534, 1552, 1567, 1608, 1613, and 1616.

CAROLE MIGDEN

Assembly Chamber, January 21, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(2) as it relates to Assembly Bill No. 247.

ROBERT M. HERTZBERG

Above requests ordered transmitted to the Committee on Rules.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 21, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 630

Assembly Bill No. 1199

Assembly Bill No. 913

Assembly Bill No. 1439

Assembly Bill No. 1094

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 21, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 228

Assembly Bill No. 1225

Assembly Bill No. 867

Assembly Bill No. 1287

Assembly Bill No. 945

Assembly Bill No. 1498

Assembly Bill No. 1069

Assembly Bill No. 1534

Assembly Bill No. 1081

Assembly Bill No. 1552

Assembly Bill No. 1166

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 21, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Constitutional Amendment No. 10

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 21, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 609

Assembly Bill No. 1305

Assembly Bill No. 718

Assembly Bill No. 1440

Assembly Bill No. 1241

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 21, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 423

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 423**—An act to add Section 11756.6 to the Health and Safety Code, relating to substance abuse, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 21, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 294

Assembly Bill No. 972

Assembly Bill No. 1469

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 294**—An act to amend Section 19879 of the Government Code, relating to state employees.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 972**—An act to amend Sections 56381 and 56383 of, and to add Section 56381.5 to, the Government Code, relating to local government, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1469**—An act to amend Section 18405 of the Revenue and Taxation Code, and to amend Section 9 of Chapter 490 of the Statutes of 1995, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.



**REPORTS OF STANDING COMMITTEES****Committee on Public Safety**

Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 726

With the recommendation: Do pass.

HERTZBERG, Chairman

Above bill ordered to second reading.

Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1392

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

HERTZBERG, Chairman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 126

With amendments with the recommendation: Amend, and do pass, as amended.

HERTZBERG, Chairman

Above bill ordered to second reading.

Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 506

With amendments with the recommendation: Amend, and do pass, as amended.

HERTZBERG, Chairman

Above bill ordered to second reading.

**Committee on Insurance**

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 1515

With the recommendation: Do pass.

FIGUEROA, Chairwoman

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 771

With amendments with the recommendation: Amend, and do pass, as amended.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1384

With amendments with the recommendation: Amend, and do pass, as amended.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 630, 913, and 1439**, ordered to third reading;

(NOTE: Later this day Assembly Bill No. 913 was re-referred to the Committee on Appropriations.)

**Assembly Bills Nos. 1094 and 1199**, ordered to the Consent Calendar.

**RE-REFERENCE OF BILLS PURSUANT TO THE RULES**

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

**Assembly Bill No. 913.**

**REPORTS OF STANDING COMMITTEES  
Committee on Human Services**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1352

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

ARONER, Chairwoman

Above bill ordered to second reading.

**Committee on Housing and Community Development**

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 1616

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

TORLAKSON, Chairman

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 105

Assembly Bill No. 646

Assembly Bill No. 209

Assembly Bill No. 785

Assembly Bill No. 344

Assembly Bill No. 880

Assembly Bill No. 599

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

HERTZBERG, Chairman

Above bills ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 903

Assembly Bill No. 1201

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

HERTZBERG, Chairman

Above bills ordered to second reading.

Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 565

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Judiciary.

HERTZBERG, Chairman

Above bill ordered to second reading.

#### **Committee on Health**

Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 302

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

GALLEGOS, Chairman

Above bill ordered to second reading.

#### **SECOND READING OF BILLS BY UNANIMOUS CONSENT**

Pursuant to unanimous consent granted on Tuesday, January 20, 1998, the following bills were taken up, by unanimous consent, for purpose of second reading and adoption of committee amendments:

**ASSEMBLY BILL NO. 1352**—An act to add Section 123279.1 to the Health and Safety Code, relating to nutrition, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Human Services read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1616**—An act to add Chapter 13 (commencing with Section 19894) to Part 3 of Division 13 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Housing and Community Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 105**—An act to amend Sections 667.5 and 1170.95 of the Penal Code, relating to punishment.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 209**—An act to add Chapter 2.6 (commencing with Section 1000.10) to Title 6 of Part 2 of the Penal Code, relating to controlled substances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 344**—An act to amend Sections 3304 and 3309.5 of the Government Code, relating to peace officers.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 599**—An act to add Chapter 10 (commencing with Section 13890) to Title 6 of Part 4 of the Penal Code, relating to the California Forensic Science Laboratory Enhancement Program.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 646**—An act to add Section 12313 to the Penal Code, relating to destructive devices.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 785**—An act to add Section 5027 to the Penal Code, relating to corrections.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 880**—An act to amend Sections 368 and 667.9 of the Penal Code, relating to elder abuse.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 903**—An act to amend Section 532d of the Penal Code, relating to crimes.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1201**—An act to amend Sections 264.2, 11160, and 13701 of the Penal Code, relating to domestic violence.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 565**—An act to amend Section 1016 of the Penal Code, relating to criminal procedure.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Judiciary.

**ASSEMBLY BILL NO. 302**—An act to amend Section 5328 of the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

#### **APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Assembly Bill No. 278:

Escutia, Bowen, and Leach.

**ADJOURNMENT**

At 4:45 p.m., the Assembly adjourned until 9 a.m., Thursday, January 22, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 21, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
105	9801743
209	9801767
294	9801062
302	9804767
344	9801790
423	9804647
565	9804789
599	9804643
646	9801788
785	9801379
880	9801706
903	9804797
972	9800815
1201	9804787
1352	9802319
1469	9801355
1616	9802654
<b>Daily Total:</b>	<b>17</b>
<b>Cumulative Total:</b>	<b>3700</b>

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 22, 1998**

**ONE HUNDRED FIFTIETH SESSION DAY**

**FOUR HUNDRED SEVENTEENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Thursday, January 22, 1998

The Assembly met at 9:48 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Woods moved a quorum call of the Assembly.

Motion carried. Time, 9:49 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 9:53 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

Ackerman	Davis	Lempert	Runner
Aguiar	Ducheny	Leonard	Scott
Alby	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Floyd	McClintock	Takasugi
Baca	Frusetta	Migden	Thompson
Baldwin	Gallegos	Miller	Thomson
Battin	Goldsmith	Morrissey	Torlakson
Baugh	Granlund	Morrow	Villaraigosa
Bordonaro	Havice	Napolitano	Vincent
Bowen	Hertzberg	Olberg	Washington
Bowler	Honda	Oller	Wayne
Brewer	House	Ortiz	Wildman
Brown	Kaloogian	Pacheco	Woods
Campbell	Keeley	Papan	Wright
Cardenas	Knox	Perata	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Pringle	
Cunneen	Leach	Richter	



**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Assembly Member Sally Havice, of the 56th Assembly District:

*Lord, God, Live continually, inseparably, within us, that we may also find ourselves, always a part of You, and You a part of us. We know that You will always stay, and not leave us alone, and that the enemy will find You living within our souls, and flee far from us in defeat. Lord, keep us forever upright, so that possessing You, we may go from delight to delight, and inexpressibly with the love and blessing that only You can give.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Cunneen then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Baca, seconded by Assembly Member Leach.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Murray and Prenter.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 21, 1998

*The Honorable Cruz Bustamante*

*Speaker of the Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Legislative Session on Thursday, January 22, 1998, so that I may attend to legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

KEVIN MURRAY, Assembly Member  
Forty-seventh District

January 22, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am requesting approval to be excused early from Assembly Floor Session on Thursday, January 22nd, as I have urgent legislative business in my district.

Please contact Stacey Neese in my capitol office at 445-7558 if you have any questions.

Sincerely,

ROBERT PRENTER, Assembly Member  
Thirtieth District

#### COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 21, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that, pursuant to Health and Safety Code Section 104182, I have nominated Kristie Bobolis, Karla Kerlikowske and Ken Cory to the Cancer Research Council. They are nominated, respectfully, to fill these positions: health organization, scientist or clinician, and cancer survivor.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*Mr. E. Dotson Wilson, Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Health and Safety Code Section 1799 (Ch. 1260, 1980) (Amended AB 2840, Ch. 1726, 1984 [Felando]; SB 1124, Ch. 1391, 1984 [Watson]; AB 99, Ch. 42, 1985, [Johnston]; AB 1017, Ch. 1102, 1987 [Bronzan]; SB 217, Ch. 220, 1989 [Royce]), I have re-appointed Dr. Ramon W. Johnson to serve on the Commission on Emergency Medical Services.

The effective date of the appointment is January 21, 1998, and this is a term appointment ending January 1, 2000.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Government Code Sec. 15394 (Amended, Ch. 835 of 1995, SB 1003 [Killea]), I have named Mr. Alan R. Viterbi to serve on the California Export Finance Board.

The effective date of the appointment is January 21, 1998, and this is a term appointment ending December 31, 1999. Mr. Viterbi will be replacing Mr. Greg Buchbinder.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that, pursuant to Welfare and Institutions Code Section 18996, I have appointed Sandy Beals and Cynthia Chason to the Emergency Food Assistance Program Advisory Board. The effective date of the appointments is January 21, 1998.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Labor Code 139 (amended by: Ch. 892 of 1989, AB 276—Margolin); (amended by Ch. 227 of 1993, SB 1005—Lockyer), I have appointed Ms. Patricia L. Sinnott to serve on the California Industrial Medical Council.

The effective date of the appointment is January 21, 1998, and this is a term appointment ending December 31, 2001.

Ms. Sinnott will be replacing Ms. Rebecca W. Cohn.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 21, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions Code Section 3710 et seq (Ch. 1344 of 1982), I have named Mr. J. Michael Thompson to serve on the Respiratory Care Examining Committee.

The effective date of the appointment is January 21, 1998, and this is a term appointment ending June 1, 2000.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 22, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Fish and Game Code Sec. 1320–24, I have named Assembly Member Virginia Strom-Martin to serve on the Wildlife Conservation Board. The effective date of the appointment is January 22, 1998, and this is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 22, 1998

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Public Resources Code 40706 (Chapter 1106 of 1991, SB 487 [Bergeson] amended Ch. 625 of 1994, SB 1894, [Leslie]), I have named Mr. M. Michael Mohajer as the county employee appointee to serve on the Integrated Waste Management and Recycling Board Local Government Technical Advisory Committee.

The effective date of the appointment is January 20, 1998, and this is a term appointment ending January 1, 1999.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly



1621	-----	Health and Ins.
1622	-----	Pub. S.
1623	-----	Rev. & Tax.
1624	-----	Trans.
1625	-----	W.,P. & W. and Pub. S.
1626	-----	Ed.
1627	-----	Rev. & Tax. and TV.A. & I.T.
1628	-----	Pub. S.
1629	-----	C.P., G.E. & E.D. and Jud.
1632	-----	Hum. S.
1633	-----	Rev. & Tax.
1634	-----	Trans.
1635	-----	Pub. S.
1636	-----	Health
1637	-----	C.P.,G.E. & E.D.
1638	-----	B. & F. and C.P.,G.E. & E.D.
1639	-----	Ed.
1640	-----	P.E.,R. & S.S.
1642	-----	Trans.
1643	-----	Jud. and L. & E.
1644	-----	Health
1645	-----	Jud.
1646	-----	Pub. S.
1647	-----	Higher Ed.
1648	-----	Ed.
1649	-----	Ed.
1650	-----	Trans. and C.P.,G.E. & E.D.
1651	-----	Jud.
1652	-----	Ed.
1653	-----	Ed.
1654	-----	Hum. S.
1655	-----	Pub. S.
1657	-----	Trans.
1658	-----	B. & F.
1659	-----	Pub. S. and L. Gov.
1660	-----	Ins.
1661	-----	Jud.
1662	-----	Rev. & Tax.
1663	-----	Trans.
1664	-----	U. & C.
1665	-----	Ed.
1669	-----	Jud.

#### **SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Members Baca, Villaraigosa, and Washington on the occasion of their birthdays.

**ADJOURN IN MEMORY****Moment of Silence**

Assembly Member McClintock and Speaker Bustamante were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former Member of the Assembly Charles J. Conrad who represented the 57th Assembly District, and that the Assembly observe a moment of silence in his honor.

Assembly Member McClintock was granted unanimous consent that the following statement be printed in the Journal:

*In Memoriam Charles J. Conrad*

A few months ago, I got a call from Charlie Conrad. Charlie had served in the Assembly from 1946 to 1972—26 years, including two terms as Speaker pro Tem, and two years as Republican Floor Leader.

He told me that he didn't expect to be around much longer, and asked me, when the time came, if I would announce his passing on the Assembly floor. He said, "I know none of those guys would know me from Adam, but I was very proud to have been a member of the Assembly for all those years. Would you just tell them that?"

And so, Mr. Speaker, I must inform the house that Charlie Conrad died last Thursday at the age of 88. He came to California in 1935, defended our country in the Pacific during World War II, served the people of California in this chamber for more than a quarter century, and also for several years on the Fair Political Practices Commission. He was a delegate to the conventions that nominated Thomas Dewey, Dwight Eisenhower and Richard Nixon for the Presidency of the United States.

He had no children. But he was a child of this house. He served it with honor, and with dedication, and as he wanted me to say to all of you, he served it with immense pride. He had two loves, Grace Odell, his wife of 40 years, and the people of California.

Mr. Speaker, I would ask them when this house adjourns today, it do so in memory of Assemblyman Charles J. Conrad, and I ask unanimous consent that these remarks be printed in the Assembly Journal.

**ADJOURN IN MEMORY**

Assembly Members Campbell and Morrow were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Etta Hunsaker, of San Juan Capistrano.

Assembly Members Leach and Ortiz were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Vera Abate, of Danville.

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Hicks, of Berkeley; and Ted Wooten, of Richmond.

Assembly Member Aguiar was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arie Van Leeuwen, dairyman and longtime resident of Chino. He is survived by his wife, Marge.

Assembly Member Alby was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Stewart Linn Nebeker, of Orangevale.

Assembly Member Bowen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pierre Basbous, of Westchester, City of Los Angeles.

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of California Highway Patrol Officer Harold Eugene Herin.

Assembly Member Frusetta was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Judge Ed Brady, of Hollister.

Assembly Member Kuykendall was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Wallace E. Morgan, M.D., of Lakewood.

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michael Hudson Hull, of Whittier; Margaret Fulmer, of Whittier; and Charles "Art" Remley Sr., of Whittier.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Melody, of San Francisco.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Aurello Marquez, of Woodland; David Earl Shellhammer, of Sacramento; Stephen Lowe Kendrick, of Davis; and Kenneth Keithly, of Esparto.

#### **NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Shelley announced his intention to request that Assembly Bill No. 1532 be removed from the inactive file.

#### **ADJOURN IN MEMORY**

Assembly Member Ducheny was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nick Baca, of National City.

#### **CONSIDERATION OF DAILY FILE UNFINISHED BUSINESS**

##### **SENATE BILL NO. 867 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Aroner was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 867 was refused passage; and that the bill be placed upon the inactive file.

##### **BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE**

Assembly Member Escutia was granted unanimous consent that Assembly Bill No. 565, be withdrawn from the Committee on Judiciary and placed on the second reading file.

##### **GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Honda was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1597 and 1599 be stricken from file.



**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Kuehl announced her intention to request that Assembly Bills Nos. 714 and 499 be removed from the inactive file.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Havice was granted unanimous consent that the Governor's veto of Assembly Bills Nos. 792 and 1353 be stricken from file.

**BILLS STRICKEN FROM FILE**

~~Assembly Member Havice was granted unanimous consent that Assembly Bill No. 1384 be stricken from file.~~

(NOTE: Later this day, the action was rescinded whereby Assembly Bill No. 1384 was stricken from the file. See page 5168.)

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Sweeney was granted unanimous consent that the Governor's veto of Assembly Bill No. 781 be stricken from file.

Assembly Member Bowen was granted unanimous consent that the Governor's veto of Assembly Bill No. 1293 be stricken from file.

Assembly Member Lempert was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1022, 241, 246, 267, and 1188 be stricken from file.

**ADJOURN IN MEMORY**

Assembly Member Alquist was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dorothy Helen Enos Burton, of Santa Clara.

**ASSEMBLY BILL NO. 12 REMOVED FROM INACTIVE FILE  
AND RETURNED TO SENATE**

Assembly Member Figueroa was granted unanimous consent that Assembly Bill No. 12 be withdrawn from the inactive file, and returned to the Senate for further action.

**ADJOURN IN MEMORY**

Assembly Member Mazzoni was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Beverly Ehreth, of Novato.

**BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE**

Assembly Member Migden was granted unanimous consent that Assembly Bills Nos. 390, 609, 812, and 1449, be withdrawn from the Committee on Appropriations and placed on the second reading file.

**REQUEST FOR UNANIMOUS CONSENT**

Speaker pro Tempore Kuehl was granted unanimous consent that all Assembly bills reported from all committees on Monday, January 26th and Tuesday, January 27th, with a "Do pass as amended" or "Do pass as amended to Consent Calendar" recommendation, be taken up without reference to file for purpose of second reading and adoption of committee amendments, and that the bills be ordered returned to the second reading file.

**RECESS FOR SPECIAL GUESTS**

By unanimous consent, at 10:11 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Napolitano introduced the Honorable Atilla Verestoy, Senator, Romanian Senate, who is visiting the United States under the auspices of the International Visitor's Program of the U.S. Information Agency.

Assembly Member Napolitano presented a resolution to Senator Atilla Verestoy, whereupon he addressed the assemblage.

**REASSEMBLED**

At 10:12 a.m., the Assembly reconvened.

Hon. Sheila Kuehl, Speaker pro Tempore of the Assembly, presiding.

**ACTION RESCINDED ON ASSEMBLY BILL NO. 1384**

Assembly Member Havice was granted unanimous consent to rescind the action whereby earlier this day (Assembly Journal, page 5167), Assembly Bill No. 1384 was stricken from the file.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Cardenas was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 650 and 618 be stricken from file.

Assembly Member Wayne was granted unanimous consent that the Governor's veto of Assembly Bill No. 1157 be stricken from file.

Assembly Member Floyd was granted unanimous consent that the Governor's veto of Assembly Bill No. 673 be stricken from file.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Figueroa announced her intention to request that Assembly Bill No. 332 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Gallegos announced his intention to request that Senate Bill No. 317 be removed from the inactive file.

**ADJOURN IN HONOR**

Assembly Member Davis was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of Vance Byrd Noel V, of San Diego.

**ANNOUNCEMENTS**

Assembly Member Davis announced the 21st Anniversary of *Roe v. Wade*.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

**Leave of Absence—Balance of the Day**

December 12, 1997

*Hon. Cruz Bustamante, Speaker  
California State Legislature  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: This letter is to respectfully request a pass to leave session early on January 22, 1998, for legislative business. If you have any questions, please contact Karrie Watson at 445-0854. Thank you for your prompt attention.

Very truly yours,

ROD PACHECO, Assembly Member  
Sixty-fourth District

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Wright announced his intention to request that Assembly Bill No. 835 be removed from the inactive file.

**ADJOURN IN MEMORY**

Assembly Member Wright was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of The Honorable Maxine Thomas, retired former Presiding Judge of the Los Angeles Municipal Court; and Kellem Simmons, of Los Angeles.

**ANNOUNCEMENTS**

Assembly Member Thompson announced a “Pro Life Rally” on the Capitol steps, at 12 noon today.

**ADJOURN IN MEMORY**

Assembly Member Torlakson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Taylor Davis, of Pittsburg.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Ashburn was granted unanimous consent that the Governor's veto of Assembly Bill No. 980 be stricken from file.

**ADJOURN IN MEMORY**

Assembly Members Cedillo and Villaraigosa were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jesus “Jess” Serrano, of Los Angeles.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Hertzberg:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Public Safety to meet, consider, and report Assembly Bill No. 247 for further action.

**Resolution Passed and Retained**

By unanimous consent further consideration of the above resolution was passed and retained.

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Appropriations to meet, consider, and report Assembly Bills Nos. 16, 20, 26, 66, 105, 119, 183, 190, 194, 204, 209, 215, 218, 222, 228, 238, 277, 294, 297, 302, 305, 312, 322, 344, 357, 385, 391, 401, 423, 427, 448, 457, 484, 496, 511, 538, 548, 598, 599, 646, 668, 677, 718, 785, 790, 795, 796, 803, 809, 821, 828, 867, 880, 884, 903, 910, 913, 930, 945, 960, 964, 972, 981, 987, 1030, 1062, 1063, 1069, 1081, 1102, 1107, 1135, 1136, 1166, 1187, 1201, 1225, 1229, 1236, 1241, 1276, 1287, 1290, 1305, 1314, 1328, 1352, 1384, 1386, 1397, 1437, 1440, 1469, 1477, 1488, 1494, 1498, 1534, 1552, 1567, 1608, 1613, and 1616 for further action.

Resolution read, and adopted by the following vote:

**AYES—73**

Ackerman	Cunneen	Leach	Scott
Aguiar	Davis	Lempert	Shelley
Alby	Ducheny	Leonard	Strom-Martin
Alquist	Figueroa	Mazzoni	Sweeney
Aroner	Firestone	McClintock	Takasugi
Ashburn	Floyd	Migden	Thompson
Baca	Frusetta	Miller	Thomson
Baldwin	Gallegos	Morrissey	Torlakson
Battin	Goldsmith	Morrow	Villaraigosa
Baugh	Granlund	Napolitano	Vincent
Bordonaro	Havice	Olberg	Washington
Bowen	Hertzberg	Oller	Wayne
Bowler	Honda	Ortiz	Wildman
Brewer	House	Papan	Woods
Brown	Kaloogian	Perata	Wright
Campbell	Keeley	Poochigian	Mr. Speaker
Cardenas	Knox	Pringle	
Cardoza	Kuehl	Richter	
Cedillo	Kuykendall	Runner	

**NOES—None****CONSIDERATION OF DAILY FILE (RESUMED)****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 726**—An act to amend Sections 318.5 and 318.6 of the Penal Code, relating to adult entertainment.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1392**—An act to amend Section 606 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 126**—An act to amend Sections 1346 and 1347.5 of the Penal Code, relating to criminal procedure.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 506**—An act to amend Section 2080 of the Penal Code, relating to prisoners.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1515**—An act relating to health care service plans.

Bill read second time and ordered to third reading.

**ASSEMBLY BILL NO. 771**—An act to amend Section 116.220 of, and to add Section 116.350 to, the Code of Civil Procedure, relating to small claims court.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1384**—An act to amend Sections 11571 and 11573.5 of, and to add and repeal Section 11571.1 of, the Health and Safety Code, relating to controlled substances.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

(NOTE: Later this day Assembly Bill No. 1384 was re-referred to the Committee on Appropriations.)

#### **RE-REFERENCE OF BILLS PURSUANT TO THE RULES**

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations.

**Assembly Bill No. 1384.**

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

##### **THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1120 (Knox)**—An act to amend Section 2071 of, and to add Section 2071.5 to, the Insurance Code, relating to insurance.

Bill read third time.

#### **Motion to Amend**

Assembly Member Knox moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1115 (Knox)**—An act to amend Section 186.22 of the Penal Code, relating to crimes.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Cunneen	Leach	Runner
Aguiar	Davis	Lempert	Scott
Alby	Ducheny	Leonard	Shelley
Alquist	Escutia	Machado	Strom-Martin
Aroner	Figueroa	Martinez	Sweeney
Ashburn	Firestone	Mazzoni	Takasugi
Baca	Floyd	McClintock	Thompson
Baldwin	Frusetta	Miller	Thomson
Battin	Gallegos	Morrissey	Torlakson
Baugh	Goldsmith	Morrow	Villaraigosa
Bordonaro	Granlund	Napolitano	Vincent
Bowen	Havice	Olberg	Washington
Bowler	Hertzberg	Oller	Wayne
Brewer	Honda	Ortiz	Wildman
Brown	House	Papan	Woods
Campbell	Kaloogian	Perata	Wright
Cardenas	Keeley	Poochigian	Mr. Speaker
Cardoza	Knox	Pringle	
Cedillo	Kuykendall	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1617 (Baca)**—An act to add Section 43.2 to the Civil Code, and to add Chapter 4.5 (commencing with Section 6400) to Division 7 of Title 1 of the Government Code, relating to religious freedom.

Bill read third time, and passed by the following vote:

**AYES—76**

Ackerman	Cunneen	Kuykendall	Pringle
Aguiar	Davis	Leach	Richter
Alby	Ducheny	Lempert	Runner
Alquist	Escutia	Leonard	Scott
Aroner	Figueroa	Machado	Shelley
Ashburn	Firestone	Martinez	Strom-Martin
Baca	Floyd	Mazzoni	Sweeney
Baldwin	Frusetta	McClintock	Takasugi
Battin	Gallegos	Migden	Thompson
Baugh	Goldsmith	Miller	Thomson
Bordonaro	Granlund	Morrissey	Torlakson
Bowen	Havice	Morrow	Villaraigosa
Bowler	Hertzberg	Napolitano	Vincent
Brewer	Honda	Olberg	Washington
Brown	House	Oller	Wayne
Campbell	Kaloogian	Ortiz	Wildman
Cardenas	Keeley	Papan	Woods
Cardoza	Knox	Perata	Wright
Cedillo	Kuehl	Poochigian	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1525 (Ashburn)**—An act to amend Section 58889 of the Food and Agricultural Code, relating to agriculture.

Bill read third time.

**Assembly Bill No. 1525 Passed and Retained**

By unanimous consent Assembly Bill No. 1525 was passed on file, to retain its place on file.

**ASSEMBLY BILL NO. 1427 (Pringle)**—An act to amend Section 22435.7 of, and to add Section 22435.8 to, the Business and Professions Code, relating to shopping carts.

Bill read third time, and passed by the following vote:

**AYES—72**

Ackerman	Cunneen	Kuehl	Pringle
Aguiar	Davis	Kuykendall	Richter
Alby	Ducheny	Leach	Runner
Alquist	Escutia	Lempert	Scott
Ashburn	Figueroa	Leonard	Shelley
Baca	Firestone	Machado	Strom-Martin
Baldwin	Floyd	Martinez	Takasugi
Battin	Frusetta	Mazzoni	Thompson
Baugh	Gallegos	Migden	Thomson
Bordonaro	Goldsmith	Miller	Torlakson
Bowen	Granlund	Morrissey	Villaraigosa
Bowler	Havice	Morrow	Vincent
Brewer	Hertzberg	Napolitano	Washington
Brown	Honda	Olberg	Wayne
Campbell	House	Ortiz	Wildman
Cardenas	Kaloogian	Papan	Woods
Cardoza	Keeley	Perata	Wright
Cedillo	Knox	Poochigian	Mr. Speaker

**NOES—1**

McClintock

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 1427: Assembly Member Migden, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1514 (Goldsmith)**—An act to amend Section 13863 of the Health and Safety Code, relating to public safety services, 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—73**

Ackerman	Cunneen	Leach	Richter
Aguiar	Davis	Lempert	Runner
Alby	Ducheny	Leonard	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Martinez	Strom-Martin
Ashburn	Firestone	Mazzoni	Sweeney
Baca	Frusetta	McClintock	Takasugi
Baldwin	Gallegos	Migden	Thomson
Battin	Goldsmith	Miller	Torlakson
Baugh	Granlund	Morrissey	Villaraigosa
Bordonaro	Havice	Morrow	Vincent
Bowen	Hertzberg	Napolitano	Washington
Bowler	Honda	Olberg	Wayne
Brewer	House	Oller	Wildman
Brown	Kaloogian	Ortiz	Wright
Campbell	Keeley	Papan	Mr. Speaker
Cardenas	Knox	Perata	
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Pringle	

**NOES—2**

Thompson

Woods

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—73**

Ackerman	Cunneen	Leach	Richter
Aguiar	Davis	Lempert	Runner
Alby	Ducheny	Leonard	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Martinez	Strom-Martin
Ashburn	Firestone	Mazzoni	Sweeney
Baca	Frusetta	McClintock	Takasugi
Baldwin	Gallegos	Migden	Thomson
Battin	Goldsmith	Miller	Torlakson
Baugh	Granlund	Morrissey	Villaraigosa
Bordonaro	Havice	Morrow	Vincent
Bowen	Hertzberg	Napolitano	Washington
Bowler	Honda	Olberg	Wayne
Brewer	House	Oller	Wildman
Brown	Kaloogian	Ortiz	Wright
Campbell	Keeley	Papan	Mr. Speaker
Cardenas	Knox	Perata	
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Pringle	

**NOES—2**

Thompson                      Woods

**Vote Changes**

By unanimous consent, the following vote changes were permitted on the urgency clause to Assembly Bill No. 1514, and on passage of the bill: Assembly Members Thompson and Woods, from “Aye” to “No”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1615 (Papan)**—An act to amend Section 33334.19 of the Health and Safety Code, relating to land use.

Bill read third time.

**Motion to Amend**

Assembly Member Papan moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.



**ASSEMBLY BILL NO. 969 (Cardenas)**—An act to amend Sections 6710 and 6732 of, and to add Sections 6706.3 and 6732.3 to, the Business and Professions Code, relating to professional engineers.

Bill read third time, and passed by the following vote:

**AYES—75**

Ackerman	Cunneen	Leach	Richter
Aguiar	Davis	Lempert	Runner
Alby	Ducheny	Leonard	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Martinez	Strom-Martin
Ashburn	Firestone	Mazzoni	Sweeney
Baca	Floyd	McClintock	Takasugi
Baldwin	Frusetta	Migden	Thompson
Battin	Gallegos	Miller	Thomson
Baugh	Goldsmith	Morrissey	Torlakson
Bordonaro	Granlund	Morrow	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 630 (Richter)**—An act to amend Sections 1984 and 1988 of the Civil Code, relating to tenancies.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Cunneen	Lempert	Runner
Aguiar	Davis	Leonard	Scott
Alby	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Frusetta	McClintock	Takasugi
Baca	Gallegos	Migden	Thompson
Baldwin	Goldsmith	Miller	Thomson
Battin	Granlund	Morrissey	Torlakson
Baugh	Havice	Morrow	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Pringle	
Cedillo	Leach	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1439 (Granlund)**—An act to add Article 7.5 (commencing with Section 680) to Chapter 1 of Division 2 of the Business and Professions Code, and to amend Section 5251 of the Welfare and Institutions Code, relating to health.

Bill read third time, and passed by the following vote:

**AYES—66**

Aguiar	Ducheny	Leach	Scott
Alby	Escutia	Lempert	Shelley
Alquist	Figueroa	Machado	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Ashburn	Floyd	Mazzoni	Takasugi
Baca	Frusetta	Migden	Thomson
Battin	Gallegos	Miller	Torlakson
Bordonaro	Goldsmith	Morrissey	Villaraigosa
Bowen	Granlund	Morrow	Vincent
Bowler	Havice	Napolitano	Washington
Brewer	Hertzberg	Olberg	Wayne
Brown	Honda	Ortiz	Wildman
Cardenas	House	Papan	Woods
Cardoza	Keeley	Perata	Wright
Cedillo	Knox	Poochigian	Mr. Speaker
Cunneen	Kuehl	Pringle	
Davis	Kuykendall	Runner	

**NOES—9**

Ackerman	Campbell	McClintock
Baldwin	Kaloogian	Oller
Baugh	Leonard	Thompson

Bill ordered transmitted to the Senate.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

**ASSEMBLY BILL NO. 510 (Ashburn)**—An act to amend Sections 17052.10, 17053.14, 17053.45, 17053.46, 17053.49, 17053.66, 17268, 17276, 19011, 19551, and 23666 of, and to repeal Chapter 1.5 (commencing with Section 23081) of, Chapter 1.6 (commencing with Section 23091) of, and Chapter 1.7 (commencing with Section 23097) of, Part 11 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 707 (Ackerman)**—An act to add Section 784 to, and to repeal Section 1464 of, the Civil Code, and to amend Section 336 of the Code of Civil Procedure, relating to real property.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 333 (Figueroa)**—An act to amend Section 1734.5 of the Insurance Code, relating to insurance.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1203 (Kuykendall)**—An act to amend Section 10234 of the Business and Professions Code, relating to real estate.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1058 (Cardoza)**—An act to amend Section 33452 of the Food and Agricultural Code, relating to agriculture.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 540 (Ducheny)**—An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 759 (McClintock)**—An act to amend Sections 11000.1, 11010.2, 11010.4, 11018.3, and 11018.12 of the Business and Professions Code, relating to subdivided lands.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY CONCURRENT RESOLUTION NO. 86 (Machado)**—Relative to the anniversary of the Boy Scouts of America.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

#### **Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

#### **AYES—76**

Ackerman	Cunneen	Kuykendall	Pringle
Aguiar	Davis	Leach	Richter
Alby	Ducheny	Lempert	Runner
Alquist	Escutia	Leonard	Scott
Aroner	Figueroa	Machado	Shelley
Ashburn	Firestone	Martinez	Strom-Martin
Baca	Floyd	Mazzoni	Sweeney
Baldwin	Frusetta	McClintock	Takasugi
Battin	Gallegos	Migden	Thompson
Baugh	Goldsmith	Miller	Thomson
Bordonaro	Granlund	Morrissey	Torlakson
Bowen	Havice	Morrow	Villaraigosa
Bowler	Hertzberg	Napolitano	Vincent
Brewer	Honda	Olberg	Washington
Brown	House	Oller	Wayne
Campbell	Kaloogian	Ortiz	Wildman
Cardenas	Keeley	Papan	Woods
Cardoza	Knox	Perata	Wright
Cedillo	Kuehl	Poochigian	Mr. Speaker

#### **NOES—None**

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Kuehl announced her intention to request that Assembly Bill No. 481 be removed from the inactive file.

**ADJOURN IN MEMORY**

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Esperanza Martinez, of Hacienda Heights.

**SESSION SCHEDULE AND OTHER ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced the following session schedule:

Monday, January 26, Floor Session, at 12 noon.

Speaker pro Tempore Kuehl also announced that Members are to be available for Floor Session every day next week.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)****MOTION TO RECONSIDER ASSEMBLY BILL NO. 1577 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 1577 was continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Resolution to Suspend Joint Rules:** Ducheny—Aye.

**Assembly Bill No. 1115:** Ducheny, Escutia, Martinez, and Olberg—Aye.

**Assembly Bill No. 1617:** Ducheny, Escutia, and Martinez—Aye.

**Assembly Bill No. 1427:** Baugh—Aye.

**Assembly Bill No. 1514 and Urgency:** Baugh and Ducheny—Aye.

**Assembly Bill No. 969:** Baugh, Bordonaro, Ducheny, and Olberg—Aye.

**Assembly Bill No. 630:** Baugh and Shelley—Aye.

**Assembly Bill No. 1439:** Ducheny—Aye; Baugh—No.

**MOTION TO ADJOURN**

At 11:10 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member House seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 11:11 a.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 1692—Bowen.** An act to add Section 1347.25 to the Penal Code, relating to criminal procedure.

**RESOLUTIONS**

The following resolution was offered:

**HOUSE RESOLUTION NO. 50—Migden.** Relative to professional golf.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, January 22, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(2) as it relates to Assembly Bills Nos. 118, 506, and 1412.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

**AUTHOR'S AMENDMENTS****Committee on Appropriations**

January 22, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 10

Senate Bill No. 493

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 10**—An act to amend Sections 2550, 2561, 2562, 2563, 2566, and 14054 of, to amend and repeal Section 2551 of, and to add Section 2567 to, the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SENATE BILL NO. 493**—An act to add Chapter 3 (commencing with Section 10065) to Part 1 of Division 9 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Appropriations**

January 22, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 194

Assembly Bill No. 1030

Assembly Bill No. 511

Assembly Bill No. 1062

Assembly Bill No. 945

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 194**—An act to add Section 19816.19 to the Government Code, relating to state employment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 511**—An act to amend Sections 19604, 23182, and 23186 of, and to add Section 19606 to, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 945**—An act to add Article 4.5 (commencing with Section 12085) to Chapter 1 of Title 2 of Part 4 of the Penal Code, relating to firearms.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1030**—An act to add Section 110663 to the Health and Safety Code, relating to agricultural commodities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1062**—An act to amend Sections 6377, 17053.49, and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS** **Committee on Appropriations**

January 22, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 66

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 66**—An act to amend Section 7205 of, and to add Section 7204.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS** **Committee on Appropriations**

January 22, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 218

Assembly Bill No. 809

Assembly Bill No. 228

Assembly Bill No. 867

Assembly Bill No. 668

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 218**—An act to amend Section 11515 of the Vehicle Code, relating to vehicles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 228**—An act to amend Sections 42825, 42835, 42850, and 42855 of, and to add Section 42846.5 to, the Public Resources Code, relating to waste tires.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 668**—An act to add Section 14132.97 to the Welfare and Institutions Code, relating to human services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 809**—An act to amend and renumber Section 7120 of, to amend and renumber the heading of Chapter 13 (commencing with Section 7120) of, and to add Chapter 13 (commencing with Section 7120) to, Division 7 of Title 1 of, the Government Code, to amend Sections 17039, 17276.2, 23036, and 24416.2 of, and to add Sections 17052.13, 17052.14, 17053.21, 17231, 17267.7, 23612, 23613, 24356.2, 24384 to, the Revenue and Taxation Code, relating to economic development.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 867**—An act to amend Section 60605 of, and to add Sections 47605.5 and 47607.5 the Education Code, relating to schools.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

## REPORTS OF STANDING COMMITTEES

### Committee on Appropriations

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 40	Assembly Bill No. 871
Assembly Bill No. 68	Assembly Bill No. 921
Assembly Bill No. 88	Assembly Bill No. 933
Assembly Bill No. 110	Assembly Bill No. 983
Assembly Bill No. 164	Assembly Bill No. 1000
Assembly Bill No. 192	Assembly Bill No. 1180
Assembly Bill No. 261	Assembly Bill No. 1322
Assembly Bill No. 285	Assembly Bill No. 1336
Assembly Bill No. 417	Assembly Bill No. 1389
Assembly Bill No. 569	Assembly Bill No. 1424
Assembly Bill No. 697	Assembly Bill No. 1450
Assembly Bill No. 744	Assembly Bill No. 1528

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 162

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 346  
Assembly Bill No. 632  
Assembly Bill No. 681  
Assembly Bill No. 1068  
Assembly Bill No. 1091

Assembly Bill No. 1307  
Assembly Bill No. 1329  
Assembly Bill No. 1454  
Assembly Bill No. 1497

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 425  
Assembly Bill No. 894  
Assembly Bill No. 895

Assembly Bill No. 901  
Assembly Bill No. 1212

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 231  
Assembly Bill No. 521

Assembly Bill No. 743  
Assembly Bill No. 1373

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1311

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

#### **Committee on Health**

Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 224

With amendments with the recommendation: Amend, and do pass, as amended.

GALLEGOS, Chairman

Above bill ordered to second reading.

#### **Committee on Public Safety**

Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 26  
Assembly Bill No. 457

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

HERTZBERG, Chairman

Above bills ordered to second reading.



Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 987

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

HERTZBERG, Chairman

Above bill ordered to second reading.

Date of Hearing: January 20, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 190

With amendments with the recommendation: Amend, and do pass, as amended.

HERTZBERG, Chairman

Above bill ordered to second reading.

### MESSAGES FROM THE SENATE

Senate Chamber, January 22, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 83

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.

### CONFERENCE COMMITTEE REPORTS RECEIVED

Assembly Chamber, January 21, 1998

Mr. Speaker: The Committee on Conference has met concerning:

**Senate Bill No. 1254**, as amended in Assembly on September 10, 1997, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

CHARLES M. CALDERON  
RICHARD R. RAINEY

LOUIS J. PAPAN  
BILL MORROW  
ROBERT M. HERTZBERG

Senate Committee on Conference

Assembly Committee on Conference

The undersigned Member dissenting to the report:

JOHN VASCONCELLOS

Senate Committee on Conference

### MESSAGES FROM THE SENATE

January 22, 1998

*Hon. E. Dotson Wilson*

*Chief Clerk of the Assembly  
Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill 1255 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

Senate Chamber, January 22, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 44  
Senate Bill No. 91  
Senate Bill No. 175  
Senate Bill No. 177  
Senate Bill No. 237  
Senate Bill No. 400  
Senate Bill No. 519  
Senate Bill No. 664

Senate Bill No. 677  
Senate Bill No. 845  
Senate Bill No. 1047  
Senate Bill No. 1098  
Senate Bill No. 1136  
Senate Bill No. 1186  
Senate Bill No. 1222  
Senate Bill No. 1250

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bills were read the first time:

**SENATE BILL NO. 44**—An act to amend Section 19568 of the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 91**—An act relating to education.

**SENATE BILL NO. 175**—An act to amend Section 33452 of the Food and Agricultural Code, relating to milk.

**SENATE BILL NO. 177**—An act to amend the heading of Article 3 (commencing with Section 1550) of Chapter 2 of Division 11 of, to add Sections 1552 and 1553 to, to add Article 1 (commencing with Section 1520) to Chapter 2 of Division 11 of, and to repeal Article 1 (commencing with Section 1500) of Chapter 2 of Division 11 of, the Evidence Code, and to amend Section 1417.7 of, and to repeal and add Section 872.5 of, the Penal Code, relating to proof of the content of a writing.

**SENATE BILL NO. 237**—An act to amend Section 1765.1 of the Insurance Code, relating to insurance.

**SENATE BILL NO. 400**—An act relating to taxation.

**SENATE BILL NO. 519**—An act to amend Section 64 of the Revenue and Taxation Code, relating to property taxation.

**SENATE BILL NO. 664**—An act to add Section 6010.30 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**SENATE BILL NO. 677**—An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

**SENATE BILL NO. 845**—An act to amend Section 6062 of the Business and Professions Code, relating to the State Bar of California, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 1047**—An act to amend Section 21087 of the Public Resources Code, relating to environmental protection, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 1098**—An act to amend Section 12941 of the Government Code, relating to employment.

**SENATE BILL NO. 1136**—An act to amend Sections 210, 21455.5, 22451, and 40518 of, and to repeal Sections 210, 22451, and 40518 of, the Vehicle Code, relating to vehicles.

**SENATE BILL NO. 1186**—An act to amend Section 13350 of, to add Sections 13380, 13382, 13384, 13386, 13388, 13390, and 13392 to, to add Division 11.5 (commencing with Section 23500) to, and to repeal Sections 13352.2, 14602, 23137, 23138, 23139, 23141, 23142, 23143, 23144, 23145, 23145.2, 23145.3, 23145.5, 23145.6, 23145.8, 23146, 23147, 23154, 23155, 23156, 23157, 23157.5, 23158.2, 23158.5, 23159, 23159.5, 23160, 23161, 23165, 23166, 23167, 23170, 23171, 23175, 23176, 23180, 23181, 23182, 23185, 23186, 23187, 23190, 23191, 23192, 23194, 23195, 23196, 23197, 23198, 23199, 23200, 23201, 23202, 23203, 23204, 23205, 23206, 23206.1, 23206.5, 23207, 23208, 23209, 23210, 23211, 23212, 23235, 23246, 23248, 23249, 23249.52, 23249.53, 23249.54, 23249.55, 23249.56, 23249.57, and 23249.58 of, the Vehicle Code, relating to vehicles.

**SENATE BILL NO. 1222**—An act to amend Sections 61411, 62071, 62074.5, 62191, 62722, and 62750 of the Food and Agricultural Code, relating to agriculture.

**SENATE BILL NO. 1250**—An act to amend Section 10770 of, and to repeal Section 10707 of, the Revenue and Taxation Code, and to repeal Section 677 of the Vehicle Code, relating to vehicles.

#### ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington the Assembly adjourned until 12 noon, Monday, January 26, 1998, out of respect to the memory of former Assembly Member Charles J. Conrad, on motion of Assembly Member McClintock and Speaker Bustamante; out of respect to the memory of Vera Abate, on motion of Assembly Members Leach and Ortiz; out of respect to the memory of Nick Baca, on motion of Assembly Member Ducheny; out of respect to the memory of William Hicks and Ted Wooten, on motion of Assembly Member Aroner; out of respect to the memory of Arie Van Leeuwen, on motion of Assembly Member Aguiar; out of respect to the memory of Stewart Linn Nebeker, on motion of Assembly Member Alby; out of respect to the memory of Pierre Basbous, on motion of Assembly Member Bowen; out of respect to the memory of CHP Officer Harold Eugene Herin, on motion of Assembly Member Bowler; out of respect to the memory of Etta Hunsaker, on motion of Assembly Members Campbell and Morrow; out of respect to the memory of Judge Ed Brady, on motion of Assembly Member Frusetta; out of respect to the memory of Wallace E. Morgan, M.D., on motion of Assembly Member Kuykendall; out of respect to the memory of Michael Hudson Hull, Margaret Fulmer, and Charles “Art” Remley Sr., on motion of Assembly Member Napolitano; out of respect to the memory of John Melody, on motion of Assembly Member Shelley; out of respect to the memory of David Earl Shellhammer, Stephen Lowe Kendrick, Kenneth Keithly, and Aurellio Marquez, on motion of Assembly Member Thomson; out of respect to the memory of Dorothy Helen Enos Burton, on motion of Assembly Member Alquist; out of respect to the memory of Beverly Ehreth, on motion of Assembly Member Mazzoni; out of respect to the memory of Kellem Simmons and Hon. Maxine Thomas, on motion of Assembly Member Wright; out of respect to the memory of Jesus “Jess” Serrano, on motion of Assembly Members Cedillo and Villaraigosa; out of respect to the memory of Esperanza Martinez, on motion of Assembly Member Gallegos; out of respect to the memory of Taylor Davis, on motion of Assembly Member Torlakson; and in honor of Vance Byrd Noel V, on motion of Assembly Member Davis.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 22, 1998

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
66	9804856
126	9801793
194	9804784
218	9804807
228	9804847
506	9710219
511	9804709
668	9802317
771	9804475
809	9802298
867	9801134
945	9801747
1030	9801151
1062	9802448
1120	9801144
1384	9802610
1615	9801675

<b>SB</b>	<b>RN</b>
10	9803033
493	9801759
1254	(Conf.)

<b>Daily Total:</b>	<b>19</b>
<b>Cumulative Total:</b>	<b>3719</b>

CALIFORNIA LEGISLATURE  
1997–98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 26, 1998**

**ONE HUNDRED FIFTY-FIRST SESSION DAY  
FOUR HUNDRED TWENTY-FIRST CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, January 26, 1998

The Assembly met at 12:14 p.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Wayne moved a quorum call of the Assembly.

Motion carried. Time, 12:15 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### CAUCUS ANNOUNCEMENTS

Assembly Member Shelley announced that the Democratic Caucus would meet at this time in the Assembly Lounge.

Assembly Member Thompson announced that the Republican Caucus would meet at this time, in the Tom Bane Rules Committee Room.

#### QUORUM PRESENT

At 2:10 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Ackerman  
Aguiar  
Alby  
Alquist  
Aroner  
Ashburn  
Baca  
Baldwin  
Battin  
Baugh  
Bordonaro  
Bowen  
Bowler  
Brewer  
Brown  
Campbell  
Cardenas  
Cardoza  
Cedillo  
Cunneen

Davis  
Ducheny  
Escutia  
Figueroa  
Firestone  
Floyd  
Frusetta  
Gallegos  
Goldsmith  
Granlund  
Havice  
Hertzberg  
Honda  
House  
Kaloogian  
Keeley  
Knox  
Kuehl  
Kuykendall  
Leach

Lempert  
Leonard  
Machado  
Martinez  
Mazzoni  
McClintock  
Migden  
Miller  
Morrissey  
Morrow  
Murray  
Napolitano  
Olberg  
Oller  
Ortiz  
Pacheco  
Papan  
Perata  
Poochigian  
Prenter

Pringle  
Richter  
Runner  
Scott  
Shelley  
Strom-Martin  
Sweeney  
Takasugi  
Thompson  
Thomson  
Torlakson  
Villaraigosa  
Vincent  
Washington  
Wayne  
Wildman  
Woods  
Wright  
Mr. Speaker

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O Lord, Our God,* You have existed before all ages and You remain forever. We know Your unending love for mankind and Your inexhaustible goodness. Look mercifully upon our lowliness and show us how to rise above both the visible and invisible enemies. Place in us, power from on high and encompass us with Your loving care.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Bustamante then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Wildman, seconded by Assembly Member Richter.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Margett.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 26, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember George Runner to replace Assemblymember Tom Bordonaro on the Assembly Appropriations Committee for today, January 26, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 26, 1998

*E. Dotson Wilson**Chief Clerk of the Assembly**State Capitol, Room 3196**Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Mike Honda to replace Assemblymember Antonio Villaraigosa on the Assembly Appropriations Committee for today, January 26, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

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The following proposed initiative was received from the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiative pursuant to Elections Code, Section 9007:

**School District Budgeting, Administrative Costs.  
Initiative Statute.**

Referred by the Speaker to the Committee on Education.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Report to the Legislature on New CEA Positions  
(Pursuant to the Supplemental Report of the 1997 Budget Act  
Item 1880-001-0001)**

Above transmitted report, together with letter of transmittal from Walter Vaughn, Acting Executive Officer, California State Personnel Board, Sacramento, dated December 31, 1997, referred by the Speaker to the Committee on Budget.

**Olympic Training Center Plates, December 1997  
(Pursuant to Assembly Bill 3911, Chapter 706, Statutes of 1990)**

Above transmitted report, together with letter of transmittal from Sally R. Reed, Director, Department of Motor Vehicles, Sacramento, dated January 1, 1998, referred by the Speaker to the Committee on Transportation.

**Assumption Program of Loans for Education, 1996-97**

Above transmitted report, together with letter of transmittal from Jon Shaver, Executive Director, California Student Aid Commission, Rancho Cordova, dated January 14, 1998, referred by the Speaker to the Committee on Higher Education.



**Department of General Services—  
Procurement Division Surplus Property Warehouse Reduction Study  
(Pursuant to the Supplemental Report to the Budget Act of 1997  
Item 1760-001-0666)**

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Director, Department of General Services, Sacramento, dated January 14, 1998, referred by the Speaker to the Committee on Budget.

**California Coastal Conservancy Proposition 204 Expenditures  
(Pursuant to the Supplemental Report of the 1997 Budget Act  
Items 0540-001-0001 and 3940-001-0001)**

Above transmitted report, together with letter of transmittal from Douglas P. Wheeler, Secretary for Resources, Sacramento, dated January 8, 1998, referred by the Speaker to the Committee on Budget.

**California Law Revision Commission, 1997–98 Annual Report  
(Pursuant to Government Code Section 8291 and 9795)**

Above transmitted report, together with letter of transmittal from Nathaniel Sterling, Executive Secretary, California Law Revision Commission, Palo Alto, dated January 16, 1998, referred by the Speaker to the Committee on Judiciary.

**South Spit Management Plan  
(Pursuant to SB 39, Chapter 1022, Statutes of 1996)**

Above transmitted report, together with letter of transmittal from Steve Horn, Interim Executive Officer, Coastal Conservancy, Oakland, dated October 10, 1997, referred by the Speaker to the Committee on Natural Resources.

**A Report to the Senate Committee on Natural Resources and Wildlife and  
the Assembly Committee on Water, Parks and Wildlife  
(Pursuant to SB 123, Chapter 827, Statutes of 1995)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated January 7, 1998, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Department of Consumer Affairs Annual Report  
Fiscal Year 1996–97**

Above transmitted report, together with letter of transmittal from Marjorie M. Berte, Director, Department of Consumer Affairs, Sacramento, dated January 12, 1998, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Employment Training Panel, 1996–97 Annual Report  
(Pursuant to Unemployment Insurance Code Section 10205)**

Above transmitted report, together with letter of transmittal from Gerald G. Geismar, Executive Director, Employment Training Panel, Sacramento, dated January 20, 1998, referred by the Speaker to the Committee on Labor and Employment.

**California Law Revision Commission Report  
Public Utility Deregulation  
(Pursuant to Government Code Sections 8291 and 9795)**

Above transmitted report, together with letter of transmittal from Nathaniel Sterling, Executive Secretary, California Law Revision Commission, Palo Alto, dated January 20, 1998, referred by the Speaker to the Committee on Judiciary.

**Department of California Highway Patrol  
Report to the Governor and the Legislature  
in Compliance with AB 1933  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated January 20, 1998, referred by the Speaker to the Committee on Utilities and Commerce.

**Internal Affairs Investigations  
Status Report to the Legislature, December 1997  
(Pursuant to 1997-98 Budget Act, Item 5240-001-0001)**

Above transmitted report, together with letter of transmittal from C.A. Terhune, Director, Department of Corrections, Sacramento, dated January 20, 1998, referred by the Speaker to the Committee on Budget.

**1998 Report on the Loss Control Consultation Certification and  
Targeted Inspection and Consultation Programs  
(Pursuant to Labor Code Sections 62.9(i)(1) and (2))**

Above transmitted report, together with letter of transmittal from John C. Duncan, Acting Director, Office of the Director, Department of Industrial Relations, San Francisco, dated January 22, 1998, referred by the Speaker to the Committee on Insurance.

**Commission on Peace Officer Standards and Training  
Basic Certificates Issued by the Commission to Peace Officers  
(Pursuant to Government Code Section 15378)**

Above transmitted report, together with letter of transmittal from Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, Sacramento, dated January 14, 1998, referred by the Speaker to the Committee on Public Safety.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 26, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 66  
Assembly Bill No. 194  
Assembly Bill No. 218  
Assembly Bill No. 228  
Assembly Bill No. 511  
Assembly Bill No. 668

Assembly Bill No. 809  
Assembly Bill No. 867  
Assembly Bill No. 945  
Assembly Bill No. 1062  
Assembly Bill No. 1384

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 26, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 126

Assembly Bill No. 506

Assembly Bill No. 771

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 26, 1998

Mr. Speaker: Pursuant to your instruction, the Chief Clerk has examined:

Assembly Bill No. 1120

Assembly Bill No. 1615

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, January 26, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1030

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 26, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 83

And reports the same correctly enrolled, and presented to the Secretary of State on the 26th day of January, 1998, at 11:15 a.m.

E. DOTSON WILSON, Chief Clerk

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Rules**

January 26, 1998

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(b)(2), as it relates to the following bills be granted:

Assembly Bills Nos. 118, 506, and 1412.

DON PERATA, Chairman

### **Committee on Appropriations**

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 50

Assembly Bill No. 583

Assembly Bill No. 254

Assembly Bill No. 1381

Assembly Bill No. 384

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

## SECOND READING OF BILLS BY UNANIMOUS CONSENT

Pursuant to unanimous consent granted on Thursday, January 22, 1998 the following bills were taken up, without reference to file, for purpose of second reading and adoption of committee amendments:

**ASSEMBLY BILL NO. 50**—An act to amend Section 530.5 of the Penal Code, relating to crimes.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 254**—An act to add Division 26 (commencing with Section 79000) to the Water Code, relating to financing a flood protection program, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 384**—An act to amend Section 3301 of the Government Code, relating to public employees.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 583**—An act to amend Section 890 of the Civil Code, and to add Section 602.9 to the Penal Code, relating to rent skimming.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1381**—An act to add Chapter 3 (commencing with Section 100600) to Part 66 of the Education Code, relating to child care facilities funding, by providing the funds necessary therefor through an election for, and the issuance and sale of bonds, of the State of California and by providing for the handling and disposition of those funds.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

## REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following resolutions were referred to Committee:

*Assembly Concurrent*

*Resolution No.*

*Committee*

**88** ----- Rls.

*House*

*Resolution No.*

*Committee*

**50** ----- Rls.

## REQUEST FOR PHOTOGRAPHER

Assembly Member Shelley was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**At 2:12 p.m., Speaker Cruz M. Bustamante, 31st District, presiding**

**NOMINATIONS FOR SPEAKER OF THE ASSEMBLY**

Speaker Bustamante announced that, without objection, nominations are now open for the Office of Speaker, to be sworn in on February 26, 1998, or upon a vacancy, whichever occurs first.

**Nominations from the Floor**

Assembly Member Hertzberg nominated Assembly Member Antonio R. Villaraigosa for the Office of Speaker of the Assembly.

**Nomination Seconded**

Assembly Members Mazzoni and Wright seconded the nomination of Antonio R. Villaraigosa for the Office of Speaker of the Assembly.

**Request for Unanimous Consent**

Assembly Member Bowler requested unanimous consent to ask a question of Assembly Member Villaraigosa.

**Request Ruled Out of Order**

Speaker Bustamante replied that Assembly Member Bowler would be in order to state a parliamentary inquiry of the Chair or place a name in nomination, but ruled the request to ask a question of the nominee, out of order.

**Nomination Seconded**

Assembly Member Martinez seconded the nomination of Assembly Member Antonio R. Villaraigosa for the Office of Speaker of the Assembly.

**At 2:26 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**Nomination Seconded**

Speaker Bustamante seconded the nomination of Assembly Member Antonio R. Villaraigosa for the Office of Speaker of the Assembly.

**At 2:33 p.m., Speaker Cruz M. Bustamante, 31st District, presiding**

**Further Nominations for Speaker**

Assembly Member Thompson nominated Assembly Member Bill Leonard for the Office of Speaker of the Assembly.

**Nomination Seconded**

Assembly Member Bowler seconded the nomination of Assembly Member Bill Leonard for the Office of the Speaker of the Assembly.

**Point of Order**

Assembly Member Bowen arose to the following point of order:

Assembly Member Bowler is not confining remarks to the second of the nomination of Assembly Member Bill Leonard for the Office of Speaker of the Assembly.

**Ruling By Speaker Bustamante**

The Speaker ruled the point of order well-taken.

**Point of Personal Privilege**

Assembly Member Floyd arose to a point of personal privilege.

**Ruling by Speaker Bustamante**

The Speaker ruled the point of personal privilege not well-taken.

**NOMINATIONS CLOSED**

There being no further nominations, the Speaker declared nominations for the Office of Speaker of the Assembly closed.

Speaker Bustamante announced that pursuant to long-standing usage and custom of the House, the roll for election of Speaker would be called orally, and that each Member should respond by stating the name of the candidate of their choice.

**ELECTION OF SPEAKER OF THE ASSEMBLY**

The roll was called, with the following result:

*For Assembly Member Villaraigosa:*

AYES: Assembly Members Alquist, Aroner, Baca, Bowen, Brown, Cardenas, Cardoza, Cedilla, Davis, Ducheny, Escutia, Figueroa, Floyd, Gallegos, Havice, Hertzberg, Honda, Keeley, Knox, Kuehl, Lempert, Machado, Martinez, Mazzoni, Migden, Murray, Napolitano, Ortiz, Papan, Perata, Scott, Shelley, Strom-Martin, Sweeney, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, Wildman, Wright, and Bustamante—43.

*For Assembly Member Bill Leonard:*

AYES: Assembly Members Ackerman, Aguiar, Alby, Baldwin, Battin, Baugh, Bordonaro, Bowler, Brewer, Campbell, Cunneen, Firestone, Frusetta, Goldsmith, Granlund, House, Kaloogian, Kuykendall, Leach, Leonard, McClintock, Miller, Morrissey, Morrow, Olberg, Oller, Pacheco, Poochigian, Prenter, Pringle, Richter, Runner, Takasugi, Thompson, and Woods—35.

Whereupon Speaker Bustamante announced the vote and declared Assembly Member Antonio R. Villaraigosa the choice of the Assembly for the Office of Speaker of the Assembly.

(NOTE: Pursuant to the announcement at opening of nominations, Speaker-elect Villaraigosa will take and subscribe to the oath of office on February 26, 1998, or upon a vacancy, whichever occurs first.)

**ADDRESS BY SPEAKER-ELECT ANTONIO R. VILLARAIGOSA**

Speaker-Elect Antonio R. Villaraigosa introduced his wife Corina, daughter Natalia, and son Antonio, whereupon he then addressed the assemblage.

**REMARKS ON CONDITION OF THE FILE**

Assembly Member Leonard was granted unanimous consent to speak on the condition of the file, relative to the election of Assembly Member Villaraigosa to the Office of Speaker of the Assembly.

**At 2:56 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Appropriations to meet, consider, and report Assembly Bills Nos. 118, 506, and 1412 for further action.

Resolution read, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Members Prenter and Goldsmith on the occasion of their birthdays.

**ADJOURN IN MEMORY**

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Emerson, of Costa Mesa; and Dr. Robert Sheridan, of Newport Beach.

Assembly Member Havice was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lisa Liu of Cerritos; and Donna Hinch, of Cerritos.

Assembly Member McClintock was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Edwards, of Thousand Oaks.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Emily Morgenroth, of Pleasanton; and Vanessa Samson, of Pleasanton.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Stanley Giles, of Vacaville; Ignatius Monteleone, of Fairfield; and Grace Powell, of Vacaville.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Thomson was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 999, 931, and 736 be stricken from file.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 532**, on request of Assembly Member Knox.

**ADJOURN IN MEMORY**

Assembly Member Cardoza was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Haden, of Merced.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Cardoza was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1508, 1507, and 472 be stricken from file.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Ducheny announced her intention to request that Assembly Bill No. 435 be removed from the inactive file.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Floyd was granted unanimous consent that the Governor's veto of Assembly Bill No. 1568 be stricken from file.

**SPECIAL RECOGNITION**

Assembly Member Ducheny was joined by the Members of the Assembly in recognizing Terrell Davis, MVP of Super Bowl XXXII, who was a graduate of Lincoln High School in her district.

**ADJOURN IN MEMORY**

Assembly Members Prenter and Ashburn were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rod Grimm, of Bakersfield.

Assembly Member Floyd was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Maj. Gen. Ralph Corbett Smith, of Palo Alto, and that the following be printed in the Journal:

*Oldest U.S. Army Officer Dies at 104*

Maj. Gen Ralph Corbett Smith, the oldest surviving general officer of the U.S. Army who served in both world wars and did much to establish CARE for war-torn Europe in the mid-1940s, has died. He was 104.

Smith died Wednesday in his Palo Alto, Calif., home where he had lived since his retirement in 1947, said Roger Mansell of the American Legion's Fremont Post 52.

The centenarian's military career began when he joined the Colorado National Guard in 1916.

Orville Wright taught him to fly, and Smith's pilot's license was No. 13 in the country.

During World War II, Smith led his 27th Infantry Division landing on Makin Atoll in late 1943 as part of the American assault against Japanese forces in the Gilbert Islands.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Wildman was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 452, 428, 498, and 504 be stricken from file.



**ADJOURN IN MEMORY**

Assembly Member Washington was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rev. Clarence Walker of the True Life Missionary Baptist Church of Los Angeles.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Davis was granted unanimous consent that the Governor's veto of Assembly Bill No. 1354 be stricken from file.

Assembly Member Napolitano was granted unanimous consent that the Governor's veto of Assembly Bill No. 652 be stricken from file.

Assembly Member Ducheny was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 107, 1587, and 1571 be stricken from file.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Migden announced her intention to request that Assembly Bill No. 550 be removed from the inactive file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting the following bills for hearing in the Committee on Appropriations on Monday, January 26, 1998 and Tuesday, January 27, 1998:

Assembly Bills Nos. 26, 118, 457, 506, 987, 1063, 1069, 1236, 1384, and 1412.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Migden announced that the Committee on Appropriations would meet today, one-half hour after adjournment of Floor session.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Sweeney was granted unanimous consent that the Governor's veto of Assembly Bill No. 1407 be stricken from file.

Assembly Member Strom-Martin was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 917, 705, 1464, and 629 be stricken from file.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Suspend Joint Rules**

By Assembly Member Hertzberg:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Public Safety to meet, consider, and report Assembly Bill No. 247 for further action.

Resolution read, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Hertzberg was granted unanimous consent that the Committee on Public Safety be permitted to hold a special meeting on Tuesday, January 27, 1998, off the Floor, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 247 for hearing.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Assembly Bill No. 1532**, on request of Assembly Member Shelley;

**Assembly Bills Nos. 714 and 499**, on request of Assembly Member Kuehl;

**Assembly Bill No. 332**, on request of Assembly Member Figueroa;

**Senate Bill No. 317**, on request of Assembly Member Gallegos;

**Assembly Bill No. 835**, on request of Assembly Member Wright;

**Assembly Bill No. 481**, on request of Assembly Member Kuehl.

**CONSIDERATION OF DAILY FILE**

**UNFINISHED BUSINESS**

**ASSEMBLY BILL NO. 1577 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Ducheny was granted unanimous consent that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 1577 were refused concurrence; and that the bill be placed upon the inactive file.

**CONSIDERATION OF DAILY FILE**

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 126, 506, and 771**, ordered to third reading.

(NOTE: Later this day Assembly Bill No. 506 was re-referred to the Committee on Appropriations.)

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 565**—An act to amend Section 1016 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 390**—An act relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 609**—An act to amend Sections 13575, 13576, 13579, 13580, and 13581 of the Water Code, relating to water.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1449**—An act to add Section 4980.08 to the Business and Professions Code, relating to healing arts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 812**—An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to amend Section 18305 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 40**—An act to add Part 68 (commencing with Section 100400) to the Education Code, relating to education facilities funding, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 68**—An act to add Section 6010.40 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 88**—An act to add Sections 24205.5, 44928.5, and 87489 to the Education Code, relating to the State Teachers' Retirement System.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 110**—An act to add Chapter 2 (commencing with Section 100400) to Part 66 of the Education Code, relating to education facilities funding, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 164**—An act to amend Sections 404 and 404.6 of, and to add Section 4019.1 to, the Penal Code, relating to crimes.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 192**—An act to add Section 102101 to the Health and Safety Code, relating to vital records.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 261**—An act to add Chapter 2 (commencing with Section 100200) to Part 66 of the Education Code, relating to the financing of educational technology infrastructure, through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 285**—An act to add Sections 32232.5, 44276.8, and 56524.1 to the Education Code, relating to education.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 417**—An act to amend Sections 17052.15, 17052.18, 17053.10, 17053.17, 17053.45, 17053.46, 17053.49, 23456, 23612.6, 23617.5, 23623.5, 23625, 23645, 23646, and 23649 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 569**—An act to amend Section 25658.1 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 697**—An act to add Section 15314.5 to the Government Code, relating to state government.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 744**—An act to amend Section 1308.7 of the Labor Code, relating to employees.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 871**—An act to amend Section 53321.5 of the Government Code, and to amend Sections 25220, 25301, 25355, 33459.1, 33459.3, and 33459.4 of, and to repeal Sections 33459.2 and 33459.7 of, the Health and Safety Code, relating to hazardous substances.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 921**—An act to add Section 13554.4 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 933**—An act to add Section 1596.872 to the Health and Safety Code, relating to child day care facilities.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 983**—An act to amend Section 25181 of the Health and Safety Code, relating to hazardous waste.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1000**—An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1180**—An act to add Chapter 8 (commencing with Section 117135) to Part 12 of Division 104 of, the Health and Safety Code, relating to financing a safe drinking water program by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1322**—An act to add Section 11404.3 to the Welfare and Institutions Code, relating to human services.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1336**—An act to amend Sections 84211 and 84215 of, and to add Section 84101.5 to, the Government Code, relating to the Political Reform Act of 1974.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1389**—An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1424**—An act to add Article 9 (commencing with Section 885) to Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, relating to telecommunications.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1450**—An act to amend Section 422.6 of the Penal Code, relating to civil rights.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1528**—An act to add Chapter 11.7 (commencing with Section 66970) to Part 40 of the Education Code, relating to financing a program for postsecondary education.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 162**—An act to add Chapter 9 (commencing with Section 11840) to Part 1 of Division 3 of Title 2 of the Government Code, and to add Section 1342.8 to the Health and Safety Code, relating to health care.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 346**—An act to amend Sections 35401.3 and 35401.5 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 632**—An act to amend Section 1231 of the Unemployment Insurance Code, relating to employment.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 681**—An act to add Sections 25297.15, 25299.37.2, and 25355.8 to the Health and Safety Code, and to add Section 13307.1 to the Water Code, relating to the environment.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1068**—An act to amend Sections 1265.5 and 1276.5 of the Health and Safety Code, relating to health facilities.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1091**—An act to amend Sections 300, 300.1, 300.5, 301, 302, 304, 309, 319, 325, 328, 329, 331, 331.5, 332, 341, 358, 358.1, 360, 361.2, 362, 362.8, 364, 365, 366.1, 366.21, 366.22, 366.26, 366.3, 367, 368, 369, 370, 380, 386, and 387 of, and to repeal Sections 332.5, 351.5, 353.5, 360.5, 362.5, 366.2, and 366.25 of, the Welfare and Institutions Code, relating to dependent children.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1307**—An act to amend Sections 1173, 1177, and 1184 of, and to repeal and add Section 1183 of, the Labor Code, relating to employment.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1329**—An act to amend Section 22850.5 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1454**—An act to amend Section 11752.8 of the Insurance Code, relating to workers' compensation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1497**—An act to amend Section 11005.3 of the Government Code, relating to state government.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 425**—An act to amend Sections 8093, 16322, 17022.7, 17281, 81033, 81160, 81162, 81177, 81332, 81348, 81401, 81523, 81528, 81529, and 81530 of, to add Article 3 (commencing with Section 81050) to, and to repeal Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of, the Education Code, and to amend Sections 13143 and 19168 of the Health and Safety Code, relating to community colleges.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 894**—An act to amend Sections 15311, 15315, 15363.6, 15364.3, 15364.4, 15364.8, 15364.9, 15364.71, 15364.74, and 15365 of, to amend the heading of Chapter 1 (commencing with Section 15310) of Part 6.7 of Division 3 of Title 2 of, to add Section 15363.5 to, and to repeal Section 15364.2 of, the Government Code, relating to state government.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 895**—An act to amend Section 15333.5 of, and to add Chapter 1.14 (commencing with Section 15365.75) to Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to international trade, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 901**—An act to add Section 15364.10 to the Government Code, relating to international trade.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1212**—An act to add Chapter 2.5 (commencing with Section 990) to Part 1 of Division 2 of the Welfare and Institutions Code, relating to financing the construction of county juvenile facilities, youth centers, and Department of the Youth Authority facilities, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 231**—An act to amend Sections 350 and 12022.6 of the Penal Code, relating to crimes.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 521**—An act to add Section 70901.1 to the Education Code, relating to postsecondary education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 743**—An act to add and repeal Section 1203.1abc of the Penal Code, relating to criminal offenders.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1373**—An act to amend Section 12693.32 of the Insurance Code, relating to children.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 224**—An act to add Section 1342.2 to the Health and Safety Code, relating to health care service plans.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 26**—An act to amend Sections 182.22 and 629.52 of, and to add Section 182.5 to, the Penal Code, relating to juveniles.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 457**—An act to amend Sections 629, 654.3, 660, 663, and 777 of, and to add Article 20.5 (commencing with Section 790) to Chapter 1 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juveniles.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 987**—An act to amend Sections 602 and 707 of the Welfare and Institutions Code, relating to minors.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 190**—An act to amend Section 803 of the Penal Code, relating to fraud.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be returned to the second reading file.

#### SECOND READING OF SENATE BILLS

**SENATE BILL NO. 1311**—An act to add Section 827.3 to the Welfare and Institutions Code, relating to juveniles.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

#### RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

**Assembly Bill No. 506.**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 822 (Aroner)**—An act to amend Sections 11331.5, 11332.7, and 11333.7 of, and to add Section 11251.4 to, the Welfare and Institutions Code, relating to human services.

Bill read third time.

**Motion to Amend**

Assembly Member Aroner moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1531 (Shelley)**—An act to amend Section 6380 of the Family Code, relating to domestic violence.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Martinez	Scott
Alby	Figueroa	Mazzoni	Shelley
Alquist	Firestone	McClintock	Strom-Martin
Aroner	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Haveice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1615 (Papan)**—An act relating to land use.

Bill read third time.

**Assembly Bill No. 1615 Passed Temporarily**

By unanimous consent Assembly Bill No. 1615 was passed temporarily on file.



**ASSEMBLY BILL NO. 338 (Sweeney)**—An act to add Chapter 4.8 (commencing with Section 19750) to Division 8 of the Business and Professions Code, relating to professional sports franchises.

Bill read third time.

**Motion to Amend**

Assembly Member Sweeney moved the adoption of amendments.  
Amendments read.

**Parliamentary Inquiry**

Assembly Member Perata arose to the following parliamentary inquiry:

Will Assembly Bill No. 338 be re-referred to committee if amendments to the bill are adopted?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that it is the intention of the Chair to re-refer the bill to committee under Assembly Rule 77.2 if the proposed amendments are adopted.

**Parliamentary Inquiry**

Assembly Member Leonard arose to the following parliamentary inquiry:

Is it possible to re-refer Assembly Bill No. 338, with the proposed amendments, to committee?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied in the affirmative, stating that a waiver of Joint Rule 61 would be required prior to hearing.

**Parliamentary Inquiry**

Assembly Member Murray arose to the following parliamentary inquiry:

Is it not possible to vote procedurally to grant the necessary rule waivers to permit the bill, with amendments, to be heard in committee?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that a procedural vote on a Resolution to suspend rules would be contingent upon a meeting of the Rules Committee to grant permission of the request.

**Parliamentary Inquiry**

Assembly Member Papan arose to the following parliamentary inquiry:

Has the deadline not passed to hear bills in policy committee?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that the request before the Body is to suspend the rules to permit Assembly Bill No. 338 to be heard, after the deadline.

**RESOLUTIONS**

The following resolution was taken up, without reference to committee:

**Resolution to Suspend Joint Rules**

By Assembly Member Sweeney:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Local Government to meet, consider, and report Assembly Bill No. 338 for further action.

Resolution read, and adopted by the following vote:

**AYES—69**

Ackerman	Escutia	Leonard	Runner
Aguiar	Figueroa	Machado	Scott
Alby	Firestone	Mazzoni	Shelley
Alquist	Floyd	McClintock	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Napolitano	Torlakson
Bordonaro	Havice	Olberg	Villaraigosa
Bowen	Hertzberg	Oller	Washington
Bowler	Honda	Ortiz	Wayne
Brown	House	Pacheco	Wildman
Campbell	Kaloogian	Papan	Woods
Cardenas	Keeley	Perata	Wright
Cardoza	Knox	Poochigian	Mr. Speaker
Cedillo	Kuehl	Prenter	
Cunneen	Kuykendall	Pringle	
Davis	Lempert	Richter	

**NOES—None****RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE**

Assembly Member Sweeney was granted unanimous consent that Assembly Bill No. 338, with amendments, be referred from the third reading file to the Committee on Local Government.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Sweeney was granted unanimous consent that the Committee on Local Government be permitted to hold a special meeting on Tuesday, January 27, 1998, at 11:30 a.m., in Room 437, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 338 for hearing.

**FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1615**

**ASSEMBLY BILL NO. 1615 (Papan)**—An act relating to land use.

Bill read third time.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Papan moved a call of the Assembly.

Motion carried. Time, 3:30 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CONSIDERATION OF ASSEMBLY BILL NO. 1265  
BY UNANIMOUS CONSENT**

Assembly Member Torlakson was granted unanimous consent to take up Assembly Bill No. 1265, out of order.

**ASSEMBLY BILL NO. 1265 (Torlakson)**—An act to amend Section 33031 of the Health and Safety Code, relating to redevelopment.

Bill read third time, and passed by the following vote:

**AYES—41**

Alquist	Figueroa	Mazzoni	Torlakson
Aroner	Frusetta	Migden	Villaraigosa
Baca	Gallegos	Murray	Vincent
Battin	Havice	Napolitano	Washington
Brown	Hertzberg	Ortiz	Wayne
Cardenas	Honda	Papan	Wildman
Cardoza	Keeley	Perata	Wright
Cedillo	Knox	Scott	Mr. Speaker
Davis	Kuehl	Shelley	
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Thomson	

**NOES—32**

Ackerman	Campbell	Leach	Pacheco
Aguiar	Cunneen	Leonard	Poochigian
Alby	Firestone	Martinez	Pringle
Baldwin	Floyd	McClintock	Richter
Baugh	Granlund	Miller	Runner
Bordonaro	House	Morrow	Takasugi
Bowler	Kaloogian	Olberg	Thompson
Brewer	Kuykendall	Oller	Woods

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1615**

At 3:47 p.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 1615 passed by the following vote:

**AYES—42**

Alquist	Gallegos	Mazzoni	Thomson
Aroner	Havice	Migden	Torlakson
Baca	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Brown	House	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Kuykendall	Shelley	Mr. Speaker
Escutia	Lempert	Strom-Martin	
Figueroa	Machado	Sweeney	

**NOES—31**

Ackerman	Brewer	Leach	Poochigian
Aguiar	Campbell	Leonard	Prenter
Alby	Cunneen	McClintock	Pringle
Baldwin	Firestone	Miller	Runner
Battin	Floyd	Morrow	Takasugi
Baugh	Frusetta	Olberg	Thompson
Bordonaro	Granlund	Oller	Woods
Bowler	Kaloogian	Pacheco	

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 1218 (Alquist)**—An act relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—56**

Ackerman	Davis	Machado	Scott
Alquist	Escutia	Mazzoni	Shelley
Aroner	Figueroa	McClintock	Strom-Martin
Baca	Firestone	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Granlund	Morrissey	Thomson
Bowen	Havice	Napolitano	Torlakson
Bowler	House	Olberg	Villaraigosa
Brewer	Kaloogian	Oller	Vincent
Brown	Keeley	Ortiz	Washington
Campbell	Knox	Perata	Wayne
Cardoza	Kuehl	Poochigian	Wildman
Cedillo	Leach	Pringle	Wright
Cunneen	Lempert	Runner	Mr. Speaker

**NOES—3**

Baugh	Floyd	Martinez
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 726 (Baugh)**—An act to amend Sections 318.5 and 318.6 of the Penal Code, relating to adult entertainment.

Bill read third time.

**Motion to Amend**

Assembly Member Baugh moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

**ASSEMBLY BILL NO. 1094 (Committee on Judiciary)**—An act to amend Section 6301.1 of the Business and Professions Code, to amend Section 3144 of the Civil Code, to amend Sections 437c, 438, 704.090, 760.010, 904.2, 2024, and 2031 of, and to repeal Section 87 of, the Code of Civil Procedure, to amend Sections 4251 and 4508 of the Family Code, to amend Sections 21290, 53069.4, 68511.3, 69845.5, 75050, 76219, and 77200 of the Government Code, to repeal Section 101 of the Labor Code, and to amend Sections 40230 and 40256 of the Vehicle Code, and to amend Section 602 of the Welfare and Institutions Code, relating to civil law.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1199 (Alby)**—An act to amend Section 170.6 of the Code of Civil Procedure, relating to court proceedings.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cedillo	Kuykendall	Poochigian	
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	

**NOES—None****SESSION SCHEDULE AND OTHER ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced the following session schedule:

Tuesday, January 27, 1998, Floor Session, 1 p.m.;

Wednesday, January 28, 1998, Floor Session, 9 a.m.;

Thursday, January 29, 1998, Floor Session, 9 a.m.

Speaker pro Tempore Kuehl also announced that tomorrow is the last day to notice removal of Assembly bills from the inactive file for purpose of amendment.

**CAUCUS ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that the Democratic Caucus and Republican Caucus would convene as regularly scheduled on Tuesday, January 27, 1998, at 12 noon.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 1531:** Pacheco and Richter—Aye.

**Resolution to Suspend Joint Rules:** Pacheco and Richter—Aye.

**Assembly Bill No. 1615:** House—Aye; Aguiar, Granlund, and Olberg—No.

**Assembly Bill No. 1218:** Aroner, Kaloogian, Machado, and Olberg—Aye.

**Consent Calendar:** Migden—Aye.

**MOTION TO ADJOURN**

At 3:59 p.m., Assembly Member House moved that the Assembly do now adjourn.

Assembly Member Hertzberg seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 4 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9800140.

DEBORAH ORTIZ

**Permission of Rules Committee**

Assembly Chamber, January 26, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9800140.

DON PERATA, Chairman

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1693—Sweeney.** An act to amend Section 12022.1 of the Penal Code, relating to punishment.

**ASSEMBLY BILL NO. 1694—Ackerman.** An act to amend Sections 18633 and 18633.5 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1695—Knox.** An act to add Section 653.23 to the Penal Code, relating to crimes.

**ASSEMBLY BILL NO. 1696—Alquist.** An act to add Section 52520 to the Health and Safety Code, relating to housing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1697—Torlakson.** An act relating to housing finance.

**ASSEMBLY BILL NO. 1698—Lempert.** An act to amend Section 190.2 of the Penal Code, relating to murder, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1699 (RN 9800140)—Ortiz.** An act to amend Section 41865 of, and to add Section 41867 to, the Health and Safety Code, relating to air pollution.

**ASSEMBLY BILL NO. 1700—Richter.** An act to amend Sections 8630, 8631, 8650, 8651, 11003, 44390, 66021.4, 66202, 66721, 66732, 66743, 69560, 69561, 69640, 69670, 69674, and 87663 of, to repeal Section 71028 of, to repeal Article 4 (commencing with Section 44100) of Chapter 1 of Part 25 of, to repeal Article 4 (commencing with Section 87100) of Chapter 1 of Part 51 of, and to repeal Chapter 6.5 (commencing with Section 52060) of Part 28 of, the Education Code, to amend Sections 6522, 14132, 19130, and 19790 of, to repeal Article 5 (commencing with Section 8790.70) and Article 6 (commencing with Section 8790.80) of Chapter 9.7 of Division 1 of Title 2 of, and to repeal Chapter 6 (commencing with Section 16850) of Part 3 of Division 4 of Title 2 of, the Government Code, to amend the heading of Article 1 (commencing with Section 128330) of Chapter 5 of Part 3 of Division 107 of, and to amend Sections 128330, 128335, 128345, 128350, 128355, 128385, 128390, 128395, and 128435 of, the Health and Safety Code, to amend Sections 1777.5 and 3075.1 of the Labor Code, to amend Section 5075 of the Penal Code, to amend Sections 10108.7, 10115, 10115.1, 10115.2, 10115.4, 10115.5, 10115.10, 10115.12, 10115.13, and 10115.15 of, to amend the heading of Article 1.5 (commencing with Section 10115) of Chapter 1 of Part 2 of Division 2 of, and to repeal Chapter 2 (commencing with Section 2000) and Chapter 2.5 (commencing with Section 2050) of Part 1 of Division 2 of, the Public Contract Code, to amend Section 180.1 of the Streets and Highways Code, and to amend Section 1717 of the Welfare and Institutions Code, relating to civil rights.

**ASSEMBLY BILL NO. 1701—Alquist.** An act to add Section 50506.3 to the Health and Safety Code, relating to housing, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1702—Figueroa.** An act to add and repeal Sections 17053 and 23605 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

### **REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, January 26, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(2) as it relates to Assembly Bill No. 266.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

### **AUTHOR'S AMENDMENTS**

#### **Committee on Elections, Reapportionment and Constitutional Amendments**

January 26, 1998

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 304

With author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chairman

**SENATE BILL NO. 304**—An act to amend Sections 84102 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

### **AUTHOR'S AMENDMENTS**

#### **Committee on Education**

January 26, 1998

Mr. Speaker: The Chair of your Committee on Education reports:

Senate Bill No. 180

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**SENATE BILL NO. 180**—An act to add Chapter 12.5 (commencing with Section 17070) to Part 10 of the Education Code, relating to school facilities, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Rules**

January 26, 1998

Mr. Speaker: The Chair of your Committee on Rules reports:

House Resolution No. 50

With author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chairman

**HOUSE RESOLUTION NO. 50**—Relative to professional golf.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 26, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 247

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 247**—An act to amend Section 53071 of the Government Code, relating to firearms.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 88

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

**INTRODUCTION OF GUESTS**

Assembly Member Aguiar, of the 61st Assembly District, introduced Sonia Marcelo and Anita Roberts of California State Polytechnic University, Pomona.

Assembly Member Machado, of the 17th Assembly District, introduced Christina Kozycki, of Tracy.



**ADJOURNMENT**

At 4:01 p.m., pursuant to the motion by Assembly Member House, the Assembly adjourned until 1 p.m., Tuesday, January 27, 1998 out of respect to the memory of James Emerson and Dr. Robert Sheridan, on motion of Assembly Member Brewer; out of respect to the memory of Lisa Liu and Donna Hinch, on motion of Assembly Member Havice; out of respect to the memory of Robert Edwards, on motion of Assembly Member McClintock; out of respect to the memory of Emily Morgenroth and Vanessa Samson, on motion of Assembly Member Sweeney; out of respect to the memory of Stanley Giles, Ignatius Monteleone, and Grace Powell, on motion of Assembly Member Thomson; out of respect to the memory of Robert Haden, on motion of Assembly Member Cardoza; out of respect to the memory of Rod Grimm, on motion of Assembly Members Prenter and Ashburn; out of respect to the memory of Major General Ralph Corbett Smith, on motion of Assembly Member Floyd; and out of respect to the memory of Reverend Clarence Walker, on motion of Assembly Member Washington.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 26, 1998

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The following measures were amended in the Assembly on this day:

AB	RN
26	9804824
50	9804857
190	9804802
224	9804791
231	9803044
247	9804881
254	9804829
384	9804837
425	9802282
457	9804808
521	9801371
583	9804827
726	9804887
743	9803009
822	9800437
894	9802921

AB	RN
895	9802900
901	9804753
987	9804815
1212	9801313
1373	9801275
1381	9804852

HR	RN
50	9804961

SB	RN
180	9804864
304	9800599
1311	9800562

<b>Daily Total:</b>	<b>26</b>
<b>Cumulative Total:</b>	<b>3745</b>

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 27, 1998**

**ONE HUNDRED FIFTY-SECOND SESSION DAY  
FOUR HUNDRED TWENTY-SECOND CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Tuesday, January 27, 1998

The Assembly met at 2:10 p.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Morrissey moved a quorum call of the Assembly. Motion carried. Time, 2:11 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 2:28 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*Heavenly Father, Keep up under the protection of Your wings, fortify us with love for one another and grant us unshakable peace. But before all and above all, instill in us Your fear and Your love, that Your Holy Name may also be glorified in us. For upon You alone have we placed our hopes and to You we send up glory.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Campbell then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Shelley, seconded by Assembly Member Thompson.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Margett.*

**COMMUNICATIONS**

The following communications were presented by the Speaker and ordered printed in the Journal:

January 27, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember George Runner to replace Assemblymember Tom Bordonaro on the Assembly Appropriations Committee for today, January 27, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 27, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Mike Honda to replace Assemblymember Antonio Villaraigosa on the Assembly Appropriations Committee for today, January 27, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 27, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Brooks Firestone from the Assembly Natural Resources Committee and appointing Assemblymember Rico Oller. I am also removing Assemblymember Tom Woods as Vice-Chair of the committee and appointing Mr. Oller as Vice-Chair.

Mr. Woods will remain on the committee.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 27, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Scott Baugh to replace Assemblymember Bruce Thompson on the Assembly Appropriations Committee for today, January 27, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 50	Assembly Bill No. 583
Assembly Bill No. 190	Assembly Bill No. 743
Assembly Bill No. 224	Assembly Bill No. 894
Assembly Bill No. 231	Assembly Bill No. 895
Assembly Bill No. 254	Assembly Bill No. 901
Assembly Bill No. 384	Assembly Bill No. 1212
Assembly Bill No. 425	Assembly Bill No. 1373
Assembly Bill No. 521	Assembly Bill No. 1381

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 726  
Assembly Bill No. 822

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

House Resolution No. 50

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 247

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 26

Assembly Bill No. 457

Assembly Bill No. 987

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

#### **REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, January 27, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(2) as it relates to Assembly Bill No. 444.

ROD PACHECO

Above request ordered transmitted to the Committee on Rules.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Rules**

January 27, 1998

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(b)(2), as it relates to the following bills be granted:

Assembly Bills Nos. 266 and 444.

DON PERATA, Chairman

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 44

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 50

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

**Committee on Appropriations**

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 66	Assembly Bill No. 960
Assembly Bill No. 183	Assembly Bill No. 981
Assembly Bill No. 194	Assembly Bill No. 1136
Assembly Bill No. 204	Assembly Bill No. 1187
Assembly Bill No. 218	Assembly Bill No. 1201
Assembly Bill No. 228	Assembly Bill No. 1352
Assembly Bill No. 391	Assembly Bill No. 1469
Assembly Bill No. 423	Assembly Bill No. 1534
Assembly Bill No. 790	

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 16  
Assembly Bill No. 322  
Assembly Bill No. 1314

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 302	Assembly Bill No. 913
Assembly Bill No. 598	Assembly Bill No. 930
Assembly Bill No. 646	Assembly Bill No. 972
Assembly Bill No. 718	Assembly Bill No. 1166

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 795

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 247

With the recommendation: Do pass.

HERTZBERG, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1118

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.



**SECOND READING OF BILLS BY UNANIMOUS CONSENT**

Pursuant to unanimous consent granted on Thursday, January 22, 1998, the following bills were taken up, without reference to file, for purpose of second reading and adoption of committee amendments:

**ASSEMBLY BILL NO. 66**—An act to amend Section 7205 of, and to add Section 7204.03 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 183**—An act to add Section 9883 to the Business and Professions Code, relating to consumer affairs.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 194**—An act to add Section 19064 to the Government Code, relating to state employment.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 204**—An act to amend Sections 139, 3209.5, 4600, 4600.3, 4600.5, and 4601 of the Labor Code, relating to workers' compensation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 218**—An act to amend Section 11515 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 228**—An act to amend Sections 42825, 42835, 42850, and 42855 of, and to add Section 42846.5 to, the Public Resources Code, relating to waste tires.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 391**—An act to amend Sections 4142 and 4144 of the Public Resources Code, relating to fire protection.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 423**—An act to add Section 11756.6 to the Health and Safety Code, relating to substance abuse, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 790**—An act relating to healing arts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 960**—An act to amend Sections 3653, 4351, 5235, and 5241 of, and to add Section 4205 to, the Family Code, and to amend Section 11350.1 of the Welfare and Institutions Code, relating to support orders.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 981**—An act to add Section 20910 to the Government Code, relating to public employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1136**—An act to add Part 6 (commencing with Section 22400) to Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1187**—An act to amend Sections 15339.1, 15339.2, and 15339.3 of, and to amend the heading of Article 3.2 (commencing with Section 15339.1) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to economic development.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1201**—An act to amend Sections 264.2, 11160, and 13701 of the Penal Code, relating to domestic violence.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1352**—An act to add Section 123279.1 to the Health and Safety Code, relating to nutrition, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1469**—An act relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1534**—An act to add Article 5.5 (commencing with Section 124010) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to human services, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 16**—An act relating to tidelands and submerged lands granted by the state to the City of Long Beach.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 322**—An act to amend Section 52335.4 of, and to repeal Sections 52318 and 52319 of, the Education Code, relating to vocational education.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1314**—An act to add Sections 9744.5 and 9749.3 to the Business and Professions Code, relating to cremated remains.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 302**—An act to amend Section 5328 of the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 598**—An act to add Chapter 5 (commencing with Section 32460) to Part 19 of the Education Code, relating to minors.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 646**—An act to amend Sections 11370.4 and 11379.8 of the Health and Safety Code, and to add Section 1202.43 to the Penal Code, relating to controlled substances.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 718**—An act to add Chapter 5.1 (commencing with Section 16523) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 913**—An act to add Section 2348 to the Family Code, relating to marriage.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 930**—An act relating to energy resources, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 972**—An act to add Section 27322.5 to the Government Code, relating to local government.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1166**—An act to amend Section 22138.5 of the Education Code, to amend Sections 20057, 20200, 20201, 20322, 20398, 20403, 20575, 20578, 20636, 21493, 22013, 22013.1, 22013.3, 22013.4, 22013.6, 22013.7, 22013.75, 22013.76, 22013.8, 22013.85, 22013.9, 22013.95, 22013.955, 22013.96, 22013.97, 22013.10, 22013.11, 22014, 22014.1, and 22014.5 of the Government Code, relating to public employees.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 795**—An act to add Sections 3201, 3202, 3203, 3204, 3205, and 3206 to the Family Code, relating to family law.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 247**—An act to amend Sections 833 and 836 of the Penal Code, relating to peace officers.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1118**—An act to amend Section 731 of, to add Section 731.1 to, to add Article 18.8 (commencing with Section 749.3) and Article 18.9 (commencing with Section 749.35) to, Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to financing the construction of local juvenile justice facilities by providing the funds necessary therefor, through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of those funds, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

#### MESSAGES FROM THE SENATE

Senate Chamber, January 26, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 254  
Senate Bill No. 412  
Senate Bill No. 622

Senate Bill No. 918  
Senate Bill No. 960  
Senate Bill No. 1043

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

#### FIRST READING OF SENATE BILLS

The following bills were read the first time:

**SENATE BILL NO. 254**—An act to add Section 10084.2 to the Business and Professions Code, and to add Section 1368.1 to the Civil Code, relating to real estate.

**SENATE BILL NO. 412**—An act to amend Section 10430 of, and to add Sections 10413 and 12122 to, the Public Contract Code, relating to state contracts.

**SENATE BILL NO. 622**—An act to amend Section 4638 of the Labor Code, relating to workers' compensation.

**SENATE BILL NO. 918**—An act to amend Section 2001 of the Elections Code, relating to elections.

**SENATE BILL NO. 960**—An act to add Section 4620.2 to the Welfare and Institutions Code, relating to human services.

**SENATE BILL NO. 1043**—An act to amend Section 510 of the Labor Code, relating to employment.

#### **REQUEST FOR UNANIMOUS CONSENT**

Speaker pro Tempore Kuehl was granted unanimous consent that all bills reported from committees today, and Wednesday, January 28th with a "Do Pass" or "Do Pass to Consent" recommendation, be taken up without reference to file for purpose of second reading and that the bills be ordered to the third reading file or First Day Consent Calendar; and that all bills reported from committees on Wednesday, January 28th or Thursday, January 29th, with a "Do Pass as Amended" or "Do Pass as Amended to Consent" recommendation, be taken up without reference to file for purpose of second reading and adoption of committee amendments, and that the bills be returned to the second reading file.

#### **GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member House was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 358 and 571 be stricken from file.

#### **ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that Thursday, January 29th is the last day to amend measures on the Assembly Floor, prior to January 31st, and the last day to notice intent to remove a bill from the inactive file to be returned to third reading on January 31st.

#### **ADJOURN IN MEMORY**

Assembly Member Ducheny was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mariam Baker, of Baltimore, Maryland.

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Archie Morrison, of Marina del Rey.

Assembly Member Cunneen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Max E. Carl, of San Jose.

Assembly Member Wright was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles Edward Kinsey, of Los Angeles.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Evelyn H. Dibb, of Davis; and James H. Shideler, Ph.D., of Davis.

#### **GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Villaraigosa was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1539, 257, and 1055 be stricken from file.

**BILLS RETURNED TO UNFINISHED BUSINESS FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the unfinished business file:

**Assembly Bill No. 160**, on request of Assembly Member Hertzberg.

**ADJOURN IN MEMORY**

Assembly Member Hertzberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harry S. Ashmore, of Santa Barbara.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following resolution was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Assembly Concurrent Resolution No. 88**, on request of Assembly Member Mazzoni.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Member Barbara Alby and her husband Dennis on the occasion of their 30th wedding anniversary.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Honda was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 885, 248, and 287 be stricken from file.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Members Kuykendall and Washington on the occasion of their birthdays.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Torlakson announced his intention to request that Assembly Bill No. 1001 be removed from the inactive file.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Wright was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1586, 1456, and 1210 be stricken from file.

Assembly Member Shelley was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 176 and 1189 be stricken from file.

Assembly Member Papan was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1609, 1458, and 158 be stricken from file.

Assembly Member Kuehl was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 400, 365, 405, and 600 be stricken from file.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Appropriations to meet, consider, and report Assembly Bill No. 266 for further action.

By Assembly Member Pacheco:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Appropriations to meet, consider, and report Assembly Bill No. 444 for further action.

Resolution read and debate was permitted, without objection, as it relates to the Resolution to Suspend Joint Rule 61 on Assembly Bill No. 444.

Resolution adopted by the following vote:

**AYES—75**

Ackerman	Davis	Leach	Richter
Aguiar	Ducheny	Lempert	Runner
Alby	Escutia	Leonard	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Ortiz	Washington
Brown	House	Pacheco	Wayne
Campbell	Kaloogian	Papan	Wildman
Cardenas	Keeley	Perata	Woods
Cardoza	Knox	Poochigian	Wright
Cedillo	Kuehl	Prenter	Mr. Speaker
Cunneen	Kuykendall	Pringle	

**NOES—None****MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 3:07 p.m., by unanimous consent, the members of the Committee on Public Safety were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, to hear Assembly Bill No. 247 and without objection, the House was permitted to continue in Floor session.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Murray was granted unanimous consent that the Governor's Vetoes of Assembly Bills Nos. 42, 43, 49, 193, 1144, and 44 be stricken from file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting the following bills for hearing in the Committee on Appropriations today:

Assembly Bills Nos. 26, 118, 266, 294, 427, 448, 457, 796, 1437, and 444.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 425, 894, 895, 901, 1212, 224, 190, 50, 254, 384, 583, and 1381,** ordered to third reading;

**Assembly Bills Nos. 231, 521, 743, and 1373,** ordered to the Consent Calendar.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 1311,** ordered to third reading.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 88

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Assembly Bill No. 435,** on request of Assembly Member Ducheny.

**Assembly Bill No. 550,** on request of Assembly Member Migden.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1515 (Baugh)**—An act relating to health care service plans.  
Bill read third time, and passed by the following vote:

**AYES—73**

Aguiar	Davis	Leonard	Runner
Alby	Ducheny	Machado	Shelley
Alquist	Escutia	Martinez	Strom-Martin
Aroner	Figueroa	Mazzoni	Sweeney
Ashburn	Firestone	Migden	Takasugi
Baca	Floyd	Miller	Thompson
Baldwin	Frusetta	Morrissey	Thomson
Battin	Gallegos	Morrow	Torlakson
Baugh	Goldsmith	Murray	Villaraigosa
Bordonaro	Granlund	Napolitano	Vincent
Bowen	Havice	Olberg	Washington
Bowler	Hertzberg	Oller	Wayne
Brewer	Honda	Ortiz	Wildman
Brown	Kaloogian	Pacheco	Woods
Campbell	Keeley	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cedillo	Leach	Prenter	
Cunneen	Lempert	Richter	

**NOES—2**

Ackerman                      McClintock

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 126 (Papan)**—An act to amend Sections 1346 and 1347.5 of the Penal Code, relating to criminal procedure.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Ashburn	Firestone	Mazzoni	Strom-Martin
Baca	Frusetta	Miller	Sweeney
Baldwin	Gallegos	Morrissey	Takasugi
Battin	Goldsmith	Morrow	Thompson
Baugh	Granlund	Murray	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—4**

Aroner                      Floyd                      McClintock                      Migden

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 1449 (Brown)**—An act to add Section 4980.08 to the Business and Professions Code, relating to healing arts.

Bill read third time, and passed by the following vote:

**AYES—75**

Ackerman	Cunneen	Leonard	Pringle
Aguiar	Davis	Machado	Runner
Alby	Ducheny	Martinez	Scott
Alquist	Escutia	Mazzoni	Shelley
Aroner	Figueroa	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Kuehl	Papan	Woods
Cardenas	Kuykendall	Perata	Wright
Cardoza	Leach	Poochigian	Mr. Speaker
Cedillo	Lempert	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 68 (Brown)**—An act to add Section 6010.40 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Davis	Leonard	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Mazzoni	Strom-Martin
Aroner	Firestone	McClintock	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cedillo	Leach	Prenter	
Cunneen	Lempert	Pringle	

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 68: Assembly Member Cedillo, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 164 (Knox)**—An act to amend Sections 404 and 404.6 of, and to add Section 4019.1 to, the Penal Code, relating to crimes.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Richter
Aguilar	Escutia	Leonard	Runner
Alby	Figueroa	Machado	Scott
Alquist	Firestone	Martinez	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Miller	Sweeney
Baldwin	Gallegos	Morrissey	Takasugi
Battin	Goldsmith	Morrow	Thompson
Baugh	Granlund	Murray	Thomson
Bordonaro	Havice	Napolitano	Torlakson
Bowen	Hertzberg	Olberg	Villaraigosa
Bowler	Honda	Oller	Vincent
Brewer	House	Ortiz	Washington
Brown	Kaloogian	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—3**

Aroner	Ducheny	Migden
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 88 (Baca)**—An act to add Sections 24205.5, 44928.5, and 87489 to the Education Code, relating to the State Teachers' Retirement System.

Bill read third time.

**Point of Order**

Assembly Member Floyd arose to the following point of order:

Assembly Member Kaloogian is not limiting debate to the merits of Assembly Bill No. 88.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—54**

Aguiar	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Thomson
Baca	Gallegos	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Cardenas	Honda	Pacheco	Wayne
Cardoza	Keeley	Papan	Wildman
Cedillo	Knox	Perata	Wright
Cunneen	Kuehl	Prenter	Mr. Speaker
Davis	Kuykendall	Runner	
Ducheny	Lempert	Scott	

**NOES—23**

Ackerman	Brewer	McClintock	Pringle
Alby	Campbell	Miller	Richter
Baldwin	Goldsmith	Morrow	Takasugi
Battin	Kaloogian	Olberg	Thompson
Baugh	Leach	Oller	Woods
Bordonaro	Leonard	Poochigian	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Assembly Bill No. 88: Assembly Members Firestone and Kuykendall, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 812 (Scott)**—An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to amend Section 18305 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Scott moved the adoption of amendments.

Amendments read.

**Parliamentary Inquiry**

Assembly Member Pringle arose to the following parliamentary inquiry:

Will Assembly Bill No. 812 be re-referred to the Committee on Appropriations if the proposed amendments are adopted?

**Assembly Bill No. 812 Passed Temporarily**

Without objection, Assembly Bill No. 812 was passed temporarily on file.

**ASSEMBLY BILL NO. 192 (Napolitano)**—An act to add Section 102101 to the Health and Safety Code, relating to vital records.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Floyd	McClintock	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cedillo	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Richter	

**NOES—2**

Bowen                      Pringle

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 285 (Honda)**—An act to add Sections 32232.5, 44276.8, and 56524.1 to the Education Code, relating to education.

Bill read third time, and passed by the following vote:

**AYES—49**

Aguiar	Figueroa	Mazzoni	Takasugi
Alquist	Frusetta	Migden	Thomson
Aroner	Gallegos	Morrissey	Torlakson
Baca	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Pacheco	Wayne
Cardoza	Knox	Papan	Wildman
Cedillo	Kuehl	Perata	Wright
Cunneen	Kuykendall	Scott	Mr. Speaker
Davis	Lempert	Shelley	
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	

**NOES—25**

Ackerman	Brewer	Leonard	Pringle
Alby	Campbell	McClintock	Runner
Ashburn	Firestone	Miller	Thompson
Battin	Goldsmith	Morrow	Woods
Baugh	Granlund	Olberg	
Bordonaro	House	Oller	
Bowler	Kaloogian	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 417 (Davis)**—An act to amend Sections 17052.15, 17052.18, 17053.10, 17053.17, 17053.45, 17053.46, 17053.49, 23456, 23612.6, 23617.5, 23623.5, 23625, 23645, 23646, and 23649 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 744 (Washington)**—An act to amend Section 1308.7 of the Labor Code, relating to employees.

Bill read third time.

**Motion to Amend**

Assembly Member Washington moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 812**

**ASSEMBLY BILL NO. 812 (Scott)**—An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to amend Section 18305 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

**Reply by Speaker pro Tempore Kuehl to Parliamentary Inquiry**

The Speaker pro Tempore replied to Assembly Member Pringle's Parliamentary Inquiry earlier this day, that upon conferring with the Chair of the Committee on Appropriations, the Chair would not re-refer Assembly Bill No. 812 to the Committee on Appropriations if the proposed Scott amendments are adopted.

**Motion to Re-refer Assembly Bill No. 812 to Committee**

Assembly Member Runner moved that Assembly Bill No. 812 be re-referred to the Committee on Appropriations

Assembly Member Thompson seconded the motion.

Motion lost by the following vote:

**AYES—36**

Ackerman	Campbell	Leach	Papan
Aguiar	Cunneen	Leonard	Poochigian
Alby	Firestone	McClintock	Prenter
Ashburn	Frusetta	Miller	Pringle
Baldwin	Goldsmith	Morrissey	Richter
Battin	Granlund	Morrow	Runner
Baugh	House	Olberg	Takasugi
Bordonaro	Kaloogian	Oller	Thompson
Brewer	Kuykendall	Pacheco	Woods

**NOES—40**

Alquist	Ducheny	Kuehl	Strom-Martin
Aroner	Escutia	Lempert	Sweeney
Baca	Figuerola	Martinez	Thomson
Bowen	Floyd	Mazzoni	Torlakson
Bowler	Gallegos	Migden	Villaraigosa
Brown	Havice	Murray	Washington
Cardenas	Hertzberg	Ortiz	Wayne
Cardoza	Honda	Perata	Wildman
Cedillo	Keeley	Scott	Wright
Davis	Knox	Shelley	Mr. Speaker

The question being on the adoption of the Scott amendments to Assembly Bill No. 812.

**Roll Call Demanded**

Assembly Members Pringle, Brewer, and Leach, demanded a roll call.

The roll was called, and the Scott amendments adopted by the following vote:

**AYES—43**

Alquist	Figuerola	Machado	Strom-Martin
Aroner	Floyd	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Thomson
Bowen	Gallegos	Migden	Torlakson
Brown	Havice	Murray	Villaraigosa
Cardenas	Hertzberg	Napolitano	Washington
Cardoza	Honda	Ortiz	Wayne
Cedillo	Keeley	Papan	Wildman
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Scott	Mr. Speaker
Escutia	Lempert	Shelley	

**NOES—34**

Ackerman	Brewer	Leach	Prenter
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Miller	Richter
Ashburn	Firestone	Morrissey	Runner
Baldwin	Goldsmith	Morrow	Takasugi
Battin	Granlund	Olberg	Thompson
Baugh	House	Oller	Woods
Bordonaro	Kaloogian	Pacheco	
Bowler	Kuykendall	Poochigian	

Bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 871 (Wayne)**—An act to amend Section 53321.5 of the Government Code, and to amend Sections 25220, 25301, 25355, 33459.1, 33459.3, and 33459.4 of, and to repeal Sections 33459.2 and 33459.7 of, the Health and Safety Code, relating to hazardous substances.

Bill read third time, and passed by the following vote:

**AYES—76**

Ackerman	Cunneen	Leach	Prenter
Aguiar	Davis	Lempert	Richter
Alby	Ducheny	Leonard	Runner
Alquist	Escutia	Machado	Scott
Aroner	Figueroa	Martinez	Shelley
Ashburn	Firestone	Mazzoni	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**At 3:59 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**ASSEMBLY BILL NO. 921 (Wayne)**—An act to add Section 13554.4 to the Water Code, relating to water, 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—65**

Aguiar	Escutia	Lempert	Shelley
Alquist	Figueroa	Machado	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Battin	Gallegos	Migden	Thompson
Bordonaro	Goldsmith	Morrissey	Thomson
Bowen	Granlund	Morrow	Torlakson
Bowler	Havice	Napolitano	Villaraigosa
Brewer	Hertzberg	Olberg	Vincent
Brown	Honda	Oller	Washington
Campbell	House	Ortiz	Wayne
Cardenas	Kaloogian	Pacheco	Wildman
Cardoza	Keeley	Papan	Wright
Cedillo	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Poochigian	
Davis	Kuykendall	Prenter	
Ducheny	Leach	Richter	

**NOES—10**

Ackerman	Baldwin	Leonard	Runner
Alby	Baugh	McClintock	
Ashburn	Floyd	Miller	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—65**

Aguiar	Escutia	Lempert	Shelley
Alquist	Figueroa	Machado	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Battin	Gallegos	Migden	Thompson
Bordonaro	Goldsmith	Morrissey	Thomson
Bowen	Granlund	Morrow	Torlakson
Bowler	Havice	Napolitano	Villaraigosa
Brewer	Hertzberg	Olberg	Vincent
Brown	Honda	Oller	Washington
Campbell	House	Ortiz	Wayne
Cardenas	Kaloogian	Pacheco	Wildman
Cardoza	Keeley	Papan	Wright
Cedillo	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Poochigian	
Davis	Kuykendall	Prenter	
Ducheny	Leach	Richter	

**NOES—10**

Ackerman	Baldwin	Leonard	Runner
Alby	Baugh	McClintock	
Ashburn	Floyd	Miller	

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 983 (Wayne)**—An act to amend Section 25181 of the Health and Safety Code, relating to hazardous waste.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Davis	Leonard	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Mazzoni	Strom-Martin
Aroner	Firestone	McClintock	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cedillo	Leach	Prenter	
Cunneen	Lempert	Richter	

**NOES—1**

Floyd

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1000 (Keeley)**—An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Keeley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1322 (Wright)**—An act to add Section 11404.3 to the Welfare and Institutions Code, relating to human services.

Bill read third time, and passed by the following vote:

**AYES—69**

Aguiar	Ducheny	Lempert	Runner
Alby	Escutia	Leonard	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Firestone	Martinez	Strom-Martin
Ashburn	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	McClintock	Takasugi
Baldwin	Goldsmith	Migden	Thomson
Battin	Granlund	Miller	Torlakson
Bordonaro	Havice	Morrissey	Villaraigosa
Bowen	Hertzberg	Murray	Vincent
Bowler	Honda	Napolitano	Washington
Brown	House	Oller	Wayne
Campbell	Kaloogian	Ortiz	Wildman
Cardenas	Keeley	Pacheco	Wright
Cardoza	Knox	Papan	Mr. Speaker
Cedillo	Kuehl	Perata	
Cunneen	Kuykendall	Prenter	
Davis	Leach	Richter	

**NOES—7**

Ackerman	Brewer	Olberg	Woods
Baugh	Morrow	Thompson	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1336 (Vincent)**—An act to amend Sections 84211 and 84215 of, and to add Section 84101.5 to, the Government Code, relating to the Political Reform Act of 1974.

Bill read third time, and passed by the following vote:

**AYES—61**

Ackerman	Figueroa	Lempert	Scott
Aguiar	Firestone	Machado	Shelley
Alquist	Floyd	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Takasugi
Battin	Goldsmith	Morrissey	Thomson
Bordonaro	Granlund	Murray	Torlakson
Bowen	Havice	Napolitano	Villaraigosa
Brown	Hertzberg	Ortiz	Vincent
Cardenas	Honda	Pacheco	Washington
Cardoza	House	Papan	Wayne
Cedillo	Keeley	Perata	Wildman
Cunneen	Knox	Poochigian	Mr. Speaker
Davis	Kuehl	Prenter	
Ducheny	Kuykendall	Richter	
Escutia	Leach	Runner	

**NOES—14**

Ashburn	Campbell	Miller	Thompson
Baldwin	Kaloogian	Morrow	Woods
Baugh	Leonard	Olberg	
Bowler	McClintock	Oller	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1389 (Perata)**—An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

Bill read third time, and passed by the following vote:

**AYES—72**

Aguir	Davis	Leach	Poochigian
Alby	Ducheny	Lempert	Prenter
Alquist	Escutia	Machado	Richter
Aroner	Figueroa	Martinez	Runner
Ashburn	Firestone	Mazzoni	Scott
Baca	Frusetta	McClintock	Shelley
Baldwin	Gallegos	Migden	Strom-Martin
Battin	Goldsmith	Miller	Sweeney
Bordonaro	Granlund	Morrissey	Takasugi
Bowen	Havice	Morrow	Thomson
Bowler	Hertzberg	Murray	Torlakson
Brewer	Honda	Napolitano	Villaraigosa
Brown	House	Olberg	Vincent
Campbell	Kaloogian	Oller	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Pacheco	Wildman
Cedillo	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker

**NOES—5**

Ackerman	Leonard	Woods
Baugh	Thompson	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 499 (Kuehl)**—An act to amend Sections 200, 211, 212, 212.5, 213, 214, 220, 223, 224, 250, 251, 253, 262.3, and 72012 of, to amend the headings of Chapter 2 (commencing with Section 200) of, and Article 3 (commencing with Section 220) of, Chapter 2 of Part 1 of, to amend and renumber Sections 40, 41, 45, 210, 212.6, 222, 226, 227, 228, 232, 262, 262.1, 262.2, 263, 33032.5, 44806, 52905, 52906, 52907, 52908, 58508, and 72015 of, to amend and renumber the headings of Article 4 (commencing with Section 240) of, Article 5 (commencing with Section 250) of, and Article 6 (commencing with Section 260) of, Chapter 2 of Part 1 of, to add Sections 210, 254, 262.4, and 264 to, and to add Article 10 (commencing with Section 270) to, Chapter 2 of Part 1 of, to add the headings of Article 4 (commencing with Section 221.5) of, Article 5 (commencing with Section 233) of, Article 6 (commencing with Section 235) of, and Article 11 (commencing with Section 280) of, Chapter 2 of Part 1 of, and to add Chapter 4.5 (commencing with Section 66250) to Part 40 of, and to repeal the headings of Article 4 (commencing with Section 40) of, and Article 4.5 (commencing with Section 45) of, Chapter 1 of Part 1 of, and Article 8 (commencing with Section 52905) of Chapter 12 of Part 28 of, the Education Code, relating to education.

Bill read third time.

**Motion to Amend**

Assembly Member Kuehl moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1450 (Shelley)**—An act to amend Section 422.6 of the Penal Code relating to civil rights.

Bill read third time, and passed by the following vote:

**AYES—68**

Ackerman	Davis	Leach	Prenter
Aguilar	Ducheny	Lempert	Pringle
Alby	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Runner
Ashburn	Firestone	Martinez	Scott
Baca	Frusetta	Mazzoni	Shelley
Battin	Gallegos	Miller	Strom-Martin
Bordonaro	Goldsmith	Morrissey	Sweeney
Bowen	Havice	Morrow	Takasugi
Bowler	Hertzberg	Murray	Thompson
Brewer	Honda	Napolitano	Thomson
Brown	House	Olberg	Torlakson
Campbell	Kaloogian	Ortiz	Villaraigosa
Cardenas	Keeley	Pacheco	Vincent
Cardoza	Knox	Papan	Wildman
Cedillo	Kuehl	Perata	Wright
Cunneen	Kuykendall	Poochigian	Mr. Speaker

**NOES—3**

Baugh	Oller	Woods
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1532 (Shelley)**—An act relating to crimes.

Bill read third time.

**Motion to Amend**

Assembly Member Shelley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 332 (Figueroa)**—An act to amend Sections 703.140 and 704.100 of the Code of Civil Procedure, relating to debtor-creditor relations.

Bill read third time.

**Motion to Amend**

Assembly Member Figueroa moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**At 4:20 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 1424 (Martinez)**—An act to add Article 9 (commencing with Section 885) to Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, relating to telecommunications.

Bill read third time, and passed by the following vote:

**AYES—49**

Alby	Ducheny	Lempert	Takasugi
Alquist	Escutia	Machado	Thomson
Aroner	Figueroa	Martinez	Torlakson
Baca	Firestone	Migden	Villaraigosa
Bowen	Frusetta	Morrissey	Vincent
Bowler	Gallegos	Murray	Washington
Brown	Havice	Napolitano	Wayne
Campbell	Hertzberg	Ortiz	Wildman
Cardenas	Honda	Perata	Wright
Cardoza	Keeley	Scott	Mr. Speaker
Cedillo	Knox	Shelley	
Cunneen	Kuehl	Strom-Martin	
Davis	Kuykendall	Sweeney	

**NOES—25**

Ackerman	Brewer	McClintock	Pringle
Aguiar	Floyd	Miller	Runner
Ashburn	Goldsmith	Morrow	Thompson
Baldwin	House	Olberg	Woods
Battin	Kaloogian	Oller	
Baugh	Leach	Poochigian	
Bordonaro	Leonard	Prenter	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1528 (Cardoza)**—An act to add Chapter 11.7 (commencing with Section 66970) to Part 40 of the Education Code, relating to financing a program for postsecondary education.

Bill read third time, and passed by the following vote:

**AYES—49**

Aguiar	Firestone	Martinez	Takasugi
Alquist	Frusetta	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Cedillo	Knox	Perata	Wright
Cunneen	Kuehl	Scott	Mr. Speaker
Davis	Kuykendall	Shelley	
Escutia	Lempert	Strom-Martin	
Figueroa	Machado	Sweeney	

**NOES—24**

Ackerman	Bowler	Leonard	Poochigian
Alby	Brewer	McClintock	Prenter
Ashburn	Campbell	Miller	Pringle
Baldwin	Goldsmith	Morrow	Runner
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	Woods

Bill ordered transmitted to the Senate.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bill**

**ASSEMBLY BILL NO. 1392 (Scott)**—An act to amend Section 606 of the Welfare and Institutions Code, relating to juveniles.

Bill read third time, and passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 835 (Wright)**—An act to amend Sections 10115.2 and 10115.5 of the Public Contract Code, relating to state contracts.

Bill read third time.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Baca moved a call of the Assembly.

Motion carried. Time, 4:36 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 80 REMOVED FROM INACTIVE FILE AND TAKEN UP**

Assembly Member Ducheny was granted unanimous consent that Assembly Bill No. 80 be withdrawn from the inactive file, and to take the bill up at this time, without reference to file, for purpose of amendment.

**ASSEMBLY BILL NO. 80 (Ducheny)**—An act to amend Sections 17274 and 24436.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

**Motion to Amend**

Assembly Member Ducheny moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ASSEMBLY BILL NO. 835**

At 5:02 p.m., on motion of Assembly Member Baca, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 835 passed by the following vote:

**AYES—41**

Alquist	Figueroa	Migden	Torlakson
Aroner	Floyd	Murray	Villaraigosa
Baca	Gallegos	Napolitano	Vincent
Bowen	Hertzberg	Ortiz	Washington
Brown	Honda	Papan	Wayne
Campbell	Keeley	Perata	Wildman
Cardenas	Knox	Scott	Wright
Cardoza	Kuehl	Shelley	Mr. Speaker
Cedillo	Lempert	Strom-Martin	
Ducheny	Machado	Sweeney	
Escutia	Martinez	Thomson	

**NOES—33**

Ackerman	Brewer	Kuykendall	Prenter
Aguiar	Cunneen	Leach	Pringle
Alby	Firestone	Leonard	Runner
Ashburn	Frusetta	McClintock	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrow	Woods
Baugh	Havice	Olberg	
Bordonaro	House	Oller	
Bowler	Kaloogian	Poochigian	

Bill ordered transmitted to the Senate.

**COMMITTEE MEETING ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that the Committee on Appropriations would meet today at 5:15 p.m. in Room 4202.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Resolution to Suspend Joint Rules:** Aroner—Aye.

**Assembly Bill No. 1515:** Aroner, Campbell, Ducheny, Goldsmith, Hertzberg, Morrow, Olberg, Oller, Pacheco, Poochigian, and Woods—Aye.

**Assembly Bill No. 126:** Bordonaro, Cedillo, Ducheny, Oller, and Pacheco—Aye; Aroner, McClintock, and Migden—No.

**Assembly Bill No. 1449:** Aroner, Bordonaro, Cedillo, Ducheny, Goldsmith, Oller, and Pacheco—Aye.

**Assembly Bill No. 68:** Aroner, Goldsmith, Oller, and Pacheco—Aye.

**Assembly Bill No. 164:** Goldsmith and Pacheco—Aye; Aroner—No.

**Assembly Bill No. 88:** Ducheny and Pacheco—Aye; Alby, Bordonaro, and Goldsmith—No.

**Assembly Bill No. 192:** Alby, Bowler, Goldsmith, Martinez, and Pacheco—Aye.

**Assembly Bill No. 285:** Ducheny, Havice, and Pacheco—Aye; Alby, Bowler, and Goldsmith—No.

**Assembly Bill No. 417:** Bowler, Cardenas, Honda, and Murray—Aye.

**Assembly Bill No. 812, Runner Motion to Re-refer to Committee:** Bowler—No.

**Assembly Bill No. 812, Scott Amendments:** Bowler—No.

**Assembly Bill No. 871:** Alby, Ashburn, Baldwin, Battin, Baugh, Bowler, Ducheny, Goldsmith, Kaloogian, Morrow, and Oller—Aye.

**Assembly Bill No. 921 and Urgency:** Battin, Bordonaro, Bowler, Ducheny, Goldsmith, and Morrow—Aye; Runner—No.

**Assembly Bill No. 983:** Battin, Bowler, and Goldsmith—Aye.

**Assembly Bill No. 1322:** Battin, Bowler, Campbell, Goldsmith, and Runner—Aye; Morrow—No.

**Assembly Bill No. 1336:** Battin and Goldsmith—Aye; Bowler, Campbell, Miller, and Olberg—No.

**Assembly Bill No. 1389:** Battin, Bowler, Campbell, Morrow, and Runner—Aye.

**Assembly Bill No. 1450:** Aguiar, Baca, Bowler, Campbell, Cardoza, Havice, Martinez, Olberg, Pacheco, and Runner—Aye; Oller—No.

**Assembly Bill No. 1424:** Bowler and Wildman—Aye; Ashburn and Goldsmith—No.

**Assembly Bill No. 1528:** Ashburn, Goldsmith, Miller, Runner, and Woods—No.

#### **MOTION TO ADJOURN**

At 5:03 p.m., Assembly Member Kuykendall moved that the Assembly do now adjourn.

Assembly Member Gallegos seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 5:03 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.



**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1703—Leach.** An act to amend Section 6380.5 of the Family Code, relating to restraining orders.

**ASSEMBLY BILL NO. 1704—Miller.** An act to amend Section 1265.6 of the Unemployment Insurance Code, relating to unemployment insurance.

**ASSEMBLY BILL NO. 1705—Torlakson.** An act to amend Sections 7685.2 and 9741 of, and to add Section 9741.1 to, the Business and Professions Code, and to amend Sections 7116, 7117, and 103055 of the Health and Safety Code, relating to human remains.

**ASSEMBLY BILL NO. 1706—Keeley (Principal coauthor: Pacheco) Cunneen, Goldsmith, Hertzberg, and Wayne.** An act to add Section 11379.10 to the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 1707—Wildman, Cardoza, Lempert, Murray, Papan, Perata, Scott, Washington, and Wayne, (Senators O'Connell, Polanco, and Solis, coauthors).** An act to add Section 12370 to the Penal Code, relating to body armor.

**ASSEMBLY BILL NO. 1708—Leach.** An act to add and repeal Sections 17053.21, 17053.22, 23631, and 23632 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1709—Alquist.** An act to add Section 7685.5 to the Business and Professions Code, relating to cemetery and funeral fraud.

**ADJOURNMENT**

At 5:04 p.m., pursuant to the motion by Assembly Member Kuykendall, the Assembly adjourned until 9 a.m., Wednesday, January 28, 1998, out of respect to the memory of Mariam Baker, on motion of Assembly Member Ducheny; out of respect to the memory of Archie Morrison, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Harry S. Ashmore, on motion of Assembly Member Hertzberg; out of respect to the memory of Max E. Carl, on motion of Assembly Member Cunneen; out of respect to the memory of Charles Edward Kinsey, on motion of Assembly Member Wright; and out of respect to the memory of Evelyn H. Dibb and James H. Shideler, Ph.D., on motion of Assembly Member Thomson.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 27, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
80	9800869
302	9804904
332	9724716
499	9804924
598	9804799
646	9804957
718	9804928
744	9804916
795	9805015
812	9804975
913	9804910
930	9801855
972	9804894
1000	9804805
1118	9805051
1166	9804823
1532	9800406
<b>Daily Total:</b>	<b>17</b>
<b>Cumulative Total:</b>	<b>3762</b>

CALIFORNIA LEGISLATURE  
1997–98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 28, 1998**

**ONE HUNDRED FIFTY-THIRD SESSION DAY  
FOUR HUNDRED TWENTY-THIRD CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Wednesday, January 28, 1998

The Assembly met at 9:21 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Leach moved a quorum call of the Assembly.

Motion carried. Time, 9:22 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 9:35 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*Eternal God*, Grant that we may live in peace and harmony, and remain steadfast in the love we show each other. Take us away from every temptation whether physical, mental or spiritual. Grant that we may live according to Your commandments and travel this life with peace and repentance in our hearts; for You are the God of hope and salvation and we know no one but You.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Torlakson then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Scott, seconded by Assembly Member Bordonaro.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Margett.*

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

Secretary of State  
January 26, 1998

TO: Chief Clerk of the Assembly  
FROM: Caren Daniels-Meade  
Program Manager, Candidates and Elections

Attached is the Certificate of Election for Gil Cedillo, according to the results of the Special Election held on January 13, 1998 for the 46th Assembly District.

**Certificate of Election**

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That according to the official canvass of votes cast in the Special Election held on the 13th day of January, 1998 in the 46th Assembly District,

GIL CEDILLO

was elected to the office of

STATE ASSEMBLY—DISTRICT 46

for the term prescribed by law.

IN WITNESS WHEREOF, I hereunto set my  
hand and affix the Great Seal of the State of  
California at Sacramento, this 26th day of  
January, 1998.

[SEAL]

BILL JONES  
Secretary of State

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 28, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 302  
Assembly Bill No. 598  
Assembly Bill No. 646  
Assembly Bill No. 718  
Assembly Bill No. 795

Assembly Bill No. 913  
Assembly Bill No. 930  
Assembly Bill No. 972  
Assembly Bill No. 1118  
Assembly Bill No. 1166

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 28, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 80  
Assembly Bill No. 332  
Assembly Bill No. 499  
Assembly Bill No. 744

Assembly Bill No. 812  
Assembly Bill No. 1000  
Assembly Bill No. 1532

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, January 28, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Joint Resolution No. 44

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

### **SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Consumer Protection, Governmental Efficiency and Economic Development, on Friday, February 20, 1998, in San Diego.

### **ADJOURN IN MEMORY**

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lionel Wilson, former Mayor of Oakland and Judge of the Alameda County Superior Court; and Lynne Schwartz Cohen, of Los Angeles.

Assembly Members Bowen, Campbell, and Kuykendall were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Benjamin Aranda III, Judge of the South Bay Municipal Court, Torrance.

Assembly Member Cunneen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frank Dutro, of Saratoga.

Assembly Member Ortiz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sue C. Nelson, of Sacramento.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Judith Milstein, of San Francisco.

Assembly Member Washington was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rev. Clarence E. Walker, Sr., Pastor of Greater True Light Missionary Baptist Church, in Los Angeles.

### **CONSIDERATION OF DAILY FILE**

#### **ASSEMBLY BILLS RETURNED TO SECOND READING FILE PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 302, 598, 646, 718, 913, 930, 972, 1166, 795, and 1118**, ordered to third reading.

#### **BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

**Assembly Bill No. 1001**, on request of Assembly Member Torlakson.

#### **GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Ducheny was granted unanimous consent that the Governor's veto of Assembly Bill No. 861 be stricken from file.

**At 9:43 a.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 695 (Kuehl)**—An act to add Section 2725.3 to the Business and Professions Code, and to add Section 1276.4 to the Health and Safety Code, relating to health care.

Bill read third time.

**Demand for Previous Question**

Assembly Members Shelley, Wayne, Alquist, Hertzberg, and Honda demanded the previous question. Demand sustained.

**Parliamentary Inquiry**

Assembly Member Woods arose to the following parliamentary inquiry:

Is there agreement by leadership to limit debate on measures on this day's file?

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore replied that although no agreement has been reached or announced, he had recognized three Members to debate in opposition of the measure, and two Members to debate in support.

**Unanimous Consent Withheld**

Assembly Member Floyd announced that he would withhold unanimous consent on any requests to limit debate on measures on this day's file.

The question being on passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Kuehl moved a call of the Assembly.

Motion carried. Time, 10:02 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.



**ASSEMBLY BILL NO. 565 (McClintock)**—An act to amend Section 1016 of the Penal Code, relating to criminal procedure.

Bill read third time, and passed by the following vote:

**AYES—58**

Ackerman	Cardoza	Kuykendall	Prenter
Aguiar	Cunneen	Leach	Pringle
Alby	Davis	Lempert	Richter
Alquist	Escutia	Leonard	Runner
Ashburn	Firestone	Machado	Scott
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Miller	Sweeney
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	Havice	Napolitano	Wayne
Bowler	Hertzberg	Olberg	Wildman
Brewer	House	Oller	Woods
Brown	Kaloogian	Ortiz	Mr. Speaker
Campbell	Keeley	Pacheco	
Cardenas	Knox	Poochigian	

**NOES—15**

Aroner	Figueroa	Martinez	Perata
Bowen	Floyd	Mazzoni	Villaraigosa
Cedillo	Honda	Migden	Washington
Ducheny	Kuehl	Murray	

Bill ordered to the Senate.

**ASSEMBLY BILL NO. 609 (Margett)**—An act to amend Sections 13575, 13576, 13579, 13580, and 13581 of the Water Code, relating to water.

Bill read third time, presented by Assembly Member Machado, and passed by the following vote:

**AYES—77**

Ackerman	Davis	Leonard	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Mazzoni	Strom-Martin
Aroner	Firestone	McClintock	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Kuykendall	Prenter	
Cedillo	Leach	Pringle	
Cunneen	Lempert	Richter	

**NOES—1**

Floyd

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 569 (Floyd)**—An act to amend Section 25658.1 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Hertzberg	Murray	Villaraigosa
Bordonaro	Honda	Napolitano	Vincent
Bowen	House	Olberg	Washington
Bowler	Kaloogian	Oller	Wayne
Brewer	Keeley	Ortiz	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—4**

Cardoza	Havice	Pacheco	Thompson
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 697 (Davis)**—An act to add Section 15314.5 to the Government Code, relating to state government.

Bill read third time.

**Motion to Re-refer Assembly Bill No. 697 to Committee**

Assembly Member Runner moved that Assembly Bill No. 697 be re-referred to committee.

Assembly Member Thompson seconded the motion.

**Point of Order**

Assembly Member Murray arose to the following point of order:

The motion by Assembly Member Runner did not specify a committee of re-referral, and is therefore not in order.

**Ruling by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore ruled the point of order well-taken.

**Motion to Re-refer Assembly Bill No. 697 to Committee**

Assembly Member Olberg moved that Assembly Bill No. 697 be re-referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

Assembly Member Thompson seconded the motion.

**Point of Information**

Assembly Member Escutia arose to the following point of information:

Assembly Bill No. 697 has been heard in the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Reply by Assistant Speaker pro Tempore Baca**

The Assistant Speaker pro Tempore replied that the motion to re-refer to committee is in order, and is debatable only as to the propriety of the re-referral.

The question being on the Olberg motion to re-refer Assembly Bill No. 697 to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

Motion lost by the following vote:

**AYES—35**

Ackerman	Brewer	Kuykendall	Poochigian
Aguir	Campbell	Leach	Prenter
Alby	Cunneen	Leonard	Pringle
Ashburn	Firestone	Miller	Richter
Baldwin	Frusetta	Morrissey	Runner
Battin	Goldsmith	Morrow	Takasugi
Baugh	Granlund	Olberg	Thompson
Bordonaro	House	Oller	Woods
Bowler	Kaloogian	Pacheco	

**NOES—42**

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Gallegos	McClintock	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Wayne
Cardoza	Keeley	Ortiz	Wildman
Cedillo	Knox	Papan	Wright
Davis	Kuehl	Perata	Mr. Speaker
Ducheny	Lempert	Scott	
Escutia	Machado	Shelley	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—56**

Aguiar	Ducheny	Lempert	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Martinez	Strom-Martin
Ashburn	Floyd	Mazzoni	Sweeney
Baca	Gallegos	McClintock	Takasugi
Battin	Goldsmith	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Bowler	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	House	Papan	Wayne
Cedillo	Keeley	Perata	Wildman
Cunneen	Knox	Prenter	Wright
Davis	Kuehl	Richter	Mr. Speaker

**NOES—20**

Ackerman	Campbell	Leonard	Pacheco
Alby	Firestone	Miller	Poochigian
Baugh	Kaloogian	Morrow	Runner
Bordonaro	Kuykendall	Olberg	Thompson
Brewer	Leach	Oller	Woods

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 933 (Figueroa)**—An act to add Section 1596.872 to the Health and Safety Code, relating to child day care facilities.

Bill read third time, and passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 481 (Kuehl)**—An act to amend Section 1942.5 of, and to add Section 3485 to, the Civil Code, to amend Section 17920.3 of, to add Sections 105255, 105256, 105257, and 105312 to, and to add Chapter 5.5 (commencing with Section 105315) to Part 5 of Division 103 of, the Health and Safety Code, and to add Section 6716.1 to the Labor Code, relating to lead poisoning.

Bill read third time, and passed by the following vote:

**AYES—49**

Alquist	Floyd	Mazzoni	Sweeney
Aroner	Frusetta	Migden	Takasugi
Baca	Gallegos	Morrissey	Thomson
Bowen	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Papan	Washington
Cedillo	Knox	Perata	Wayne
Cunneen	Kuehl	Prenter	Wildman
Davis	Leach	Richter	Mr. Speaker
Ducheny	Lempert	Scott	
Escutia	Machado	Shelley	
Figueroa	Martinez	Strom-Martin	

**NOES—23**

Ackerman	Bowler	Kuykendall	Oller
Alby	Brewer	Leonard	Pringle
Baldwin	Campbell	McClintock	Runner
Battin	Firestone	Miller	Thompson
Baugh	Granlund	Morrow	Woods
Bordonaro	Kaloogian	Olberg	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 481: Assembly Member Wright, from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 425 (Baldwin)**—An act to amend Sections 8093, 16322, 17022.7, 17281, 81033, 81160, 81162, 81177, 81332, 81348, 81401, 81523, 81528, 81529, and 81530 of, to add Section 81148 and Article 3 (commencing with Section 81050) to, and to repeal Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of, the Education Code, and to amend Sections 13143 and 19168 of the Health and Safety Code, relating to community colleges.

Bill read third time, and passed by the following vote:

**AYES—65**

Ackerman	Davis	Leach	Prenter
Aguiar	Ducheny	Lempert	Pringle
Alby	Figueroa	Leonard	Richter
Aroner	Firestone	Mazzoni	Runner
Ashburn	Frusetta	McClintock	Scott
Baca	Gallegos	Miller	Strom-Martin
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Woods
Brown	Keeley	Pacheco	Wright
Campbell	Knox	Papan	
Cardoza	Kuehl	Perata	
Cunneen	Kuykendall	Poochigian	

**NOES—8**

Alquist	Escutia	Machado	Migden
Cedillo	Floyd	Martinez	Villaraigosa

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 425: Assembly Member Wildman, from “No” to “Not Voting”.

Bill ordered transmitted to the Senate.

**At 11:13 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 894 (Napolitano)**—An act to amend Sections 15311, 15315, 15363.6, 15364.3, 15364.4, 15364.8, 15364.9, 15364.71, 15364.74, and 15365 of, to amend the heading of Chapter 1 (commencing with Section 15310) of Part 6.7 of Division 3 of Title 2 of, to add Section 15363.5 to, and to repeal Section 15364.2 of, the Government Code, relating to state government.

Bill read third time, and passed by the following vote:

**AYES—47**

Alby	Escutia	Martinez	Sweeney
Alquist	Figueroa	Mazzoni	Thomson
Aroner	Floyd	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Cardenas	Honda	Papan	Wayne
Cardoza	Keeley	Perata	Wildman
Cedillo	Knox	Richter	Woods
Cunneen	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	

**NOES—30**

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Firestone	McClintock	Prenter
Ashburn	Frusetta	Miller	Pringle
Baldwin	Granlund	Morrissey	Runner
Battin	House	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Kuykendall	Oller	
Bowler	Leach	Pacheco	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 895 (Napolitano)**—An act to amend Section 15333.5 of, and to add Chapter 1.14 (commencing with Section 15365.75) to Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to international trade, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—67**

Aguiar	Ducheny	Lempert	Prenter
Alby	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	Migden	Strom-Martin
Battin	Goldsmith	Miller	Sweeney
Bordonaro	Granlund	Morrissey	Takasugi
Bowen	Havice	Morrow	Thompson
Bowler	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Campbell	House	Olberg	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Pacheco	Wildman
Cedillo	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	

**NOES—9**

Ackerman	Brewer	McClintock
Baldwin	Firestone	Oller
Baugh	Kaloogian	Pringle

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 901 (Napolitano)**—An act to add Section 15364.10 to the Government Code, relating to international trade.

Bill read third time, and passed by the following vote:

**AYES—44**

Alquist	Floyd	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Papan	Washington
Cedillo	Knox	Perata	Wayne
Davis	Kuehl	Richter	Wildman
Ducheny	Lempert	Scott	Woods
Escutia	Machado	Shelley	Wright
Figueroa	Martinez	Strom-Martin	Mr. Speaker

**NOES—33**

Ackerman	Bowler	Kuykendall	Pacheco
Aguiar	Brewer	Leach	Poochigian
Alby	Campbell	Leonard	Prenter
Ashburn	Cunneen	McClintock	Pringle
Baldwin	Firestone	Miller	Runner
Battin	Frusetta	Morrissey	Thompson
Baugh	Granlund	Morrow	
Bordonaro	House	Olberg	
Bowen	Kaloogian	Oller	

Bill ordered transmitted to the Senate

**ASSEMBLY BILL NO. 190 (Napolitano)**—An act to amend Section 803 of, and to add Section 801.6 to, the Penal Code, relating to elder abuse.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 50 (Murray)**—An act to amend Section 530.5 of the Penal Code, relating to false personation.

Bill read third time, and passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 384 (Goldsmith)**—An act to amend Section 3301 of the Government Code, relating to public employees.

Bill read third time, and passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 583 (Davis)**—An act to amend Section 890 of the Civil Code, and to add Section 602.9 to the Penal Code, relating to rent skimming.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alby	Escutia	Martinez	Scott
Alquist	Figueroa	Mazzoni	Shelley
Aroner	Firestone	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cedillo	Leach	Prenter	
Cunneen	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 435**, on request of Assembly Member Ducheny.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 550 (Migden)**—An act to amend Section 223 of the Code of Civil Procedure, relating to jurors.

Bill read third time.

**Motion to Amend**

Assembly Member Migden moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 183 (Richter)**—An act to add Section 9883 to the Business and Professions Code, relating to consumer affairs.

Bill read third time, and passed by the following vote:

**AYES—73**

Ackerman	Ducheny	Lempert	Runner
Aguiar	Escutia	Leonard	Scott
Alby	Figueroa	Machado	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Torlakson
Battin	Granlund	Morrow	Villaraigosa
Bordonaro	Havice	Murray	Vincent
Bowen	Hertzberg	Napolitano	Washington
Bowler	Honda	Olberg	Wayne
Brewer	House	Oller	Wildman
Campbell	Kaloogian	Ortiz	Woods
Cardenas	Keeley	Pacheco	Wright
Cardoza	Knox	Papan	Mr. Speaker
Cedillo	Kuehl	Perata	
Cunneen	Kuykendall	Prenter	
Davis	Leach	Richter	

**NOES—4**

Baugh	McClintock	Poochigian	Pringle
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 194 (Wright)**—An act to add Section 19064 to the Government Code, relating to state employment.

Bill read third time.

**Demand for Previous Question**

Assembly Members House, Brewer, Escutia, Baca, and Migden demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—42**

Alquist	Figueroa	Mazzoni	Thomson
Aroner	Floyd	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cedillo	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	

**NOES—35**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	McClintock	Pringle
Baldwin	Frusetta	Miller	Richter
Battin	Goldsmith	Morrissey	Runner
Baugh	Granlund	Morrow	Takasugi
Bordonaro	House	Olberg	Thompson
Bowler	Kaloogian	Oller	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 204 (Migden)**—An act to amend Sections 139, 3209.5, 4600, 4600.3, 4600.5, and 4601 of the Labor Code, relating to workers' compensation.

Bill read third time, and passed by the following vote:

**AYES—62**

Aguiar	Cunneen	Leach	Shelley
Alby	Davis	Lempert	Strom-Martin
Alquist	Ducheny	Machado	Sweeney
Aroner	Escutia	Martinez	Takasugi
Ashburn	Figueroa	Mazzoni	Thomson
Baca	Floyd	Migden	Torlakson
Baldwin	Frusetta	Miller	Villaraigosa
Battin	Gallegos	Morrissey	Vincent
Bordonaro	Granlund	Murray	Washington
Bowen	Havice	Napolitano	Wayne
Brewer	Hertzberg	Ortiz	Wildman
Brown	Honda	Papan	Woods
Campbell	Keeley	Perata	Wright
Cardenas	Knox	Prenter	Mr. Speaker
Cardoza	Kuehl	Runner	
Cedillo	Kuykendall	Scott	

**NOES—16**

Ackerman	Goldsmith	McClintock	Pacheco
Baugh	House	Morrow	Poochigian
Bowler	Kaloogian	Olberg	Richter
Firestone	Leonard	Oller	Thompson

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 218 (Takasugi)**—An act to amend Section 11515 of the Vehicle Code, relating to vehicles.

Bill read third time, and passed by the following vote:

**AYES—71**

Ackerman	Ducheny	Leonard	Runner
Aguiar	Escutia	Machado	Scott
Alby	Figueroa	Martinez	Shelley
Alquist	Firestone	Mazzoni	Strom-Martin
Aroner	Frusetta	Migden	Sweeney
Ashburn	Goldsmith	Miller	Takasugi
Baca	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker
Davis	Lempert	Prenter	

**NOES—3**

Baldwin	Baugh	McClintock
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 228 (Migden)**—An act to amend Sections 42825, 42835, 42850, and 42855 of, and to add Section 42846.5 to, the Public Resources Code, relating to waste tires.

Bill read third time, and passed by the following vote:

**AYES—46**

Alquist	Firestone	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Gallegos	Migden	Thomson
Bowen	Havice	Morrissey	Torlakson
Brown	Hertzberg	Murray	Villaraigosa
Cardenas	Honda	Napolitano	Vincent
Cardoza	Keeley	Ortiz	Washington
Cedillo	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Kuykendall	Scott	Wright
Escutia	Lempert	Shelley	Mr. Speaker
Figueroa	Machado		

**NOES—30**

Ackerman	Bowler	Leach	Poochigian
Aguiar	Brewer	Leonard	Prenter
Alby	Campbell	McClintock	Runner
Ashburn	Cunneen	Miller	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Olberg	Woods
Baugh	House	Oller	
Bordonaro	Kaloogian	Pacheco	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 423 (Thomson)**—An act to add Section 11756.6 to the Health and Safety Code, relating to substance abuse, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Bordonaro	Granlund	Murray	Torlakson
Bowen	Havice	Napolitano	Villaraigosa
Bowler	Hertzberg	Olberg	Vincent
Brewer	Honda	Ortiz	Washington
Brown	House	Pacheco	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cedillo	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach		

**NOES—4**

Baugh	Kaloogian	McClintock	Oller
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 423: Assembly Member Bowler, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 790 (Cardenas)**—An act relating to healing arts.

Bill read third time, and passed by the following vote:

**AYES—47**

Aguiar	Escutia	Martinez	Strom-Martin
Alquist	Figueroa	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Baca	Havice	Morrissey	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Cedillo	Kuehl	Perata	Wildman
Cunneen	Kuykendall	Prenter	Wright
Davis	Lempert	Scott	Mr. Speaker
Ducheny	Machado	Shelley	

**NOES—30**

Ackerman	Brewer	Leach	Pringle
Alby	Campbell	Leonard	Richter
Ashburn	Floyd	McClintock	Runner
Baldwin	Frusetta	Miller	Takasugi
Battin	Goldsmith	Morrow	Thompson
Baugh	Granlund	Olberg	Woods
Bordonaro	House	Oller	
Bowler	Kaloogian	Poochigian	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 790: Assembly Member Kuykendall, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 960 (Wright)**—An act to amend Sections 3653, 4351, 5235, and 5241 of, and to add Section 4205 to, the Family Code, and to amend Section 11350.1 of the Welfare and Institutions Code, relating to support orders.

Bill read third time, and passed by the following vote:

**AYES—69**

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Scott
Alquist	Firestone	McClintock	Shelley
Aroner	Floyd	Migden	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Murray	Torlakson
Baugh	Hertzberg	Napolitano	Villaraigosa
Bordonaro	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Mr. Speaker
Cedillo	Kuehl	Perata	
Cunneen	Kuykendall	Poochigian	
Davis	Leach	Prenter	

**NOES—6**

Bowen	Havice	Runner
Cardoza	Martinez	Thompson

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 981 (Wildman)**—An act to add Section 20910 to the Government Code, relating to public employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read.

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Wildman moved a call of the Assembly.

Motion carried. Time, 12:05 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 1187 (Knox)**—An act to amend Sections 15339.1, 15339.2, and 15339.3 of, and to amend the heading of Article 3.2 (commencing with Section 15339.1) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to economic development.

Bill read third time.

The roll was opened.

#### Call of the Assembly

Pending the announcement of the vote, Assembly Member Knox moved a call of the Assembly.

Motion carried. Time, 12:25 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 1201 (Murray)**—An act to amend Sections 264.2, 11160, and 13701 of the Penal Code, relating to domestic violence.

Bill read third time, and passed by the following vote:

#### AYES—73

Aguiar	Ducheny	Leonard	Scott
Alby	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Floyd	McClintock	Takasugi
Baca	Frusetta	Miller	Thompson
Baldwin	Gallegos	Morrissey	Thomson
Battin	Goldsmith	Murray	Torlakson
Bordonaro	Granlund	Napolitano	Villaraigosa
Bowen	Havice	Olberg	Vincent
Bowler	Hertzberg	Ortiz	Washington
Brewer	Honda	Pacheco	Wayne
Brown	House	Papan	Wildman
Campbell	Keeley	Perata	Woods
Cardenas	Knox	Poochigian	Wright
Cardoza	Kuehl	Prenter	Mr. Speaker
Cedillo	Kuykendall	Pringle	
Cunneen	Leach	Richter	
Davis	Lempert	Runner	

#### NOES—4

Ackerman	Baugh	Kaloogian	Morrow
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1469 (Ducheny)**—An act relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—73**

Ackerman	Davis	Lempert	Richter
Aguilar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Ashburn	Firestone	McClintock	Strom-Martin
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Torlakson
Baugh	Granlund	Morrow	Villaraigosa
Bordonaro	Havice	Murray	Vincent
Bowen	Hertzberg	Napolitano	Washington
Bowler	Honda	Olberg	Wayne
Brewer	House	Oller	Wildman
Brown	Kaloogian	Ortiz	Woods
Campbell	Keeley	Papan	Wright
Cardenas	Knox	Perata	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1534 (Davis)**—An act to add Article 5.5 (commencing with Section 124010) to Chapter 3 of Part 2 of Division 106 of the Health and Code, relating to human services, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—69**

Aguilar	Ducheny	Leonard	Shelley
Alby	Escutia	Machado	Strom-Martin
Alquist	Figueroa	Martinez	Sweeney
Aroner	Firestone	Mazzoni	Takasugi
Ashburn	Floyd	Migden	Thompson
Baca	Frusetta	Miller	Thomson
Baldwin	Gallegos	Morrissey	Torlakson
Bordonaro	Goldsmith	Morrow	Villaraigosa
Bowen	Granlund	Murray	Vincent
Bowler	Havice	Napolitano	Washington
Brewer	Hertzberg	Ortiz	Wayne
Brown	Honda	Papan	Wildman
Campbell	Keeley	Perata	Woods
Cardenas	Knox	Poochigian	Wright
Cardoza	Kuehl	Prenter	Mr. Speaker
Cedillo	Kuykendall	Richter	
Cunneen	Leach	Runner	
Davis	Lempert	Scott	

**NOES—10**

Ackerman	House	Olberg	Pringle
Battin	Kaloogian	Oller	
Baugh	McClintock	Pacheco	

Bill ordered transmitted to the Senate.



**ASSEMBLY CONCURRENT RESOLUTION NO. 88 (Mazzoni)**—Relative to Long-Term Care Awareness.

Resolution read.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 88**

Assembly Member Mazzoni was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 88.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors: Ackerman, Aguiar, Alquist, Aroner, Ashburn, Baca, Baldwin, Battin, Baugh, Bordonaro, Bowen, Brown, Bustamante, Cardenas, Cardoza, Cedillo, Cunneen, Davis, Ducheny, Escutia, Figueroa, Frusetta, Gallegos, Goldsmith, Granlund, Havice, Hertzberg, Honda, House, Keeley, Knox, Kuehl, Kuykendall, Leach, Lempert, Machado, Martinez, McClintock, Migden, Miller, Morrissey, Morrow, Murray, Napolitano, Olberg, Oller, Ortiz, Pacheco, Papan, Perata, Poochigian, Prenter, Pringle, Runner, Scott, Shelley, Strom-Martin, Sweeney, Takasugi, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, Wildman, Woods, and Wright.

**Request for Unanimous Consent**

Assembly Member Mazzoni was granted unanimous consent to take up Assembly Concurrent Resolution No. 88, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 88, as Amended**

**ASSEMBLY CONCURRENT RESOLUTION NO. 88**—Relative to Long-Term Care Awareness.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

**ASSEMBLY BILL NO. 247 (Scott)**—An act to amend Sections 833 and 836 of the Penal Code, relating to peace officers.

**At 12:38 p.m., Hon. Fred Keeley, 27th District, presiding**

Bill read third time, and passed by the following vote:

**AYES—55**

Ackerman	Cedillo	Kuykendall	Prenter
Aguiar	Cunneen	Leach	Richter
Alby	Davis	Lempert	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Martinez	Strom-Martin
Baca	Firestone	Mazzoni	Sweeney
Battin	Gallegos	Migden	Torlakson
Bordonaro	Goldsmith	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Bowler	Hertzberg	Napolitano	Wayne
Brown	Honda	Ortiz	Wildman
Campbell	House	Pacheco	Wright
Cardenas	Knox	Papan	Mr. Speaker
Cardoza	Kuehl	Perata	

**NOES—20**

Ashburn	Granlund	Morrow	Runner
Baldwin	Kaloogian	Olberg	Takasugi
Baugh	Leonard	Oller	Thompson
Brewer	McClintock	Poochigian	Thomson
Floyd	Miller	Pringle	Woods

Bill ordered transmitted to the Senate.

**HOUSE RESOLUTION NO. 50 (Migden)**—Relative to professional golf.

Resolution read, and adopted by the following vote:

**AYES—47**

Aguiar	Figueroa	Machado	Strom-Martin
Alquist	Floyd	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Takasugi
Baca	Granlund	Migden	Thomson
Bowen	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Campbell	Honda	Ortiz	Vincent
Cardenas	Keeley	Papan	Washington
Cardoza	Knox	Perata	Wayne
Davis	Kuehl	Runner	Wildman
Ducheny	Kuykendall	Scott	Mr. Speaker
Escutia	Lempert	Shelley	

**NOES—24**

Ackerman	Bordonaro	Kaloogian	Oller
Alby	Bowler	Leach	Poochigian
Ashburn	Brewer	McClintock	Prenter
Baldwin	Cunneen	Miller	Pringle
Battin	Firestone	Morrow	Richter
Baugh	Goldsmith	Olberg	Thompson

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 1311 (Lockyer)**—An act relating to victims of crime, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Kuehl.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—78**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alby	Escutia	Martinez	Scott
Alquist	Figueroa	Mazzoni	Shelley
Aroner	Firestone	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cedillo	Leach	Prenter	
Cunneen	Lempert	Pringle	

**NOES—1**

Floyd

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—78**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alby	Escutia	Martinez	Scott
Alquist	Figueroa	Mazzoni	Shelley
Aroner	Firestone	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cedillo	Leach	Prenter	
Cunneen	Lempert	Pringle	

**NOES—1**

Floyd

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 695**

At 1:10 p.m., on motion of Assembly Member Kuehl, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 695 passed by the following vote:

**AYES—41**

Alquist	Floyd	Mazzoni	Torlakson
Aroner	Gallegos	Migden	Villaraigosa
Baca	Havice	Murray	Vincent
Bowen	Hertzberg	Napolitano	Washington
Brown	Honda	Ortiz	Wayne
Cardenas	Keeley	Papan	Wildman
Cedillo	Knox	Perata	Wright
Davis	Kuehl	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	
Figueroa	Martinez	Thomson	

**NOES—36**

Ackerman	Brewer	Leach	Poochigian
Aguiar	Campbell	Leonard	Prenter
Alby	Firestone	McClintock	Pringle
Ashburn	Frusetta	Miller	Richter
Baldwin	Goldsmith	Morrissey	Runner
Battin	Granlund	Morrow	Scott
Baugh	House	Olberg	Takasugi
Bordonaro	Kaloogian	Oller	Thompson
Bowler	Kuykendall	Pacheco	Woods

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 695: Assembly Member Pacheco, from "Aye" to "No".

**Motion to Reconsider Assembly Bill No. 695  
on Next Legislative Day**

Assembly Member Leonard moved to reconsider on the next legislative day the vote whereby Assembly Bill No. 695 was this day passed.

Assembly Bill No. 695 ordered to the unfinished business file.

(NOTE: Later this day, the above motion to reconsider was waived.)

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO ASSEMBLY BILL NO. 981**

At 1:12 p.m., on motion of Assembly Member Wildman, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 981 refused adoption by the following vote:

**AYES—46**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Gallegos	Mazzoni	Thomson
Baca	Granlund	Migden	Torlakson
Bowen	Havice	Morrissey	Villaraigosa
Bowler	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Cardenas	House	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Cedillo	Knox	Perata	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	

**NOES—26**

Ackerman	Campbell	Miller	Pringle
Ashburn	Floyd	Morrow	Runner
Baldwin	Goldsmith	Olberg	Takasugi
Battin	Kaloogian	Oller	Thompson
Baugh	Leach	Pacheco	Woods
Bordonaro	Leonard	Poochigian	
Brewer	McClintock	Prenter	

**Motion to Amend Pursuant to Joint Rule 23.5**

Assembly Member Wildman moved the adoption of amendments.  
Amendments read.

**Parliamentary Inquiry**

Assembly Member Leonard arose to the following parliamentary inquiry:

Is it permissible under Joint Rule 23.5 to amend a bill, other than an amendment to remove the urgency clause?

**Reply by Acting Speaker Keeley**

The Acting Speaker replied that an amendment to delete the urgency clause has the effect of changing the effective date of the bill and is consistent with the rules.

The question being on the adoption of the amendments.

Amendments adopted; bill ordered reprinted, and to be returned to the third reading file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1187**

At 1:12 p.m., on motion of Assembly Member Knox, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 1187 passed by the following vote:

**AYES—49**

Aguilar	Escutia	Martinez	Sweeney
Alquist	Figueroa	Mazzoni	Takasugi
Aroner	Frusetta	Migden	Thomson
Ashburn	Gallegos	Morrissey	Torlakson
Baca	Granlund	Murray	Villaraigosa
Bordonaro	Havice	Napolitano	Washington
Bowen	Hertzberg	Ortiz	Wayne
Brown	Honda	Papan	Wildman
Cardenas	Keeley	Perata	Wright
Cardoza	Knox	Runner	Mr. Speaker
Cedillo	Kuehl	Scott	
Davis	Lempert	Shelley	
Ducheny	Machado	Strom-Martin	

**NOES—26**

Ackerman	Cunneen	Leonard	Prenter
Alby	Firestone	McClintock	Pringle
Baldwin	Floyd	Miller	Richter
Battin	House	Morrow	Thompson
Baugh	Kaloogian	Olberg	Woods
Bowler	Kuykendall	Oller	
Campbell	Leach	Pacheco	

Bill ordered transmitted to the Senate.

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 695 WAIVED**

Assembly Member Leonard waived his motion to reconsider the vote whereby Assembly Bill No. 695 was passed.

Assembly Bill No. 695 ordered transmitted to the Senate.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 28, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 142

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

January 28, 1998

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: I am directed to inform your honorable body that the Senate on this day withdrew the Conference Report on Senate Bill 1088.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

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Senate Chamber, January 28, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 86  
Senate Bill No. 143  
Senate Bill No. 213  
Senate Bill No. 267  
Senate Bill No. 379  
Senate Bill No. 610  
Senate Bill No. 676  
Senate Bill No. 704

Senate Bill No. 848  
Senate Bill No. 858  
Senate Bill No. 663  
Senate Bill No. 1033  
Senate Bill No. 1182  
Senate Bill No. 1229  
Senate Bill No. 1289

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

#### FIRST READING OF SENATE BILLS

The following bills were read the first time:

**SENATE BILL NO. 86**—An act to amend Section 41851 of the Education Code, relating to education.

**SENATE BILL NO. 143**—An act to amend Sections 6252 and 6258 of, to amend and renumber Section 6253 of, to add Sections 6252.5 and 6253 to, to add a heading as Article 1 (commencing with Section 6250) to Chapter 3.5 of, to add Article 2 (commencing with Section 6275) to Chapter 3.5 of, Division 7 of Title 1 of, and to repeal Sections 6253.1, 6256, 6256.1, 6256.2, and 6257 of, the Government Code, relating to records.

**SENATE BILL NO. 213**—An act to amend Section 11040 of the Government Code, and to amend Section 1036 of the Insurance Code, relating to legal services.

**SENATE BILL NO. 267**—An act to add Sections 16531.1 and 16532.2 to the Government Code, relating to health care funding, and making an appropriation therefor.

**SENATE BILL NO. 379**—An act to add Section 1363.3 to the Health and Safety Code, relating to health care coverage.

**SENATE BILL NO. 610**—An act to add Section 22336 to the Education Code, and to add Section 31840.8 to the Government Code, relating to public employees.

**SENATE BILL NO. 676**—An act to add Section 16304.02 to the Government Code, relating to resources.

**SENATE BILL NO. 704**—An act to amend Section 7160 of the Business and Professions Code, relating to contracting.

**SENATE BILL NO. 848**—An act to amend Sections 5820, 5917, and 6020 of, and to add Section 5917.1 to, the Corporations Code, relating to corporations.

**SENATE BILL NO. 858**—An act relating to insurance.

**SENATE BILL NO. 663**—An act to repeal Chapter 1.5 (commencing with Section 1120) of Part 2 of Division 1 of the Insurance Code, relating to insurance.

**SENATE BILL NO. 1033**—An act to amend Section 116275 of, and to add Section 116611 to, the Health and Safety Code, relating to drinking water.

**SENATE BILL NO. 1182**—An act to amend Sections 16140, 16141, 16142, 16146, and 66474.4 of, to add Article 7 (commencing with Section 51296) to Chapter 7 of Part 7 of Division 1 of Title 5 of, the Government Code, and to add Section 423.4 to the Revenue and Taxation Code, relating to agricultural land.

**SENATE BILL NO. 1229**—An act to amend Section 594 of the Penal Code, relating to vandalism.

**SENATE BILL NO. 1289**—An act to repeal and add Section 5061 of the Business and Professions Code, relating to accountancy.

## REPORTS OF STANDING COMMITTEES

### Committee on Appropriations

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 20	Assembly Bill No. 880
Assembly Bill No. 277	Assembly Bill No. 884
Assembly Bill No. 294	Assembly Bill No. 964
Assembly Bill No. 297	Assembly Bill No. 1069
Assembly Bill No. 312	Assembly Bill No. 1225
Assembly Bill No. 385	Assembly Bill No. 1236
Assembly Bill No. 803	Assembly Bill No. 1328
Assembly Bill No. 821	Assembly Bill No. 1397

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 26	Assembly Bill No. 910
Assembly Bill No. 105	Assembly Bill No. 1102
Assembly Bill No. 118	Assembly Bill No. 1135
Assembly Bill No. 222	Assembly Bill No. 1229
Assembly Bill No. 266	Assembly Bill No. 1241
Assembly Bill No. 357	Assembly Bill No. 1276
Assembly Bill No. 496	Assembly Bill No. 1290
Assembly Bill No. 548	Assembly Bill No. 1384
Assembly Bill No. 796	Assembly Bill No. 1386
Assembly Bill No. 828	Assembly Bill No. 1440
Assembly Bill No. 903	Assembly Bill No. 1477

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.



Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 599

Assembly Bill No. 785

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 484

Assembly Bill No. 1063

Assembly Bill No. 511

Assembly Bill No. 1287

Assembly Bill No. 668

Assembly Bill No. 1412

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 119

Assembly Bill No. 506

Assembly Bill No. 209

Assembly Bill No. 1494

Assembly Bill No. 305

Assembly Bill No. 1608

Assembly Bill No. 457

Assembly Bill No. 1613

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

### **SECOND READING BY UNANIMOUS CONSENT**

Pursuant to unanimous consent granted on Tuesday, January 27, 1998, the following bills were taken up, without reference to file, for purpose of second reading:

**ASSEMBLY BILL NO. 20**—An act to add Section 14007.9 to the Welfare and Institutions Code, relating to public social services.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 277**—An act relating to energy resources, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 294**—An act to amend Section 19879 of the Government Code, relating to state employees.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 297**—An act to add Section 19823.5 to the Business and Professions Code, relating to smoking.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 312**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 385**—An act to amend Section 33050 of, and to add Part 26.7 (commencing with Section 47500) to, the Education Code, relating to schools.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 803**—An act to add Section 6359.9 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 821**—An act to amend Section 21003 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 880**—An act to amend Sections 368 and 667.9 of the Penal Code, relating to elder abuse.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 884**—An act to amend Sections 22140 and 22141 of the Education Code, relating to school employees.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 964**—An act to add Sections 42889.1 and 42889.2 to the Public Resources Code, relating to solid waste.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1069**—An act to add Section 74.4 to the Revenue and Taxation Code, relating to local government finance.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1225**—An act to amend Sections 27491.4 and 27491.41 of the Government Code, to amend Sections 7150.5 and 7155 of, and to repeal and add Section 7151.5 of, the Health and Safety Code, relating to health.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1236**—An act to amend Section 3303 of, and to add Sections 3303.1 and 3303.2 to, the Government Code, relating to public employees.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1328**—An act to amend Section 5019.5 of, add Article 4 (commencing with Section 72040) to Chapter 1 of Part 45 of, and to amend and renumber Section 72031 of, the Education Code, relating to postsecondary education.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1397**—An act to add Section 14132.42 to the Welfare and Institutions Code, relating to human services.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 26**—An act to amend Sections 186.22 and 629.52 of the Penal Code, relating to juveniles.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 105**—An act to amend Sections 212.5, 213, 667.5, and 1170.95 of the Penal Code, relating to punishment.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 118**—An act to add Section 14133.95 to the Welfare and Institutions Code, relating to health.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 222**—An act to amend Sections 6591.5 and 6907 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 266**—An act to add Section 7577 to, and to add Chapter 4.6 (commencing with Section 6015) to Title 7 of Part 3 of, the Penal Code, relating to Hepatitis B immunization.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 357**—An act to amend Sections 1192.7 and 12022.2 of the Penal Code, relating to crimes.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 496**—An act to amend Sections 44256, 69613, 69615.6, and 69616 of, and to add Article 13 (commencing with Section 44400) to Chapter 2 of Part 25 of, the Education Code, relating to certificated school employees, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 548**—An act to add Article 8 (commencing with Section 13367) to Chapter 5 of Division 7 of the Water Code, relating to water.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 796**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 828**—An act to add Chapter 5 (commencing with Section 54540) to Part 29 of the Education Code, relating to pupils.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 903**—An act to amend Section 532d of the Penal Code, relating to crimes.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 910**—An act to add Chapter 6 (commencing with Section 104310) to Part 1 of Division 103 of the Health and Safety Code, relating to prostate cancer.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1102**—An act to amend Sections 22717 and 22719 of the Education Code, and to amend Section 20963 of, and to add Section 20837 to, the Government Code, relating to public employers.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1135**—An act to add Article 14.5 (commencing with Section 8300) to Chapter 2 of Part 6 of the Education Code, relating to child care.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1229**—An act to amend Sections 6055 and 6937 of, and to add Section 6066.1 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1241**—An act to amend Sections 2, 103, 1701, 7000, 7015, 7020, 7025, 7256, 7290, 7350, 7370, 7710, 8100, and 8150.7 of, to add Sections 105, 1702, 1703, 1704, 1705, 1706, 7010, 7010.1, 7010.2, 7010.3, 8140, 8610, 9024.5, 9025, and 9056 to, to add a division heading immediately preceding Section 1 of, to add Chapter 2 (commencing with Section 90) to Division .5 and Article .5 (commencing with Section 8130) to Chapter 2 of Part 3 of Division 6 of, and to repeal and add Sections 1700, 7005, 7022, 7030, 7710.1, and 8140 of, the Fish and Game Code, relating to marine life, and making an appropriation therefor.

Bill read second time, amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1276**—An act to amend Section 4691 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time, amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1290**—An act to amend Sections 208, 290, 422.75, 667.5, 667.61, 667.7, 667.71, 1170.1, 1174.4, 1269b, 2933.5, 2962, 3003, and 3057 of the Penal Code, and to amend Sections 676, 707, 828.1, and 3052 of the Welfare and Institutions Code, relating to crime and punishment.

Bill read second time, amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1384**—An act to amend Sections 11571 and 11573.5 of, and to add and repeal Section 11571.1 of, the Health and Safety Code, relating to controlled substances.

Bill read second time, amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1386**—An act to amend Section 594 of the Penal Code, relating to developmental crimes.

Bill read second time, amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1440**—An act to add Section 12300.8 to the Welfare and Institutions Code, relating to public social services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1477**—An act to repeal and add Section 19596 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 599**—An act to add Chapter 10.2 (commencing with Section 13893) to Title 6 of Part 4 of the Penal Code, relating to the California Forensic Science Laboratory Enhancement Program.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 785**—An act to add Section 5027 to the Penal Code, relating to corrections.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 484**—An act to amend Sections 17052.17, 17052.18, 23617, and 23617.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 511**—An act to amend Sections 19604, 23182, and 23186 of, and to add Section 19606 to, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 668**—An act to add Section 14132.97 to the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1063**—An act to amend Sections 6377, 17053.49, and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1287**—An act to add and repeal Sections 17053.20 and 23615 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1412**—An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 119**—An act to add Section 17053.18 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 209**—An act to add Chapter 2.6 (commencing with Section 1000.10) to Title 6 of Part 2 of the Penal Code, relating to controlled substances, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 305**—An act to amend Section 17273 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 457**—An act to amend Sections 625.3, 629, 654.3, 663, and 707 of, and to add Article 20.5 (commencing with Section 790) to Chapter 1 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juveniles.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 506**—An act to amend Sections 19994.30 and 19994.31 of the Government Code, to amend Section 2080 of the Penal Code, and to amend Section 1712 of the Welfare and Institutions Code, relating to prisoners.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1494**—An act to add Section 17053.48 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1608**—An act to add Section 6362 to, and to repeal Sections 6362.3, 6362.7, and 6362.8 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1613**—An act to amend Section 17140 of, and to add Sections 17053.51 and 17204 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 28, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 821

Assembly Bill No. 884

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

**CAUCUS ANNOUNCEMENTS**

At 1:15 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 1:16 p.m., Acting Speaker Keeley declared the Assembly recessed.

**REASSEMBLED**

At 3:20 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Gallegos was granted unanimous consent that the Governor's veto of Assembly Bill No. 545 be stricken from file.

Assembly Member Woods was granted unanimous consent that the Governor's veto of Assembly Bill No. 84 be stricken from file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF GOVERNOR'S VETO—  
ASSEMBLY BILL NO. 536**

**ASSEMBLY BILL NO. 536 (Gallegos)**—An act to amend Section 1363.5 of the Health and Safety Code, relating to health care coverage.

Governor's message stating his objections appears at page 4829 of the Assembly Journal for October 14, 1997.

The question being: Shall Assembly Bill No. 536 become a law notwithstanding the objections of the Governor?

Governor's veto sustained by the following vote:

**AYES—43**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	Keeley	Papan	Wayne
Cedillo	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—28**

Ackerman	Bowler	McClintock	Prenter
Alby	Brewer	Miller	Pringle
Ashburn	Goldsmith	Morrow	Richter
Baldwin	House	Olberg	Runner
Battin	Kaloogian	Oller	Takasugi
Baugh	Leach	Pacheco	Thompson
Bordonaro	Leonard	Poochigian	Woods

**Objection to Vote Adds and Vote Changes**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on consideration of the Governor's veto of Assembly Bill No. 536.

**CONSIDERATION OF GOVERNOR'S VETO—  
ASSEMBLY BILL NO. 760**

**ASSEMBLY BILL NO. 760 (Migden)**—An act to amend Section 1370.4 of, and to add Section 1370.5 to, the Health and Safety Code, and to amend Section 10145.3 of, and to add Section 10145.4 to, the Insurance Code, relating to health coverage.

Governor's message stating his objections appears at page 4829 of the Assembly Journal for October 14, 1997.

**Demand for Previous Question**

Assembly Members House, Pringle, Battin, Bowler, and Alquist demanded the previous question. Demand sustained.

The question being: Shall Assembly Bill No. 76 become law notwithstanding the objections of the Governor?



Governor's veto sustained by the following vote:

**AYES—43**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	Keeley	Papan	Wayne
Cedillo	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—22**

Ackerman	Brewer	McClintock	Richter
Ashburn	Campbell	Morrow	Runner
Baldwin	Goldsmith	Olberg	Takasugi
Battin	House	Pacheco	Thompson
Baugh	Kaloogian	Poochigian	
Bowler	Leonard	Pringle	

**Objection to Vote Adds and Vote Changes**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on consideration of the Governor's veto of Assembly Bill No. 760.

**REQUEST FOR UNANIMOUS CONSENT**

Speaker pro Tempore Kuehl was granted unanimous consent that all Assembly bills 1) reported "do pass" from Appropriations today (January 27, 1998 hearing), and 2) all bills on today's second reading file be ordered to the third reading file for consideration today.

(NOTE: This facilitates the processing of a Supplemental File.)

**RECESS**

By unanimous consent, at 4:15 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 5:45 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

**ASSEMBLY BILL NO. 162 (Alby)**—An act to add Chapter 9 (commencing with Section 11840) to Part 1 of Division 3 of Title 2 of the Government Code, and to add Section 1342.8 to the Health and Safety Code, relating to health care.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 346 (Cunneen)**—An act to amend Sections 35401.3 and 35401.5 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 632 (Cardenas)**—An act to amend Section 1231 of the Unemployment Insurance Code, relating to employment.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 681 (Machado)**—An act to add Sections 25297.15, 25299.37.2, and 25355.8 to the Health and Safety Code, and to add Section 13307.1 to the Water Code, relating to the environment.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1068 (Campbell)**—An act to amend Sections 1265.5 and 1276.5 of the Health and Safety Code, relating to health facilities.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1091 (Committee on Judiciary)**—An act to amend Sections 300, 300.1, 300.5, 301, 302, 304, 309, 319, 325, 328, 329, 331, 331.5, 332, 341, 358, 358.1, 360, 361.2, 362, 362.8, 364, 365, 366.1, 366.21, 366.22, 4366.26, 366.3, 367, 368, 369, 370, 380, 386, and 387 of, and to repeal Sections 332.5, 351.5, 353.5, 360.5, 362.5, 366.2, and 366.25 of, the Welfare and Institutions Code, relating to dependent children.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1307 (Bordonaro)**—An act to amend Sections 1173, 1177, and 1184 of, and to repeal and add Section 1183 of, the Labor Code, relating to employment.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1329 (Papan)**—An act to amend Section 22850.5 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1454 (House)**—An act to amend Section 11752.8 of the Insurance Code, relating to workers' compensation.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1497 (Brown)**—An act to amend Section 11005.3 of the Government Code, relating to state government.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 726 (Baugh)**—An act to amend Sections 318.5 and 318.6 of the Penal Code, relating to adult entertainment.

Bill read third time, and passed by the following vote:

**AYES—58**

Ackerman	Cardoza	Lempert	Scott
Aguiar	Cunneen	Leonard	Strom-Martin
Alby	Davis	Machado	Sweeney
Alquist	Escutia	Miller	Takasugi
Ashburn	Firestone	Morrissey	Thompson
Baca	Frusetta	Napolitano	Thomson
Baldwin	Gallegos	Olberg	Torlakson
Battin	Goldsmith	Oller	Vincent
Baugh	Granlund	Ortiz	Washington
Bordonaro	Havice	Pacheco	Wayne
Bowler	House	Poochigian	Wildman
Brewer	Kaloogian	Prenter	Woods
Brown	Keeley	Pringle	Mr. Speaker
Campbell	Kuykendall	Richter	
Cardenas	Leach	Runner	

**NOES—10**

Aroner	Hertzberg	Kuehl	Villaraigosa
Bowen	Honda	Mazzoni	
Floyd	Knox	Murray	

Bill ordered transmitted to the Senate.

**Objection to Vote Adds and Vote Changes**

Assembly Member Floyd withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 726.

**UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 160 (Hertzberg)**—An act to add Section 1367.25 to the Health and Safety Code, and to add Section 10123.196 to the Insurance Code, relating to health care coverage.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—47**

Alquist	Figueroa	Lempert	Strom-Martin
Aroner	Firestone	Machado	Sweeney
Baca	Floyd	Martinez	Thomson
Bowen	Frusetta	Mazzoni	Torlakson
Brewer	Gallegos	Migden	Villaraigosa
Brown	Granlund	Murray	Vincent
Cardoza	Hertzberg	Napolitano	Washington
Cedillo	Honda	Ortiz	Wayne
Cunneen	Keeley	Papan	Wildman
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Scott	Mr. Speaker
Escutia	Kuykendall	Shelley	

**NOES—29**

Ackerman	Bowler	Miller	Pringle
Aguiar	Campbell	Morrissey	Runner
Alby	Goldsmith	Morrow	Takasugi
Ashburn	House	Olberg	Thompson
Baldwin	Kaloogian	Oller	Woods
Battin	Leach	Pacheco	
Baugh	Leonard	Poochigian	
Bordonaro	McClintock	Prenter	

Above bill ordered enrolled.

**Objection to Vote Changes**

Assembly Member Pacheco withheld unanimous consent on any requests for vote changes on the roll call vote taken on this day on Assembly Bill No. 160.

**OBJECTION WITHDRAWN**

Assembly Member Floyd withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 726.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 40 (Mazzoni)**—An act to add Part 68 (commencing with Section 100400) to the Education Code, relating to education facilities funding, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read third time.

**Motion to Amend**

Assembly Member Mazzoni moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 261 (Baca)**—An act to add Chapter 2 (commencing with Section 100200) to Part 66 of the Education Code, relating to the financing of educational technology infrastructure, through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read third time.

**Motion to Amend**

Assembly Member Baca moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1180 (Battin)**—An act to add Chapter 8 (commencing with Section 117135) to Part 12 of Division 104 of, the Health and Safety Code, relating to financing a safe drinking water program by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Battin moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1212 (Wright)**—An act to add Chapter 2.5 (commencing with Section 990) to Part 1 of Division 2 of the Welfare and Institutions Code, relating to financing the construction of county juvenile facilities, youth centers, and Department of the Youth Authority facilities, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read third time.

**Motion to Amend**

Assembly Member Wright moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 254 (Machado)**—An act to add Division 26 (commencing with Section 79000) to the Water Code, relating to financing a flood protection program, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Machado moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1381 (Thomson)**—An act to add Chapter 3 (commencing with Section 100600) to Part 66 of the Education Code, relating to child care facilities funding, by providing the funds necessary therefor through an election for, and the issuance and sale of, bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read third time.

**Motion to Amend**

Assembly Member Thomson moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CAUCUS ANNOUNCEMENTS**

At 6:42 p.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**RECESS**

By unanimous consent, at 6:43 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

**REASSEMBLED**

At 7:23 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 1525 (Ashburn)**—An act to amend Section 58889 of the Food and Agricultural Code, relating to agriculture.

Bill read third time.

**Rules Temporarily Suspended**

Assembly Member Aroner was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of amendments to Assembly Bill No. 1525.

Bill read third time.

**Motion to Amend by Assembly Member Aroner**

Assembly Member Aroner moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1136 (Wildman)**—An act to add Part 6 (commencing with Section 22400) to Division 2 of the Public Contract Code, relating to public contracts.

Bill read third time, and passed by the following vote:

**AYES—43**

Alquist	Gallegos	McClintock	Sweeney
Baca	Havice	Migden	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Brown	Honda	Murray	Villaraigosa
Cardenas	Keeley	Napolitano	Vincent
Cardoza	Knox	Ortiz	Washington
Cedillo	Kuehl	Papan	Wayne
Davis	Lempert	Perata	Wildman
Ducheny	Machado	Scott	Wright
Escutia	Martinez	Shelley	Mr. Speaker
Figueroa	Mazzoni	Strom-Martin	

**NOES—33**

Ackerman	Brewer	Kaloogian	Prenter
Aguiar	Campbell	Kuykendall	Pringle
Alby	Cunneen	Leach	Runner
Ashburn	Firestone	Miller	Takasugi
Baldwin	Floyd	Morrissey	Thompson
Battin	Frusetta	Olberg	Woods
Baugh	Goldsmith	Oller	
Bordonaro	Granlund	Pacheco	
Bowler	House	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 391 (Granlund)**—An act to amend Sections 4142 and 4144 of the Public Resources Code, relating to fire protection.

Bill read third time, and passed by the following vote:

**AYES—73**

Aguilar	Ducheny	Machado	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Mazzoni	Strom-Martin
Aroner	Firestone	Migden	Sweeney
Ashburn	Frusetta	Miller	Takasugi
Baca	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	
Davis	Lempert	Runner	

**NOES—3**

Ackerman	Floyd	McClintock
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Bill ordered transmitted to the Senate.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Takasugi.

*Resolved*, That Assembly Bill No. 821 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 separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.



**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Honda.

*Resolved*, That Assembly Bill No. 884 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 separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguilar	Escutia	Machado	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**THIRD READING OF ASSEMBLY BILL NO. 821**

**ASSEMBLY BILL NO. 821 (Takasugi)**—An act to amend Section 21003 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—76**

Ackerman	Cunneen	Leach	Prenter
Aguiar	Davis	Lempert	Pringle
Alby	Ducheny	Machado	Runner
Alquist	Escutia	Martinez	Scott
Aroner	Figueroa	Mazzoni	Shelley
Ashburn	Firestone	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker

**NOES—1**

Floyd

Bill ordered transmitted to the Senate.

**THIRD READING OF ASSEMBLY BILL NO. 884**

**ASSEMBLY BILL NO. 884 (Honda)**—An act to amend Sections 22140 and 22141 of the Education Code, relating to school employees.

Bill read third time, and passed by the following vote:

**AYES—57**

Ackerman	Escutia	Machado	Strom-Martin
Aguiar	Figueroa	Martinez	Sweeney
Alquist	Floyd	Mazzoni	Takasugi
Aroner	Frusetta	Miller	Thomson
Ashburn	Gallegos	Morrissey	Torlakson
Baca	Goldsmith	Murray	Villaraigosa
Bowen	Granlund	Napolitano	Vincent
Bowler	Havice	Olberg	Washington
Brown	Hertzberg	Ortiz	Wayne
Cardenas	Honda	Pacheco	Wildman
Cardoza	Keeley	Papan	Wright
Cedillo	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Poochigian	
Davis	Leach	Prenter	
Ducheny	Lempert	Shelley	

**NOES—15**

Alby	Brewer	Kuykendall	Oller
Baldwin	Campbell	McClintock	Pringle
Baugh	House	Migden	Thompson
Bordonaro	Kaloogian	Morrow	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 884: Assembly Member Takasugi, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 302 (Runner)**—An act to amend Section 5328 of the Welfare and Institutions Code, relating to human services.

Bill read third time, and passed by the following vote:

**AYES—73**

Ackerman	Davis	Lempert	Scott
Aguiar	Ducheny	Machado	Shelley
Alby	Escutia	McClintock	Strom-Martin
Alquist	Figueroa	Migden	Sweeney
Ashburn	Firestone	Miller	Takasugi
Baca	Frusetta	Morrissey	Thompson
Baldwin	Gallegos	Morrow	Thomson
Battin	Goldsmith	Murray	Torlakson
Baugh	Granlund	Napolitano	Villaraigosa
Bordonaro	Havice	Olberg	Vincent
Bowen	Hertzberg	Oller	Washington
Bowler	Honda	Ortiz	Wayne
Brewer	House	Pacheco	Wildman
Brown	Kaloogian	Papan	Woods
Campbell	Keeley	Perata	Wright
Cardenas	Knox	Poochigian	Mr. Speaker
Cardoza	Kuehl	Prenter	
Cedillo	Kuykendall	Pringle	
Cunneen	Leach	Runner	

**NOES—3**

Aroner	Floyd	Mazzoni
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 598 (Davis)**—An act to amend Sections 1500, 2571, 2572, 10554, 16197, 17047, 33050, 41012, 41202, 41601, 41972, 42129, 46200.5, 46201.5, 54732, 56027, 56131, 56132, 56136, 56155.5, 56156.6, 56200, 56205, 56361, 56364.1, 56365, 56366, 56366.3, 56446, 56832, 56836.03, 56836.08, 56836.09, 56836.12, 56836.21, and 56864 of, to amend, repeal, and add Section 56156.5 of, to add Sections 17225, 56044, 56046, 56047, and 56048 to, and to repeal Sections 41202, 56160, 56161, 56169, 56365.5, 56441.10, and 56447 of, the Education Code, and to amend Sections 97.2 and 97.3 of the Revenue and Taxation Code, relating to special education, 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—73**

Ackerman	Cunneen	Leach	Pringle
Aguiar	Davis	Lempert	Scott
Alby	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Floyd	Migden	Takasugi
Baca	Frusetta	Miller	Thompson
Baldwin	Gallegos	Morrissey	Torlakson
Battin	Goldsmith	Morrow	Villaraigosa
Baugh	Granlund	Murray	Vincent
Bordonaro	Havice	Napolitano	Washington
Bowen	Hertzberg	Olberg	Wayne
Bowler	Honda	Oller	Wildman
Brewer	House	Ortiz	Woods
Brown	Kaloogian	Pacheco	Wright
Campbell	Keeley	Papan	Mr. Speaker
Cardenas	Knox	Perata	
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Prenter	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—73**

Ackerman	Cunneen	Leach	Pringle
Aguiar	Davis	Lempert	Scott
Alby	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Floyd	Migden	Takasugi
Baca	Frusetta	Miller	Thompson
Baldwin	Gallegos	Morrissey	Torlakson
Battin	Goldsmith	Morrow	Villaraigosa
Baugh	Granlund	Murray	Vincent
Bordonaro	Havice	Napolitano	Washington
Bowen	Hertzberg	Olberg	Wayne
Bowler	Honda	Oller	Wildman
Brewer	House	Ortiz	Woods
Brown	Kaloogian	Pacheco	Wright
Campbell	Keeley	Papan	Mr. Speaker
Cardenas	Knox	Perata	
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 646 (Hertzberg)**—An act to amend Sections 11370.4, 11379.6, and 11379.8 of the Health and Safety Code, and to add Section 1202.43 to the Penal Code, relating to controlled substances.

Bill read third time, and passed by the following vote:

**AYES—73**

Ackerman	Cunneen	Leach	Prenter
Aguiar	Davis	Lempert	Pringle
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	Migden	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Villaraigosa
Bowler	House	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cedillo			

**NOES—1**

Floyd

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 718 (Lempert)**—An act to add Chapter 5.1 (commencing with Section 16523) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to human services.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cedillo	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 913 (Runner)**—An act to add Section 2348 to the Family Code, relating to marriage.

Bill read third time, and passed by the following vote:

**AYES—72**

Ackerman	Cunneen	Kuykendall	Poochigian
Aguiar	Davis	Leach	Prenter
Alby	Ducheny	Lempert	Pringle
Alquist	Escutia	Leonard	Runner
Aroner	Figueroa	Machado	Scott
Ashburn	Firestone	Mazzoni	Shelley
Baca	Frusetta	McClintock	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Mr. Speaker

**NOES—2**

Floyd                      Martinez

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 930 (Thomson)**—An act to amend Sections 163, 887.4, 892.2, 892.4, 893, 893.6, and 2106 of the Streets and Highways Code, relating to transportation.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cedillo	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**REQUEST TO TAKE UP ASSEMBLY BILL NO. 66, OUT OF ORDER**

Assembly Member Papan requested unanimous consent to return to Assembly Bill No. 66, out of order.

Assembly Member Thompson withheld unanimous consent.

**Motion to Temporarily Suspend the Rules**

Assembly Member Papan moved that the Rules be temporarily suspended for the purpose of permitting consideration of Assembly Bill No. 66, out of file order.

Assembly Member Lempert seconded the motion.

Rules temporarily suspended by the following vote:

**AYES—40**

Alby	Cardoza	Lempert	Papan
Alquist	Cunneen	Machado	Poochigian
Ashburn	Floyd	Mazzoni	Prenter
Battin	Goldsmith	Morrissey	Pringle
Baugh	Granlund	Morrow	Runner
Bowen	Hertzberg	Murray	Strom-Martin
Bowler	Honda	Napolitano	Thomson
Brown	Keeley	Olberg	Torlakson
Campbell	Knox	Oller	Vincent
Cardenas	Kuykendall	Pacheco	Wayne

**NOES—9**

Ackerman	Leach	Sweeney
Baldwin	Leonard	Thompson
Kaloogian	McClintock	Woods

**Parliamentary Inquiry**

Assembly Member Aguiar arose to the following parliamentary inquiry:

Were the amendments at the Desk proposed by Assembly Members Papan and Oller withdrawn, and are the amendments now proposed by Assembly Member Papan, new amendments?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that the earlier sets of proposed amendments by Assembly Members Papan and Oller were withdrawn and that the amendments now offered by Assembly Member Papan are the same as the Oller amendments, and are 25 words or less.

**Consideration of Assembly Bill No. 66**

**ASSEMBLY BILL NO. 66 (Baca)**—An act to amend Section 7205 of, and to add Section 7204.03 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

**Motion to Amend by Assembly Member Papan**

Assembly Member Papan moved the adoption of amendments.  
Amendments read.

**Point of Order**

Assembly Member Aguiar arose to the following point of order:

That Assembly Member Morrow limit debate to the merits of the proposed amendments.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

**Point of Order**

Assembly Member Baca arose to the following point of order:

Assembly Member Pringle is not confining debate to the merits of the proposed amendments.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

The question being on the adoption of the Papan amendments to Assembly Bill No. 66.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Morrow moved a call of the Assembly.

Motion carried. Time, 8:38 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**At 8:39 p.m., Hon. Fred Keeley, 27th District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 972 (Torlakson)**—An act to add Sections 25105.1 and 27322.5 to the Government Code, relating to local government.

Bill read third time, and passed by the following vote:

**AYES—71**

Ackerman	Figueroa	Machado	Runner
Aguiar	Firestone	Martinez	Scott
Alby	Frusetta	Mazzoni	Shelley
Alquist	Gallegos	Migden	Strom-Martin
Aroner	Goldsmith	Miller	Sweeney
Baca	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Bordonaro	Hertzberg	Murray	Thomson
Bowler	Honda	Napolitano	Torlakson
Brewer	House	Olberg	Villaraigosa
Campbell	Kaloogian	Oller	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Pacheco	Wayne
Cedillo	Kuehl	Papan	Wildman
Cunneen	Kuykendall	Perata	Woods
Davis	Leach	Poochigian	Wright
Ducheny	Lempert	Prenter	Mr. Speaker
Escutia	Leonard	Pringle	

**NOES—4**

Baldwin	Baugh	Bowen	McClintock
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1166 (House)**—An act to amend Section 22138.5, and to repeal Section 22175, of the Education Code, to amend Sections 20057, 20200, 20201, 20322, 20398, 20403, 20575, 20578, 20636, 21493, 22013, 22013.1, 22013.3, 22013.4, 22013.6, 22013.7, 22013.75, 22013.76, 22013.8, 22013.85, 22013.9, 22013.95, 22013.955, 22013.96, 22013.97, 22013.10, 22013.11, 22014, 22014.1, and 22014.5 of the Government Code, relating to public employees.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Davis	Leonard	Runner
Aguiar	Ducheny	Machado	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Mazzoni	Strom-Martin
Aroner	Firestone	McClintock	Sweeney
Ashburn	Frusetta	Migden	Takasugi
Baca	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cedillo	Leach	Prenter	
Cunneen	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 795 (Honda)**—An act to add Sections 3201, 3202, 3203, 3204, 3205, and 3206 to the Family Code, relating to family law.

Bill read third time, and passed by the following vote:

**AYES—53**

Aguiar	Ducheny	Lempert	Sweeney
Alby	Escutia	Machado	Takasugi
Alquist	Figueroa	Martinez	Thomson
Aroner	Floyd	Mazzoni	Torlakson
Baca	Frusetta	Migden	Villaraigosa
Bordonaro	Gallegos	Morrissey	Vincent
Bowen	Goldsmith	Murray	Washington
Bowler	Granlund	Napolitano	Wayne
Brown	Havice	Ortiz	Wildman
Campbell	Hertzberg	Papan	Wright
Cardoza	Honda	Perata	Mr. Speaker
Cedillo	Keeley	Scott	
Cunneen	Knox	Shelley	
Davis	Kuehl	Strom-Martin	

**NOES—21**

Ackerman	House	Morrow	Runner
Ashburn	Kaloogian	Olberg	Thompson
Baldwin	Leach	Oller	Woods
Battin	Leonard	Pacheco	
Baugh	McClintock	Poochigian	
Brewer	Miller	Pringle	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 20 (Migden)**—An act to add Section 14007.9 to the Welfare and Institutions Code, relating to public social services.

Bill read third time, and passed by the following vote:

**AYES—71**

Ackerman	Cunneen	Leach	Runner
Aguiar	Davis	Lempert	Scott
Alby	Ducheny	Leonard	Shelley
Alquist	Escutia	Machado	Strom-Martin
Aroner	Figueroa	Martinez	Sweeney
Ashburn	Firestone	Mazzoni	Takasugi
Baca	Floyd	Migden	Thompson
Battin	Frusetta	Miller	Thomson
Baugh	Gallegos	Morrissey	Torlakson
Bordonaro	Goldsmith	Morrow	Villaraigosa
Bowen	Granlund	Murray	Vincent
Bowler	Havice	Napolitano	Washington
Brewer	Hertzberg	Ortiz	Wayne
Brown	Honda	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	

**NOES—5**

Baldwin	Kaloogian	Oller
House	McClintock	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 277 (Ortiz)**—An act relating to energy resources, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—72**

Ackerman	Cunneen	Kuykendall	Prenter
Aguiar	Davis	Leach	Runner
Alby	Ducheny	Lempert	Scott
Alquist	Escutia	Leonard	Shelley
Aroner	Figueroa	Machado	Strom-Martin
Ashburn	Firestone	Martinez	Sweeney
Baca	Floyd	Mazzoni	Takasugi
Battin	Frusetta	Migden	Thompson
Baugh	Gallegos	Miller	Thomson
Bordonaro	Granlund	Morrissey	Torlakson
Bowen	Havice	Murray	Villaraigosa
Bowler	Hertzberg	Napolitano	Vincent
Brewer	Honda	Oller	Washington
Brown	House	Ortiz	Wayne
Campbell	Kaloogian	Pacheco	Wildman
Cardenas	Keeley	Papan	Woods
Cardoza	Knox	Perata	Wright
Cedillo	Kuehl	Poochigian	Mr. Speaker

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 294 (Ortiz)**—An act to amend Section 19879 of the Government Code, relating to state employees.

Bill read third time, and passed by the following vote:

**AYES—53**

Alby	Escutia	Lempert	Sweeney
Alquist	Figueroa	Machado	Thomson
Aroner	Floyd	Martinez	Torlakson
Ashburn	Frusetta	Mazzoni	Villaraigosa
Baca	Gallegos	Migden	Vincent
Bowen	Granlund	Morrissey	Washington
Bowler	Havice	Murray	Wayne
Brown	Hertzberg	Napolitano	Wildman
Cardenas	Honda	Ortiz	Woods
Cardoza	House	Papan	Wright
Cedillo	Keeley	Perata	Mr. Speaker
Cunneen	Knox	Scott	
Davis	Kuehl	Shelley	
Ducheny	Kuykendall	Strom-Martin	

**NOES—16**

Ackerman	Campbell	Leonard	Oller
Baldwin	Goldsmith	McClintock	Pringle
Baugh	Kaloogian	Morrow	Takasugi
Brewer	Leach	Olberg	Thompson

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 297 (Vincent)**—An act to add Section 19823.5 to the Business and Professions Code, relating to smoking.

Bill read third time.

**Demand for Previous Question**

Assembly Members Kaloogian, Brewer, Bordonaro, Campbell, and Baugh demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—42**

Ackerman	Cardoza	Kaloogian	Papan
Aguilar	Cunneen	Leach	Poochigian
Alby	Ducheny	Leonard	Prenter
Ashburn	Firestone	McClintock	Pringle
Baca	Floyd	Miller	Runner
Baldwin	Frusetta	Morrissey	Takasugi
Battin	Goldsmith	Morrow	Vincent
Baugh	Granlund	Murray	Woods
Bowler	Havice	Olberg	Wright
Brewer	Hertzberg	Oller	
Campbell	House	Pacheco	

**NOES—26**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Honda	Mazzoni	Thompson
Bowen	Keeley	Migden	Thomson
Brown	Knox	Napolitano	Torlakson
Cedillo	Kuehl	Ortiz	Washington
Davis	Kuykendall	Perata	
Escutia	Lempert	Strom-Martin	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Assembly Bill No. 297: Assembly Members Gallegos and Machado, from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 312 (Takasugi)**—An act relating to state employees, 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—69**

Ackerman	Ducheny	Machado	Shelley
Aguiar	Escutia	Martinez	Strom-Martin
Alquist	Figueroa	Mazzoni	Sweeney
Aroner	Firestone	Migden	Takasugi
Ashburn	Frusetta	Miller	Thompson
Baca	Gallegos	Morrissey	Thomson
Battin	Goldsmith	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Ortiz	Wayne
Brown	Keeley	Papan	Wildman
Campbell	Knox	Perata	Woods
Cardenas	Kuehl	Poochigian	Wright
Cardoza	Kuykendall	Prenter	Mr. Speaker
Cedillo	Leach	Pringle	
Cunneen	Lempert	Runner	
Davis	Leonard	Scott	

**NOES—3**

Baldwin	Kaloogian	McClintock
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The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—69**

Ackerman	Ducheny	Machado	Shelley
Aguiar	Escutia	Martinez	Strom-Martin
Alquist	Figueroa	Mazzoni	Sweeney
Aroner	Firestone	Migden	Takasugi
Ashburn	Frusetta	Miller	Thompson
Baca	Gallegos	Morrissey	Thomson
Battin	Goldsmith	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Ortiz	Wayne
Brown	Keeley	Papan	Wildman
Campbell	Knox	Perata	Woods
Cardenas	Kuehl	Poochigian	Wright
Cardoza	Kuykendall	Prenter	Mr. Speaker
Cedillo	Leach	Pringle	
Cunneen	Lempert	Runner	
Davis	Leonard	Scott	

**NOES—3**

Baldwin	Kaloogian	McClintock
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 385 (Goldsmith)**—An act to amend Section 33050 of, and to add Part 26.7 (commencing with Section 47500) to, the Education Code, relating to schools.

Bill read third time, and passed by the following vote:

**AYES—64**

Ackerman	Ducheny	Leach	Poochigian
Aguiar	Escutia	Lempert	Prenter
Alby	Figueroa	Leonard	Pringle
Alquist	Firestone	Machado	Runner
Ashburn	Frusetta	McClintock	Scott
Baca	Goldsmith	Miller	Strom-Martin
Baldwin	Granlund	Morrissey	Sweeney
Battin	Havice	Morrow	Takasugi
Baugh	Hertzberg	Murray	Thomson
Bordonaro	Honda	Napolitano	Torlakson
Bowler	House	Olberg	Vincent
Campbell	Kaloogian	Oller	Wayne
Cardoza	Keeley	Ortiz	Wildman
Cedillo	Knox	Pacheco	Woods
Cunneen	Kuehl	Papan	Wright
Davis	Kuykendall	Perata	Mr. Speaker

**NOES—5**

Bowen	Floyd	Mazzoni
Brown	Martinez	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 803 (Machado)**—An act to add Section 6359.9 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Davis	Leach	Pringle
Aguiar	Ducheny	Lempert	Runner
Alby	Escutia	Leonard	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Takasugi
Baca	Frusetta	Migden	Thompson
Baldwin	Gallegos	Miller	Thomson
Battin	Goldsmith	Morrissey	Torlakson
Baugh	Granlund	Murray	Villaraigosa
Bordonaro	Havice	Napolitano	Vincent
Bowler	Hertzberg	Olberg	Washington
Brewer	Honda	Oller	Wayne
Brown	House	Ortiz	Wildman
Campbell	Kaloogian	Pacheco	Woods
Cardenas	Keeley	Papan	Wright
Cardoza	Knox	Perata	Mr. Speaker
Cedillo	Kuehl	Poochigian	
Cunneen	Kuykendall	Prenter	

**NOES—3**

Bowen	Martinez	Sweeney
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 880 (Hertzberg)**—An act to amend Sections 368 and 667.9 of the Penal Code, relating to elder abuse.

Bill read third time.

**Point of Order**

Assembly Member Thompson arose to the following point of order:

That Assembly Member Floyd refrain from the use of offensive words on the Floor of the Assembly.

**Ruling by Acting Speaker Keeley**

The Acting Speaker ruled the point of order well-taken.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—76**

Ackerman	Cunneen	Leach	Prenter
Aguiar	Davis	Lempert	Pringle
Alby	Ducheny	Leonard	Runner
Alquist	Escutia	Machado	Scott
Aroner	Figueroa	Martinez	Shelley
Ashburn	Firestone	Mazzoni	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker

**NOES—1**

Floyd

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 964 (Bowen)**—An act to add Sections 42889.1 and 42889.2 to the Public Resources Code, relating to solid waste.

Bill read third time, and passed by the following vote:

**AYES—48**

Alquist	Firestone	Machado	Shelley
Aroner	Floyd	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Bowen	Gallegos	Migden	Thomson
Brown	Havice	Morrissey	Torlakson
Cardenas	Hertzberg	Murray	Villaraigosa
Cardoza	Honda	Napolitano	Vincent
Cedillo	Keeley	Ortiz	Washington
Davis	Knox	Pacheco	Wayne
Ducheny	Kuehl	Papan	Wildman
Escutia	Kuykendall	Perata	Wright
Figueroa	Leach	Scott	Mr. Speaker

**NOES—24**

Ackerman	Bordonaro	House	Oller
Aguiar	Bowler	Kaloogian	Poochigian
Alby	Brewer	Lempert	Prenter
Ashburn	Campbell	Leonard	Runner
Baldwin	Cunneen	McClintock	Thompson
Baugh	Goldsmith	Miller	Woods

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1069 (Cardoza)**—An act to add Section 74.4 to the Revenue and Taxation Code, relating to local government finance.

Bill read third time, and passed by the following vote:

**AYES—75**

Ackerman	Cunneen	Leach	Pringle
Aguiar	Davis	Lempert	Runner
Alby	Ducheny	Leonard	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Mazzoni	Strom-Martin
Ashburn	Firestone	McClintock	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1225 (Granlund)**—An act to amend Sections 27491.4 and 27491.41 of the Government Code, to amend Sections 7150.5 and 7155 of, and to repeal and add Section 7151.5 of, the Health and Safety Code, relating to health.

Bill read third time.

**Demand for Previous Question**

Assembly Members Miller, Kuehl, Battin, Alquist, and Runner demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—61**

Ackerman	Figueroa	Mazzoni	Strom-Martin
Aguiar	Firestone	Migden	Sweeney
Alquist	Frusetta	Miller	Takasugi
Aroner	Gallegos	Morrissey	Thomson
Ashburn	Goldsmith	Murray	Torlakson
Baca	Granlund	Napolitano	Villaraigosa
Battin	Havice	Olberg	Vincent
Bowen	Hertzberg	Oller	Washington
Brewer	Honda	Ortiz	Wayne
Brown	House	Papan	Wildman
Campbell	Kaloogian	Perata	Woods
Cedillo	Keeley	Poochigian	Wright
Cunneen	Kuehl	Prenter	Mr. Speaker
Davis	Kuykendall	Pringle	
Ducheny	Lempert	Runner	
Escutia	Machado	Shelley	

**NOES—8**

Alby	Bordonaro	Leach	McClintock
Baugh	Bowler	Martinez	Thompson

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1328 (Cardenas)**—An act to amend Section 5019.5 of, add Article 4 (commencing with Section 72040) to Chapter 1 of Part 45 of, and to amend and renumber Section 72031 of, the Education Code, relating to postsecondary education.

Bill read third time, and passed by the following vote:

**AYES—52**

Alquist	Davis	Lempert	Perata
Aroner	Ducheny	Leonard	Prenter
Ashburn	Escutia	Machado	Pringle
Baca	Figueroa	Martinez	Runner
Baldwin	Frusetta	Mazzoni	Strom-Martin
Battin	Gallegos	McClintock	Takasugi
Baugh	Goldsmith	Migden	Thompson
Bowler	Hertzberg	Morrissey	Thomson
Brown	Honda	Morrow	Torlakson
Campbell	House	Napolitano	Villaraigosa
Cardenas	Kaloogian	Oller	Vincent
Cardoza	Keeley	Ortiz	Wayne
Cunneen	Kuykendall	Papan	Woods

**NOES—21**

Ackerman	Cedillo	Kuehl	Scott
Aguiar	Firestone	Leach	Sweeney
Alby	Floyd	Miller	Wildman
Bordonaro	Granlund	Olberg	
Bowen	Havice	Pacheco	
Brewer	Knox	Poochigian	

Bill ordered transmitted to the Senate.



**At 10:19 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 1397 (Gallegos)**—An act to add Section 14132.42 to the Welfare and Institutions Code, relating to human services.

Bill read third time, and passed by the following vote:

**AYES—68**

Aguiar	Davis	Kuykendall	Prenter
Alby	Ducheny	Leach	Pringle
Alquist	Escutia	Lempert	Scott
Aroner	Figueroa	Leonard	Shelley
Ashburn	Firestone	Machado	Strom-Martin
Baca	Floyd	Martinez	Sweeney
Baldwin	Frusetta	Mazzoni	Takasugi
Battin	Gallegos	Migden	Thomson
Baugh	Goldsmith	Miller	Torlakson
Bordonaro	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brown	Honda	Ortiz	Wayne
Cardenas	House	Pacheco	Wildman
Cardoza	Keeley	Papan	Woods
Cedillo	Knox	Perata	Wright
Cunneen	Kuehl	Poochigian	Mr. Speaker

**NOES—9**

Ackerman	Kaloogian	Oller
Brewer	McClintock	Runner
Campbell	Olberg	Thompson

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 1397: Assembly Member Baugh, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
PAPAN AMENDMENTS TO ASSEMBLY BILL NO. 66**

At 10:21 p.m., on motion of Assembly Member Morrow, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

**Request to Expunge Record and Rescind Action on Assembly Bill No. 66**

Assembly Member Papan requested unanimous consent that the record be expunged and the action rescinded whereby he offered amendments and whereby a roll call vote was taken on this day on his amendments to Assembly Bill No. 66.

Assembly Member Morrow withheld unanimous consent.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Papan moved to continue the call of the Assembly.

Motion carried. Time, 10:23 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
PAPAN AMENDMENTS TO ASSEMBLY BILL NO. 66**

At 10:23 p.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Member Papan requested a No vote on his proposed amendments to Assembly Bill No. 66.

The Papan motion to amend lost and amendments refused adoption by the following vote:

**AYES—14**

Ashburn	Brewer	McClintock	Runner
Battin	Goldsmith	Morrow	Villaraigosa
Baugh	House	Pacheco	
Bowler	Leach	Pringle	

**NOES—58**

Ackerman	Davis	Kuykendall	Scott
Aguiar	Ducheny	Lempert	Shelley
Alby	Escutia	Leonard	Strom-Martin
Alquist	Figueroa	Machado	Sweeney
Aroner	Firestone	Martinez	Takasugi
Baca	Floyd	Miller	Thomson
Baldwin	Frusetta	Morrissey	Torlakson
Bordonaro	Gallegos	Murray	Vincent
Bowen	Granlund	Napolitano	Washington
Brown	Havice	Olberg	Wayne
Campbell	Hertzberg	Ortiz	Wildman
Cardenas	Honda	Papan	Woods
Cardoza	Keeley	Perata	Wright
Cedillo	Knox	Prenter	Mr. Speaker
Cunneen	Kuehl		

**Further Consideration of Assembly Bill No. 66**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—67**

Ackerman	Ducheny	Lempert	Prenter
Aguiar	Escutia	Leonard	Scott
Alby	Figueroa	Machado	Shelley
Alquist	Firestone	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	McClintock	Takasugi
Baldwin	Goldsmith	Migden	Thomson
Bordonaro	Granlund	Miller	Torlakson
Bowen	Havice	Morrissey	Villaraigosa
Bowler	Hertzberg	Murray	Vincent
Brown	Honda	Napolitano	Washington
Campbell	House	Olberg	Wayne
Cardenas	Kaloogian	Oller	Wildman
Cardoza	Keeley	Ortiz	Woods
Cedillo	Knox	Papan	Wright
Cunneen	Kuehl	Perata	Mr. Speaker
Davis	Kuykendall	Poochigian	

**NOES—8**

Ashburn	Brewer	Morrow	Runner
Baugh	Leach	Pacheco	Thompson

Bill ordered transmitted to the Senate.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Miller was granted unanimous consent that the Governor's veto of Assembly Bill No. 940 be stricken from file.

**ACTION RESCINDED ON SENATE BILL NO. 1255**

Assembly Member Gallegos was granted unanimous consent to rescind the action whereby the Assembly, on August 11, 1997 (Assembly Journal, page 3602), passed Senate Bill No. 1255, and whereby the bill was ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 1255 WITHOUT REFERENCE TO FILE**

Assembly Member Gallegos was granted unanimous consent to take up Senate Bill No. 1255, without reference to file, for purpose of amendment.

**SENATE BILL NO. 1255 (Polanco)**—An act to amend Section 657 of the Business and Professions Code, to add Section 1371.22 to the Health and Safety Code, and to add Section 10126.5 to the Insurance Code, relating to health care.

Bill read third time.

**Motion to Amend**

Assembly Member Gallegos moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 565:** Alby, Baugh, Gallegos, Goldsmith, Hertzberg, Machado, and Napolitano—Aye; Aroner and Honda—No.

**Assembly Bill No. 609:** Alby, Aroner, Bordonaro, Knox, Olberg, and Pacheco—Aye.

**Assembly Bill No. 569:** Alby, Baugh, Bordonaro, Goldsmith, Machado, Martinez, Runner, and Woods—Aye.

**Assembly Bill No. 697, Olberg Motion to Re-refer to Committee:** Alby and Bordonaro—Aye.

**Assembly Bill No. 697:** Murray—Aye; Alby, Baugh, Bordonaro, Miller, Olberg, Runner, and Woods—No.

**Assembly Bill No. 933:** Alby, Baugh, Bordonaro, Miller, Olberg, and Woods—Aye.

**Assembly Bill No. 481:** Davis—Aye; Alby, Battin, Bordonaro, Olberg, Pringle, and Runner—No.

**Assembly Bill No. 425:** Alby, Bordonaro, Cardoza, Hertzberg, Napolitano, Olberg, and Ortiz—Aye; Machado—No.

**Assembly Bill No. 894:** Alby, Havice, and Knox—Aye; Battin, Baugh, Bordonaro, Granlund, Kaloogian, Morrow, Pacheco, and Pringle—No.

**Assembly Bill No. 895:** Alby, Ashburn, Bordonaro, Bowen, Granlund, Havice, House, Pacheco, and Runner—Aye; Baugh, Kaloogian, Oller, and Pringle—No.

**Assembly Bill No. 901:** Martinez and Richter—Aye; Alby, Ashburn, Baugh, Bordonaro, Granlund, and Runner—No.

**Assembly Bill No. 190:** Alby, Bordonaro, Granlund, Honda, Murray, Runner, and Vincent—Aye.

**Assembly Bill No. 50:** Alby, Bordonaro, Granlund, and Runner—Aye.

**Assembly Bill No. 384:** Alby, Bordonaro, Granlund, and Runner—Aye.

**Assembly Bill No. 583:** Alby, Battin, Bordonaro, Granlund, Kaloogian, Oller, and Runner—Aye.

**Assembly Bill No. 183:** Alby, Baldwin, Battin, Bordonaro, Granlund, Oller, Pacheco, Runner, and Sweeney—Aye; Baugh—No.

**Assembly Bill No. 194:** Cardenas—Aye; Alby, Baugh, Bordonaro, Granlund, and Miller—No.

**Assembly Bill No. 204:** Baldwin, Battin, Bordonaro, Granlund, Martinez, and Runner—Aye; Baugh, Goldsmith, Morrow, and Pochigian—No.

**Assembly Bill No. 218:** Battin, Bordonaro, Cunneen, Goldsmith, Granlund, Knox, and Runner—Aye; Baldwin, and Baugh—No.

**Assembly Bill No. 228:** Aguiar, Battin, Bordonaro, Cunneen, and Granlund—No.

**Assembly Bill No. 423:** Baldwin, Bordonaro, Cunneen, Goldsmith, Granlund, and Olberg—Aye.

**Assembly Bill No. 790:** Aguiar, Cunneen, and Morrissey—Aye; Bordonaro, Goldsmith, and Granlund—No.

**Assembly Bill No. 960:** Battin, Baugh, Bordonaro, Davis, Goldsmith, and Granlund—Aye; Martinez—No.

**Assembly Bill No. 1201:** Ashburn, Bordonaro, Figueroa, Granlund, Martinez, and Runner—Aye; Kaloogian, and Morrow—No.

**Assembly Bill No. 1469:** Bordonaro, Bowen, Figueroa, Goldsmith, Granlund, Martinez, and Runner—Aye.

**Assembly Bill No. 1534:** Ashburn, Baldwin, Bordonaro, Figueroa, Granlund, Morrow, and Runner—Aye.

**Assembly Concurrent Resolution No. 88, Coauthors:** Ashburn, Baugh, Bordonaro, Cunneen, Figueroa, Goldsmith, Granlund, Miller, Morrow, Olberg, Oller, Runner, and Woods—Aye.

**Assembly Bill No. 247:** Battin and Bordonaro—Aye; Ashburn, Baldwin, Olberg, and Runner—No.

**House Resolution No. 50:** Aguiar, Machado, and Runner—Aye; Baldwin, Bordonaro, Miller, Morrow, and Pochigian—No.

**Senate Bill No. 1311 and Urgency:** Alquist, Baugh, Bordonaro, Bowen, Escutia, Granlund, Honda, Martinez, Murray, and Oller—Aye.

**Assembly Bill No. 695:** Mazzoni—Aye; Baugh—No.

**Assembly Bill No. 981 and Urgency:** Bowen and Granlund—Aye; Bordonaro and Prenter—No.

**Assembly Bill No. 1187:** Aguiar, Bordonaro, and Granlund—Aye.

**Consent Calendar:** Bordonaro—Aye.

**Assembly Bill No. 726:** Bustamante, Cardenas, and Machado—Aye.

**Assembly Bill No. 160, Concurrence:** Figueroa, Granlund, Kuehl, and Machado—Aye; Battin and Pringle—No.

**Assembly Bill No. 1136:** Cardenas and Machado—Aye; Granlund—No.

**Assembly Bill No. 391:** Baugh—Aye.

**Assembly Bill No. 821:** Bordonaro—Aye.

**Assembly Bill No. 884:** Cunneen, Goldsmith, Pacheco, and Poochigian—Aye; Baldwin, Baugh, and Bordonaro—No.

**Assembly Bill No. 302:** Bordonaro—Aye.

**Assembly Bill No. 598 and Urgency:** Bordonaro—Aye.

**Assembly Bill No. 646:** Bordonaro—Aye.

**Assembly Bill No. 718:** Bordonaro and Ducheny—Aye.

**Papan Motion to Temporarily Suspend Rules:** Olberg—Aye.

**Assembly Bill No. 972:** Bordonaro, Martinez, and Olberg—Aye; Baugh and Bowen—No.

**Assembly Bill No. 1166:** Baugh and Martinez—Aye.

**Assembly Bill No. 795:** Aguiar and Cunneen—Aye; Baugh—No.

**Assembly Bill No. 20:** Battin and Baugh—Aye.

**Assembly Bill No. 277:** Battin, Baugh, and Oller—Aye.

**Assembly Bill No. 294:** Alby and Kuykendall—Aye; Baugh, Goldsmith, Olberg, and Pringle—No.

**Assembly Bill No. 297:** Ducheny and Prenter—Aye; Bowen and Martinez—No.

**Assembly Bill No. 312 and Urgency:** Cardenas and Cardoza—Aye; Baldwin—No.

**Assembly Bill No. 385:** Baugh, Figueroa, Olberg, and Papan—Aye.

**Assembly Bill No. 803:** Baugh, Olberg, and Pacheco—Aye; Sweeney—No.

**Assembly Bill No. 964:** Napolitano—Aye; Bordonaro, Brewer, Cunneen, Goldsmith, Lempert, Miller, Poochigian, and Woods—No.

**Assembly Bill No. 1069:** Granlund, Miller, and Woods—Aye.

**Assembly Bill No. 1225:** Bowen and Olberg—Aye; Baugh and Leach—No.

**Assembly Bill No. 1328:** Bordonaro—No.

**Assembly Bill No. 1397:** Bordonaro and Pacheco—Aye.

**Assembly Bill No. 66:** Migden and Shelley—Aye.

#### **MOTION TO ADJOURN**

At 10:36 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Brewer seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 10:36 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1710—Firestone and Cunneen (Senator McPherson, coauthor).** An act to add Section 3339 to the Civil Code, relating to liability.

**ASSEMBLY BILL NO. 1711—Aguiar and Granlund (Principal coauthor: Cunneen) (Coauthor: Morrissey).** An act to add Section 1368.08 to the Health and Safety Code, relating to health care service plans.

**ASSEMBLY BILL NO. 1712—Cunneen, Honda, Alquist, Figueroa, Frusetta, and Lempert, (Senators McPherson and Sher, coauthors).** An act to add Section 96.27 to the Revenue and Taxation Code, relating to local government finance.

**ASSEMBLY BILL NO. 1713—Cunneen and Alquist.** An act to add and repeal Sections 17052.55, 17052.56, 23655, and 23656 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1714—Wildman, Cedillo, and Strom-Martin, (Senator Alpert, coauthor).** An act relating to community colleges, and making and appropriation therefor.

**ASSEMBLY BILL NO. 1715—Knox, Aroner, Lempert, Mazzoni, Murray, and Wayne, (Senators Kopp, Lockyer, Peace, and Rosenthal, coauthors).** An act to add Chapter 4 (commencing with Section 13800) to Division 3 of the Insurance Code, relating to the Holocaust Insurance Registry.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 89—Machado.** Relative to National Boys and Girls Club Week.

**REPORTS OF STANDING COMMITTEES  
Committee on Appropriations**

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 493

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 10

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**ADJOURNMENT**

At 10:37 p.m., pursuant to the motion by Assembly Member Washington the Assembly adjourned until 9:30 a.m., Thursday, January 29, 1998, out of respect to the memory of Judith Milstein, on motion of Assembly Member Shelley; out of respect to the memory of Lynne Schwartz Cohen and Judge Lionel Wilson, on motion of Assembly Member Aroner; out of respect to the memory of Rev. Clarence E. Walker, Sr., on motion of Assembly Member Washington; out of respect to the memory of Frank Dutro, on motion of Assembly Member Cunneen; out of respect to the memory of Judge Benjamin Aranda III, on motion of Assembly Members Bowen, Campbell, and Kuykendall; and out of respect to the memory of Sue C. Nelson, on motion of Assembly Member Ortiz.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 28, 1998

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The following measures were amended in the Assembly on this day:

AB	RN	AB	RN
26	9805016	981	9805046
40	9805062	1063	9805105
105	9804978	1102	9805020
118	9804980	1135	9804914
119	9805094	1180	9805132
209	9805100	1212	9805065
222	9801801	1229	9726491
254	9805039	1241	9804943
261	9805066	1276	9805003
266	9804982	1287	9805011
305	9805103	1290	9804854
357	9804970	1381	9805063
457	9805091	1384	9804994
484	9805106	1386	9804976
496	9804945	1412	9805090
506	9805101	1440	9805053
511	9805095	1477	9804973
548	9804950	1494	9805093
550	9804990	1525	9805124
599	9804992	1608	9805102
668	9805104	1613	9805113
785	9805038		
796	9804988	<b>SB</b>	<b>RN</b>
828	9805056	1255	9801678
903	9804909		
910	9805048		

**Daily Total: 48**

**Cumulative Total: 3810**

Amendments were considered by the Assembly, but not adopted, to the following measure:

**AB**  
66\*

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)



CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 29, 1998**

**ONE HUNDRED FIFTY-FOURTH SESSION DAY  
FOUR HUNDRED TWENTY-FOURTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Thursday, January 29, 1998

The Assembly met at 9:35 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Leach moved a quorum call of the Assembly.

Motion carried. Time, 9:36 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 10:18 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Ackerman  
Aguilar  
Alby  
Alquist  
Aroner  
Ashburn  
Baca  
Baldwin  
Battin  
Baugh  
Bordonaro  
Bowen  
Bowler  
Brewer  
Brown  
Campbell  
Cardenas  
Cardoza  
Cedillo  
Cunneen

Davis  
Ducheny  
Escutia  
Figueroa  
Firestone  
Floyd  
Frusetta  
Gallegos  
Goldsmith  
Granlund  
Havice  
Hertzberg  
Honda  
House  
Kaloogian  
Keeley  
Knox  
Kuehl  
Kuykendall  
Leach

Lempert  
Leonard  
Machado  
Martinez  
Mazzoni  
McClintock  
Migden  
Miller  
Morrissey  
Morrow  
Murray  
Napolitano  
Olberg  
Oller  
Ortiz  
Pacheco  
Papan  
Perata  
Poochigian  
Prenter

Pringle  
Richter  
Runner  
Scott  
Shelley  
Strom-Martin  
Sweeney  
Takasugi  
Thompson  
Thomson  
Torlakson  
Villaraigosa  
Vincent  
Washington  
Wayne  
Wildman  
Woods  
Wright  
Mr. Speaker

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*Lord, You are the source of human redemption, the source of all our hopes. You have provided us with an example of a hope-filled future. You guide us along the right path and provide the good will for us to remain faithful to You and to our neighbor. Bless us this day, Lord, as we do the important work of this Assembly. Bless us and guide us in all that we do.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Knox then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Thompson, seconded by Assembly Member Ackerman.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Margett.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 28, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Antonio Villaraigosa from the Special Committee on School Facilities Finance and appointing Assemblymember Jack Scott. I am also appointing Assemblymember Kerry Mazzoni as co-chair of the Committee.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**Conference Committee Changes**

January 28, 1998

*E. Dotson Wilson**Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Antonio Villaraigosa from the Conference Committee on AB 234, AB 1580 and SB 1227 and appointing Assemblymember Jack Scott. I am also appointing Assemblymember Kerry Mazzoni as co-chair of the Committee.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 29, 1998

*E. Dotson Wilson**Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymembers Nao Takasugi and Bill Campbell to the Assembly Legislative Ethics Committee.

Thank you for your attention to this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 29, 1998

*E. Dotson Wilson**Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am establishing the Select Committee on Taxpayers' Rights and appointing Assemblymember Deborah Ortiz as the Chair.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 29, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I am expanding the size of the Select Committee on Coastal Protection by one member and appointing Assemblymember Michael Sweeney to fill that position.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 29, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Dotson: Attached is a copy of my letter appointing Assemblywoman Dion Aroner to the Welfare Reform Steering Committee pursuant to the provisions of Assembly Bill 1542.

It appears that through inadvertence this letter did not go across the Assembly Desk. Please accept this as verification that Ms. Aroner is hereby appointed to this committee.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

August 26, 1997

*The Honorable Pete Wilson*  
*Governor, State of California*  
*State Capitol*  
*Sacramento, California*

Dear Governor Wilson: Pursuant to the provisions of AB 1542, the landmark legislation which reformed California's welfare system, please be advised that I have appointed Assemblywoman Dion Aroner to be our representative on the steering committee that will oversee the implementation of this legislation.

As you know, Ms. Aroner has gone above and beyond the call of duty in regards to this measure, and it is only fair and just that she be given a continuing role in its implementation.

Thanking you in advance for your courtesy and cooperation.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 29, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 40  
 Assembly Bill No. 254  
 Assembly Bill No. 261  
 Assembly Bill No. 550  
 Assembly Bill No. 981

Assembly Bill No. 1180  
 Assembly Bill No. 1212  
 Assembly Bill No. 1381  
 Assembly Bill No. 1525

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, January 29, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 26  
 Assembly Bill No. 105  
 Assembly Bill No. 118  
 Assembly Bill No. 119  
 Assembly Bill No. 209  
 Assembly Bill No. 222  
 Assembly Bill No. 266  
 Assembly Bill No. 305  
 Assembly Bill No. 357  
 Assembly Bill No. 457  
 Assembly Bill No. 484  
 Assembly Bill No. 496  
 Assembly Bill No. 506  
 Assembly Bill No. 511  
 Assembly Bill No. 548  
 Assembly Bill No. 599

Assembly Bill No. 668  
 Assembly Bill No. 785  
 Assembly Bill No. 796  
 Assembly Bill No. 828  
 Assembly Bill No. 903  
 Assembly Bill No. 910  
 Assembly Bill No. 1063  
 Assembly Bill No. 1102  
 Assembly Bill No. 1135  
 Assembly Bill No. 1229  
 Assembly Bill No. 1241  
 Assembly Bill No. 1276  
 Assembly Bill No. 1287  
 Assembly Bill No. 1290  
 Assembly Bill No. 1384  
 Assembly Bill No. 1386

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 29, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1412  
 Assembly Bill No. 1440  
 Assembly Bill No. 1477

Assembly Bill No. 1494  
 Assembly Bill No. 1608  
 Assembly Bill No. 1613

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

*Assembly**Bill No.**Committee*

<b>1666</b> -----	C.P.,G.E. & E.D. and Jud.
<b>1667</b> -----	Health
<b>1668</b> -----	Rev. & Tax.
<b>1670</b> -----	Ins.
<b>1671</b> -----	Nat. Res.
<b>1672</b> -----	Rev. & Tax.
<b>1673</b> -----	Ed.
<b>1675</b> -----	Jud.
<b>1676</b> -----	C.P.,G.E. & E.D.
<b>1677</b> -----	H. & C.D.
<b>1678</b> -----	Rev. & Tax.

1679	-----	P.E.,R. & S.S.
1680	-----	Ins.
1681	-----	L. Gov.
1682	-----	Jud.
1683	-----	B. & F.
1684	-----	L. & E.
1685	-----	E.,R. & C.A.
1686	-----	Trans.
1687	-----	Ed.
1688	-----	Jud.
1689	-----	Nat. Res.
1690	-----	Trans. and Pub. S.
1691	-----	Rev. & Tax.

*Assembly Constitutional*

<i>Amendment No.</i>	<i>Committee</i>
29	----- Budget and Rev. & Tax.

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
87	----- Rls.

**At 10:23 a.m., Hon. Fred Keeley, 27th District, presiding**

**At 10:30 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**POINT OF INFORMATION**

Assembly Member Morrissey arose to the following point of information:

Pursuant to the Rules, if a Member is not on the attendance roll within 30 minutes after the scheduled start of session, the Member shall stand up before the Assembly and explain the reason he or she is late.

**ADJOURN IN MEMORY**

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former Mayor of Oakland Lionel Wilson.

**Moment of Silence Observed**

Assembly Member Papan was granted unanimous consent that the Assembly observe a moment of silence in honor of former Mayor Lionel Wilson.

**ADJOURN IN MEMORY**

Assembly Members Brewer, Campbell, and Morrissey were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Maj. Joseph S. Boyd, U.S.M.C. (Ret.), of Lake Forest.

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William “Bill” Bauer, of Norwalk.

Assembly Members Poochigian and Ashburn were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Allan Grant, of Visalia, former President of the California Farm Bureau and the only Californian to serve as president of the American Farm Bureau.

Assembly Member Poochigian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George “Barney” Finfrock, of Piedra, Fresno County.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anthony “Tony” Jimenez, of Hayward/Manteca.

#### **EXPLANATION OF ABSENCE EXPLAINED**

Pursuant to Assembly Rule 110, Assembly Member Kaloogian arose to explain to the Body that he and Assembly Members Cunneen and Woods had attended the conference of the California Technology Commission earlier this day, which delayed their arrival on the Assembly Floor.

#### **CAUCUS ANNOUNCEMENTS**

At 10:39 a.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

#### **RECESS**

By unanimous consent, at 10:40 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

#### **REASSEMBLED**

At 12:15 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

#### **CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

##### **Consent Calendar—Assembly Bills**

**ASSEMBLY BILL NO. 231 (Honda)**—An act to amend Sections 350 and 12022.6 of the Penal Code, relating to crimes.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 521 (Lempert)**—An act to add Section 70901.1 to the Education Code, relating to postsecondary education.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 743 (Washington)**—An act to add and repeal Section 1203.1abc of the Penal Code, relating to criminal offenders.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1373 (Granlund)**—An act to amend Section 12693.32 of the Insurance Code, relating to children.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*



**ASSEMBLY BILL NO. 16 (Kuykendall)**—An act relating to tidelands and submerged lands granted by the state to the City of Long Beach.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 322 (Baca)**—An act to amend Section 52335.4 of, and to repeal Sections 52318 and 52319 of, the Education Code, relating to vocational education.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1314 (Leach)**—An act to add Sections 9744.5 and 9749.3 to the Business and Professions Code, relating to cremated remains.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY JOINT RESOLUTION NO. 44 (Knox)**—Relative to Israel.

Resolution read, adopted, and ordered transmitted to the Senate.

#### **Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

#### **AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

#### **NOES—None**

**ADJOURN IN MEMORY**

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Homer Heacock, of Montebello.

**CONSIDERATION OF DAILY FILE****THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1120 (Knox)**—An act to add Section 2071.5 to the Insurance Code, relating to insurance.

Bill read third time.

**Demand for Previous Question**

Assembly Members Shelley, Mazzoni, Morrissey, House, and Alquist demanded the previous question: Demand sustained.

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Knox moved a call of the Assembly.

Motion carried. Time, 12:40 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Member Bernie Richter and his wife Rae who will celebrate their 45th wedding anniversary on Saturday January 31, 1998.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 822 (Aroner)**—An act to amend Sections 11331.5 and 11333.7 of the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

Bill read third time.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Aroner moved a call of the Assembly.

Motion carried. Time, 12:43 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**RULES TEMPORARILY SUSPENDED**

Assembly Member Brown was granted unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate Amendments to Assembly Bill No.142.

**ASSEMBLY BILL NO. 142 (Brown)**—An act to amend Section 42238.43 of the Education Code, relating to education and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

### Urgency Clause

Urgency clause read and adopted by the following vote:

#### AYES—76

Ackerman	Davis	Leach	Pringle
Aguiar	Ducheny	Lempert	Richter
Alby	Escutia	Leonard	Runner
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	Migden	Strom-Martin
Baca	Frusetta	Miller	Sweeney
Battin	Gallegos	Morrissey	Takasugi
Baugh	Goldsmith	Morrow	Thompson
Bordonaro	Granlund	Murray	Thomson
Bowen	Havice	Napolitano	Torlakson
Bowler	Hertzberg	Olberg	Villaraigosa
Brewer	Honda	Oller	Vincent
Brown	House	Ortiz	Washington
Campbell	Kaloogian	Pacheco	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Woods
Cedillo	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker

#### NOES—2

Baldwin	McClintock
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The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

Ackerman	Davis	Leach	Pringle
Aguilar	Ducheny	Lempert	Richter
Alby	Escutia	Leonard	Runner
Alquist	Figueroa	Machado	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	Migden	Strom-Martin
Baca	Frusetta	Miller	Sweeney
Battin	Gallegos	Morrissey	Takasugi
Baugh	Goldsmith	Morrow	Thompson
Bordonaro	Granlund	Murray	Thomson
Bowen	Havice	Napolitano	Torlakson
Bowler	Hertzberg	Olberg	Villaraigosa
Brewer	Honda	Oller	Vincent
Brown	House	Ortiz	Washington
Campbell	Kaloogian	Pacheco	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Woods
Cedillo	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker

**NOES—2**

Baldwin                      McClintock

Above bill ordered enrolled.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 771 (Margett)**—An act to amend Sections 116.220, 116.340, and 116.570 of the Code of Civil Procedure, relating to small claims court.

Bill read third time, presented by Assembly Member Lempert, and passed by the following vote:

**AYES—72**

Ackerman	Cunneen	Kuykendall	Prenter
Aguilar	Davis	Leach	Pringle
Alquist	Ducheny	Lempert	Runner
Aroner	Escutia	Leonard	Scott
Ashburn	Figueroa	Machado	Shelley
Baca	Firestone	Mazzoni	Strom-Martin
Baldwin	Frusetta	Miller	Sweeney
Battin	Gallegos	Morrissey	Takasugi
Baugh	Goldsmith	Morrow	Thompson
Bordonaro	Granlund	Murray	Thomson
Bowen	Havice	Napolitano	Torlakson
Bowler	Hertzberg	Olberg	Villaraigosa
Brewer	Honda	Oller	Vincent
Brown	House	Ortiz	Washington
Campbell	Kaloogian	Pacheco	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Woods
Cedillo	Kuehl	Poochigian	Mr. Speaker

**NOES—5**

Alby                              McClintock                      Richter  
Martinez                      Migden

Bill ordered transmitted to the Senate.

**At 12:52 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**ASSEMBLY BILL NO. 812 (Scott)**—An act to add Section 18305.5 to the Welfare and Institutions Code, relating to human services.

Bill read third time, and passed by the following vote:

**AYES—47**

Alquist	Firestone	Machado	Strom-Martin
Aroner	Frusetta	Martinez	Sweeney
Baca	Gallegos	Mazzoni	Thomson
Bowen	Havice	Migden	Torlakson
Brown	Hertzberg	Morrissey	Villaraigosa
Cardenas	Honda	Murray	Vincent
Cedillo	House	Napolitano	Washington
Cunneen	Keeley	Ortiz	Wayne
Davis	Knox	Papan	Wildman
Ducheny	Kuehl	Perata	Wright
Escutia	Kuykendall	Scott	Mr. Speaker
Figueroa	Lempert	Shelley	

**NOES—31**

Ackerman	Bowler	Leach	Prenter
Aguiar	Brewer	Leonard	Pringle
Alby	Campbell	McClintock	Richter
Ashburn	Cardoza	Miller	Runner
Baldwin	Floyd	Morrow	Takasugi
Battin	Goldsmith	Olberg	Thompson
Baugh	Granlund	Oller	Woods
Bordonaro	Kaloogian	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 744 (Washington)**—An act to amend Section 1308.7 of the Labor Code, relating to employees.

Bill read third time, and passed by the following vote:

**AYES—76**

Aguiar	Davis	Leach	Poochigian
Alby	Ducheny	Lempert	Prenter
Alquist	Escutia	Leonard	Pringle
Aroner	Figueroa	Machado	Runner
Ashburn	Firestone	Martinez	Scott
Baca	Floyd	Mazzoni	Shelley
Baldwin	Frusetta	McClintock	Strom-Martin
Battin	Gallegos	Migden	Sweeney
Baugh	Goldsmith	Miller	Takasugi
Bordonaro	Granlund	Morrissey	Thompson
Bowen	Havice	Morrow	Torlakson
Bowler	Hertzberg	Murray	Villaraigosa
Brewer	Honda	Napolitano	Vincent
Brown	House	Olberg	Washington
Campbell	Kaloogian	Oller	Wayne
Cardenas	Keeley	Ortiz	Wildman
Cardoza	Knox	Pacheco	Woods
Cedillo	Kuehl	Papan	Wright
Cunneen	Kuykendall	Perata	Mr. Speaker

**NOES—1**

Ackerman

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1000 (Keeley)**—An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers.

Bill read third time.

**Demand for Previous Question**

Assembly Members Shelley, Honda, Strom-Martin, Brewer, and Morrissey demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—52**

Alquist	Escutia	Kuykendall	Shelley
Aroner	Figueroa	Leach	Strom-Martin
Baca	Firestone	Lempert	Sweeney
Battin	Frusetta	Machado	Takasugi
Bordonaro	Gallegos	Martinez	Thomson
Bowen	Goldsmith	Mazzoni	Torlakson
Brown	Granlund	Migden	Villaraigosa
Cardenas	Havice	Murray	Vincent
Cardoza	Hertzberg	Napolitano	Washington
Cedillo	Honda	Ortiz	Wayne
Cunneen	Keeley	Papan	Wildman
Davis	Knox	Perata	Wright
Ducheny	Kuehl	Scott	Mr. Speaker

**NOES—23**

Ackerman	Campbell	Miller	Pringle
Alby	Floyd	Morrow	Richter
Ashburn	House	Olberg	Runner
Baldwin	Kaloogian	Oller	Thompson
Baugh	Leonard	Poochigian	Woods
Bowler	McClintock	Prenter	

Bill ordered transmitted to the Senate.

**Objection to Vote Adds and Vote Changes**

Assembly Member Shelley withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 1000.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 714**, on request of Assembly Member Kuehl.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 499 (Kuehl)**—An act to amend Sections 200, 211, 212, 212.5, 213, 214, 220, 223, 224, 250, 251, 253, 262.3, and 72012 of, to amend the headings of Chapter 2 (commencing with Section 200) of, and Article 3 (commencing with Section 220) of, Chapter 2 of Part 1 of, to amend and renumber Sections 40, 41, 45, 210, 212.6, 222, 226, 227, 228, 232, 262, 262.1, 262.2, 263, 33032.5, 44806, 52905, 52906, 52907, 52908, 58508, and 72015 of, to amend and renumber the headings of Article 4 (commencing with Section 240) of, Article 5 (commencing with Section 250) of, and Article 6 (commencing with Section 260) of, Chapter 2 of Part 1 of, to add Sections 210, 262.4, and 264 to, and to add Article 10 (commencing with Section 270) to, Chapter 2 of Part 1 of, to add the headings of Article 4 (commencing with Section 221.5) of, Article 5 (commencing with Section 233) of, Article 6 (commencing with Section 235) of, and Article 11 (commencing with Section 280) of, Chapter 2 of Part 1 of, and to add Chapter 4.5 (commencing with Section 66250) to Part 40 of, and to repeal the headings of Article 4 (commencing with Section 40) of, and Article 4.5 (commencing with Section 45) of, Chapter 1 of Part 1 of, and Article 8 (commencing with Section 52905) of Chapter 12 of Part 28 of, the Education Code, relating to education.

Bill read third time, and passed by the following vote:

**AYES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cedillo	Kuehl	Scott	Wright
Davis	Kuykendall	Shelley	Mr. Speaker
Ducheny	Lempert	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—37**

Ackerman	Brewer	Leach	Prenter
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Machado	Richter
Ashburn	Firestone	McClintock	Runner
Baca	Frusetta	Miller	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Olberg	Woods
Baugh	Havice	Oller	
Bordonaro	House	Pacheco	
Bowler	Kaloogian	Poochigian	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 499: Assembly Member Baca, from “Aye” to “No”.

**Request to Re-Open the Roll**

Assistant Speaker pro Tempore Baca requested unanimous consent to re-open the roll on Assembly Bill No. 499, after the vote was announced.

**Unanimous Consent Withheld  
and Objection to Vote Adds and Vote Changes**

Assembly Member Martinez withheld unanimous consent on the request to re-open the roll on Assembly Bill No. 499 and withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on Assembly Bill No. 499.

Assembly Bill No. 499 ordered transmitted to the Senate.

**Objection Withdrawn**

Assembly Member Shelley withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 1000.

**At 1:50 p.m., Hon. Fred Keeley, 27th District, presiding**

**ASSEMBLY BILL NO. 332 (Figueroa)**—An act to add Section 733 to the Business and Professions Code, to amend Section 1363.5 of, and to add Section 1368.07 to, the Health and Safety Code, and to add Sections 791.28 and 10123.91 to the Insurance Code, relating to health care.

Bill read third time, and passed by the following vote:

**AYES—52**

Aguilar	Ducheny	Kuykendall	Scott
Alby	Escutia	Lempert	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Floyd	Mazzoni	Sweeney
Baca	Frusetta	Migden	Thomson
Bordonaro	Gallejos	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Brown	Havice	Napolitano	Vincent
Cardenas	Hertzberg	Ortiz	Washington
Cardoza	Honda	Pacheco	Wayne
Cedillo	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Wright
Davis	Kuehl	Prenter	Mr. Speaker

**NOES—24**

Ackerman	Brewer	McClintock	Pringle
Ashburn	Campbell	Miller	Richter
Baldwin	House	Morrow	Runner
Battin	Kaloogian	Olberg	Takasugi
Baugh	Leonard	Oller	Thompson
Bowler	Machado	Poochigian	Woods

Bill ordered transmitted to the Senate.

**OBJECTION WITHDRAWN**

Assembly Member Martinez withdrew her objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 499.



**OBJECTION TO VOTE ADDS AND VOTE CHANGES**

Assembly Member Pringle withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 499.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 224 (Alby)**—An act to add Section 1342.2 to the Health and Safety Code, relating to health care service plans.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 981 (Wildman)**—An act to add Section 20910 to the Government Code, relating to public employees.

Bill read third time, and passed by the following vote:

**AYES—52**

Alby	Davis	Knox	Scott
Alquist	Ducheny	Kuehl	Shelley
Aroner	Escutia	Lempert	Strom-Martin
Ashburn	Figueroa	Machado	Sweeney
Baca	Floyd	Martinez	Thomson
Bordonaro	Frusetta	Mazzoni	Torlakson
Bowen	Gallegos	Migden	Villaraigosa
Bowler	Granlund	Morrissey	Vincent
Brown	Havice	Murray	Washington
Cardenas	Hertzberg	Napolitano	Wayne
Cardoza	Honda	Ortiz	Wildman
Cedillo	House	Papan	Wright
Cunneen	Keeley	Perata	Mr. Speaker

**NOES—25**

Ackerman	Firestone	Morrow	Richter
Aguiar	Kaloogian	Olberg	Runner
Baldwin	Kuykendall	Oller	Takasugi
Battin	Leach	Pacheco	Thompson
Baugh	Leonard	Poochigian	
Brewer	McClintock	Prenter	
Campbell	Miller	Pringle	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1236 (Floyd)**—An act to amend Section 3303 of, and to add Sections 3303.1 and 3303.2 to, the Government Code, relating to public employees.

Bill read third time, and passed by the following vote:

**AYES—66**

Aguiar	Davis	Leach	Richter
Alby	Ducheny	Lempert	Runner
Alquist	Escutia	Machado	Scott
Ashburn	Figueroa	Martinez	Shelley
Baca	Firestone	McClintock	Sweeney
Baldwin	Floyd	Migden	Takasugi
Battin	Frusetta	Miller	Thompson
Bordonaro	Gallegos	Morrissey	Thomson
Bowen	Granlund	Morrow	Torlakson
Bowler	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Oller	Washington
Campbell	House	Ortiz	Wayne
Cardenas	Keeley	Papan	Wildman
Cardoza	Knox	Perata	Mr. Speaker
Cedillo	Kuehl	Poochigian	
Cunneen	Kuykendall	Prenter	

**NOES—6**

Ackerman	Kaloogian	Olberg
Baugh	Mazzoni	Pringle

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 1236: Assembly Member Kaloogian, from “Aye” to “No”.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Morrissey requested permission to eat lunch at his desk in the Assembly Chamber while the House is in Floor session.

**Reply by Acting Speaker Keeley**

Acting Speaker Keeley replied that lunch was available in the Assembly Lounge and that the House would continue in Floor session as Members were temporarily absent from the Floor.

**Request for Recess**

Assembly Member Martinez requested unanimous consent that the House recess for 30 minutes.

**Reply by Acting Speaker Keeley**

Acting Speaker Keeley replied that leadership agreed that Members would temporarily leave the Floor and, further that it was agreed that there would be no withholds on vote adds or vote changes during the period Members were excused for lunch.

**Request for Democratic Caucus**

Assembly Member Martinez requested unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**Motion to Recess**

Assembly Member McClintock moved that the House recess for 30 minutes.

**CAUCUS ANNOUNCEMENTS**

At 2:17 p.m., Assembly Member Shelley announced that the Democratic Caucus would meet in the Assembly Lounge; and Assembly Member Leonard announced that the Republican Caucus would meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 2:18 p.m., Acting Speaker Keeley declared the Assembly recessed.

**REASSEMBLED**

At 3:05 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 29, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 1254

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, January 29, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 2	Senate Bill No. 409
Senate Bill No. 12	Senate Bill No. 489
Senate Bill No. 17	Senate Bill No. 555
Senate Bill No. 34	Senate Bill No. 645
Senate Bill No. 63	Senate Bill No. 694
Senate Bill No. 149	Senate Bill No. 822
Senate Bill No. 157	Senate Bill No. 831
Senate Bill No. 164	Senate Bill No. 836
Senate Bill No. 165	Senate Bill No. 854
Senate Bill No. 224	Senate Bill No. 924
Senate Bill No. 234	Senate Bill No. 1143
Senate Bill No. 256	Senate Bill No. 1203
Senate Bill No. 274	Senate Bill No. 1247
Senate Bill No. 302	Senate Bill No. 1256
Senate Bill No. 312	Senate Bill No. 1340
Senate Bill No. 334	Senate Bill No. 1358
Senate Bill No. 395	

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, January 29, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 27	Senate Bill No. 597
Senate Bill No. 28	Senate Bill No. 606
Senate Bill No. 29	Senate Bill No. 619
Senate Bill No. 103	Senate Bill No. 658
Senate Bill No. 120	Senate Bill No. 681
Senate Bill No. 139	Senate Bill No. 837
Senate Bill No. 155	Senate Bill No. 1011
Senate Bill No. 268	Senate Bill No. 1012
Senate Bill No. 351	Senate Bill No. 1019
Senate Bill No. 411	Senate Bill No. 1021
Senate Bill No. 460	Senate Bill No. 1103
Senate Bill No. 490	Senate Bill No. 1138
Senate Bill No. 539	Senate Bill No. 1158
Senate Bill No. 559	Senate Bill No. 1331

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, January 29, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 61

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bills were read the first time:

**SENATE BILL NO. 2**—An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoirs, and coastal resources.

**SENATE BILL NO. 12**—An act relating to education facilities funding.

**SENATE BILL NO. 17**—An act to relating to insurance, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 34**—An act to amend Section 14007.5 of, and to add Section 14007.7 to, the Welfare and Institution Code, relating to human services.

**SENATE BILL NO. 63**—An act to amend Sections 12071, 12072, 12077, 12082, and 12084 of the Penal Code, relating to firearms.

**SENATE BILL NO. 149**—An act to amend Section 7319 of the Business and Professions Code, relating to corrections.

**SENATE BILL NO. 157**—An act to add Section 1803 to the Fish and Game Code, relating to wildlife habitat, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 164**—An act relating to unemployment compensation disability benefits.

**SENATE BILL NO. 165**—An act to amend Sections 1030, 1032, and 1256 of the Unemployment Insurance Code, relating to unemployment compensation.

**SENATE BILL NO. 224**—An act to amend Sections 41365 and 47612 of the Education Code, relating to charter schools.

**SENATE BILL NO. 234**—An act to amend Sections 20017 and 20178 of, and to repeal and add Section 21337 of, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

**SENATE BILL NO. 256**—An act relating to housing.

**SENATE BILL NO. 274**—An act to add Section 121461 to the Health and Safety Code, relating to public health, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 302**—An act to amend Sections 50199.50, 50199.52, 50199.53, and 50199.55 of the Health and Safety Code, and to amend Sections 17053.14, 23608.2, and 23608.3 of the Revenue and Taxation Code, relating to farmworker housing.

**SENATE BILL NO. 312**—An act to add Division 26 (commencing with Section 79000) to the Water Code, relating to water.

**SENATE BILL NO. 334**—An act to amend Sections 550 and 1170.11 of the Penal Code, relating to insurance fraud.

**SENATE BILL NO. 395**—An act to add Section 42239.7 to the Education Code, relating to summer school.

**SENATE BILL NO. 409**—An act to add Chapter 4.5 (commencing with Section 18800) to Part 11 of the Education Code, relating to libraries.

**SENATE BILL NO. 489**—An act to add Section 2166.5 to the Elections Code, and to add Chapter 3.1 (commencing with Section 6205) to Division 7 of Title 1 of the Government Code, relating to domestic violence victims, and making an appropriation therefor.

**SENATE BILL NO. 555**—An act to amend Section 123975 of, and to add Article 6.5 (commencing with Section 124115) to Chapter 3 of Part 2 of Division 106 of, the Health and Safety Code, and to add Section 14132.26 to the Welfare and Institutions Code, relating to child health, making an appropriation therefor, and declaring the urgency thereof to take effect immediately.

**SENATE BILL NO. 645**—An act to amend Section 361.3 of, and to add Sections 324.5 and 361.4 to, the Welfare and Institutions Code, relating to children.

**SENATE BILL NO. 694**—An act to add Part 7 (commencing with Section 122400) to Division 105 of the Health and Safety Code, relating to hepatitis.

**SENATE BILL NO. 822**—An act to add Chapter 3 (commencing with Section 2050) to Division 2.5 of the Welfare and Institutions Code, relating to youth.

**SENATE BILL NO. 831**—An act to amend Sections 8353, 8354, 8355, and 8358 of the Education Code, relating to human services.

**SENATE BILL NO. 836**—An act to amend Section 84207 of, and to add Article 1.5 (commencing with Section 84730) to Chapter 5 of Part 50 of, the Education Code, relating to postsecondary education, and making an appropriation therefor.

**SENATE BILL NO. 854**—An act to add Section 97.27 to the Revenue and Taxation Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 924**—An act to amend Section 1872.83 of the Insurance Code, and to amend Section 3722 of the Labor Code, relating to workers' compensation, and making an appropriation therefor.

**SENATE BILL NO. 1143**—An act to amend Section 12005 of the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

**SENATE BILL NO. 1203**—An act to add Sections 40429 and 40472 to the Health and Safety Code, relating to air pollution.

**SENATE BILL NO. 1247**—An act to amend Section 40451 of, and to add Sections 39047.2 and 40471 to, the Health and Safety Code, relating to air pollution.

**SENATE BILL NO. 1256**—An act to amend Section 14163 of the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 1340**—An act to amend Sections 752 and 753 of, and to add Section 68567 to, the Government Code, relating to courts.

**SENATE BILL NO. 1358**—An act to amend Sections 44003 and 44010.5 of the Health and Safety Code, relating to air pollution.

**SENATE BILL NO. 27**—An act to amend Section 19605.71 of the Business and Professions Code, relating to horseracing.

**SENATE BILL NO. 28**—An act to amend Sections 19535, 19607, and 19607.1 of the Business and Professions Code, relating to horseracing.

**SENATE BILL NO. 29**—An act to amend Section 19605.7 of the Business and Professions Code, relating to horseracing.

**SENATE BILL NO. 103**—An act to amend, repeal, and add Section 19613 of the Business and Professions Code, relating to horse racing.

**SENATE BILL NO. 120**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

**SENATE BILL NO. 139**—An act to amend Sections 54954.5, 54956.8, and 54957.6 of the Government Code, relating to public meetings.

**SENATE BILL NO. 155**—An act to amend Section 8698.6 of the Business and Professions Code, relating to structural pest control.

**SENATE BILL NO. 268**—An act to add Section 42283.2 to the Education Code, relating to schools.

**SENATE BILL NO. 351**—An act to amend Section 51553 of the Education Code, and to amend Sections 1202.1 and 12022.85 of the Penal Code, relating to sexual crimes.

**SENATE BILL NO. 411**—An act to amend Sections 1562.3 and 1569.616 of the Health and Safety Code, relating to community care facilities.

**SENATE BILL NO. 460**—An act to amend, repeal, and add Sections 32121 and 32126 of the Health and Safety Code, relating to local health care districts, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 490**—An act to amend Section 3011 of the Elections Code, relating to elections.

**SENATE BILL NO. 539**—An act to amend Section 19401 of the Business and Professions Code, relating to horseracing.

**SENATE BILL NO. 559**—An act to amend Sections 11713 and 24007 of the Vehicle Code, relating to vehicles.

**SENATE BILL NO. 597**—An act to add Chapter 6 (commencing with Section 17300) to Part 2 of Division 7 of the Business and Professions Code, relating to electronic commerce.

**SENATE BILL NO. 606**—An act to amend Section 25648.4 of the Public Resources Code, to amend Sections 383.5, 384, and 445 of the Public Utilities Code, and to amend Section 1 of Chapter 905 of the Statutes of 1997, relating to public utilities.

**SENATE BILL NO. 619**—An act to amend Sections 4456 and 9553 of the Vehicle Code, relating to vehicles.

**SENATE BILL NO. 658**—An act to amend Section 57004 of the Health and Safety Code, relating to environmental protection.

**SENATE BILL NO. 681**—An act to amend Section 14551 of the Public Resources Code, relating to beverage containers.

**SENATE BILL NO. 837**—An act to amend Section 65082 of the Government Code, to amend Section 99317 of the Public Utilities Code, and to amend Section 188.10 of, and to repeal Section 164.1 of, the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 1011**—An act to add Section 1011 to the Water Code, relating to water.

**SENATE BILL NO. 1012**—An act to amend Section 25299.39.1 of the Health and Safety Code, relating to underground storage tanks.

**SENATE BILL NO. 1019**—An act to amend Section 44977 of, and to add Section 44978.1 to, the Education Code, relating to school employees.

**SENATE BILL NO. 1021**—An act to amend Sections 21752 and 21757 of the Government Code, relating to public employees.

**SENATE BILL NO. 1103**—An act to amend Sections 465 and 834 of the Revenue and Taxation Code, relating to taxation.

**SENATE BILL NO. 1138**—An act to amend Section 989.5 of the Military and Veterans Code, relating to the veterans, and making an appropriation therefor.

**SENATE BILL NO. 1158**—An act to amend Section 987.88 of the Military and Veterans Code, relating to veterans, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 1331**—An act to amend Sections 1247.63, 1247.64, 1247.66, and 1247.95 of the Business and Professions Code, relating to hemodialysis.

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 61**—Relative to College Awareness Month.

### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 1352 (Martinez)**—An act to add Section 123279.1 to the Health and Safety Code, relating to nutrition, and making an appropriation therefor.

Bill read third time.

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Martinez moved a call of the Assembly.

Motion carried. Time, 3:07 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 80 (Ducheny)**—An act to amend Sections 17274 and 24436.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Ducheny moved a call of the Assembly.

Motion carried. Time, 3:10 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

### **REQUEST FOR UNANIMOUS CONSENT**

Speaker pro Tempore Kuehl was granted unanimous consent to waive the one-day print rule [Assembly Rule 69(d)] to allow any Assembly bill that was amended yesterday, January 28, 1998, to be taken up today, for passage, on the third reading file; and that Assembly Bills Nos. 26, 118, 222, 266, 357, 496, 548, 796, 828, 903, 910, 1102, 1135, 1229, 1241, 1276, 1290, 1384, 1386, 1440, 1477, 599, 785, 484, 511, 668, 1063, 1287, 119, 209, 305, 457, 506, 1494, and 1613 on the second reading file be taken up today without reference to file and read a third time for passage.

**CONSIDERATION OF DAILY FILE (RESUMED)  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 26, 118, 222, 266, 357, 496, 548, 796, 828, 903, 910, 1102, 1135, 1229, 1241, 1276, 1290, 1384, 1386, 1440, 1477, 599, 785, 484, 511, 668, 1063, 1287, 119, 209, 305, 457, 506, 1494, and 1613,** ordered to third reading.

**Bills Passed Temporarily**

By unanimous consent Assembly Bills Nos. 105, 1412, and 1608 were passed temporarily on file.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 493**—An act relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 10**—An act to add and repeal Section 42250.2 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**CONSIDERATION OF ASSEMBLY BILLS BY UNANIMOUS CONSENT**

The following bills on the second reading file were taken up without reference to file pursuant to unanimous consent granted earlier this day.

**ASSEMBLY BILL NO. 118 (Cardenas)**—An act to add Section 14133.95 to the Welfare and Institutions Code, relating to health.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Washington
Brewer	House	Oller	Wayne
Brown	Kaloogian	Ortiz	Wildman
Campbell	Keeley	Pacheco	Woods
Cardenas	Knox	Papan	Wright
Cardoza	Kuehl	Perata	Mr. Speaker
Cedillo	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 222 (Takasugi)**—An act to amend Section 6907 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—76**

Ackerman	Cunneen	Kuykendall	Poochigian
Aguiar	Davis	Leach	Prenter
Alby	Ducheny	Lempert	Pringle
Alquist	Escutia	Leonard	Richter
Aroner	Figueroa	Machado	Runner
Ashburn	Firestone	Martinez	Scott
Baca	Floyd	Mazzoni	Shelley
Baldwin	Frusetta	McClintock	Sweeney
Battin	Gallegos	Migden	Takasugi
Baugh	Goldsmith	Miller	Thompson
Bordonaro	Granlund	Morrissey	Thomson
Bowen	Havice	Morrow	Torlakson
Bowler	Hertzberg	Napolitano	Villaraigosa
Brewer	Honda	Olberg	Vincent
Brown	House	Oller	Wayne
Campbell	Kaloogian	Ortiz	Wildman
Cardenas	Keeley	Pacheco	Woods
Cardoza	Knox	Papan	Wright
Cedillo	Kuehl	Perata	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 266 (Escutia)**—An act to add Chapter 4.6 (commencing with Section 6015) to Title 7 of Part 3 of the Penal Code, relating to Hepatitis B immunization.

Bill read third time, and passed by the following vote:

**AYES—61**

Aguiar	Escutia	Machado	Sweeney
Alby	Figueroa	Martinez	Takasugi
Alquist	Firestone	Mazzoni	Thompson
Aroner	Floyd	McClintock	Thomson
Baca	Frusetta	Migden	Torlakson
Battin	Gallegos	Miller	Villaraigosa
Bordonaro	Havice	Morrissey	Vincent
Bowen	Hertzberg	Napolitano	Washington
Bowler	Honda	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Scott	
Davis	Lempert	Shelley	
Ducheny	Leonard	Strom-Martin	

**NOES—14**

Ackerman	Campbell	Morrow	Pringle
Ashburn	Granlund	Olberg	Runner
Baldwin	House	Oller	
Baugh	Kaloogian	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 357 (Havice)**—An act to amend Section 1192.7 of the Penal Code, relating to crimes.

Bill read third time, and passed by the following vote:

**AYES—73**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Ashburn	Firestone	Mazzoni	Shelley
Baca	Frusetta	McClintock	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Wayne
Brewer	House	Oller	Wildman
Brown	Kaloogian	Ortiz	Woods
Campbell	Keeley	Pacheco	Wright
Cardenas	Knox	Papan	Mr. Speaker
Cardoza	Kuehl	Perata	
Cedillo	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—2**

Aroner                      Migden

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 496 (Lempert)**—An act to amend Sections 44256, 69613, 69615.6, and 69616 of, and to add Article 13 (commencing with Section 44400) to Chapter 2 of Part 25 of, the Education Code, relating to certificated school employees.

Bill read third time, and passed by the following vote:

**AYES—72**

Ackerman	Davis	Leach	Prenter
Aguiar	Ducheny	Lempert	Pringle
Alby	Escutia	Leonard	Richter
Alquist	Figueroa	Machado	Runner
Aroner	Floyd	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	Migden	Strom-Martin
Battin	Goldsmith	Miller	Sweeney
Bordonaro	Granlund	Morrissey	Takasugi
Bowen	Havice	Morrow	Thompson
Bowler	Hertzberg	Murray	Thomson
Brewer	Honda	Napolitano	Torlakson
Brown	House	Olberg	Villaraigosa
Campbell	Kaloogian	Oller	Vincent
Cardenas	Keeley	Ortiz	Washington
Cardoza	Knox	Papan	Wayne
Cedillo	Kuehl	Perata	Wildman
Cunneen	Kuykendall	Poochigian	Mr. Speaker

**NOES—3**

Baldwin                      Baugh                      McClintock

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 548 (Aroner)**—An act to add Article 8 (commencing with Section 13367) to Chapter 5 of Division 7 of the Water Code, relating to water.

Bill read third time, and passed by the following vote:

**AYES—42**

Alquist	Floyd	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	Keeley	Papan	Wayne
Cedillo	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	
Figueroa	Martinez	Sweeney	

**NOES—31**

Ackerman	Bowler	Leonard	Prenter
Aguiar	Brewer	McClintock	Pringle
Alby	Campbell	Miller	Richter
Ashburn	Goldsmith	Morrissey	Runner
Baldwin	Granlund	Morrow	Takasugi
Battin	House	Olberg	Thompson
Baugh	Kaloogian	Oller	Woods
Bordonaro	Leach	Poochigian	

Bill ordered transmitted to the Senate.

**OBJECTION WITHDRAWN**

On behalf of Assembly Member Pringle, Assembly Member Thompson withdrew the objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 499.

**CONSIDERATION OF ASSEMBLY BILLS  
BY UNANIMOUS CONSENT (RESUMED)**

**ASSEMBLY BILL NO. 796 (Havice)**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 828 (Aroner)**—An act to add Chapter 5 (commencing with Section 54540) to Part 29 of the Education Code, relating to pupils.

Bill read third time, and passed by the following vote:

**AYES—60**

Aguiar	Ducheny	Leach	Shelley
Alquist	Escutia	Lempert	Strom-Martin
Aroner	Figueroa	Machado	Sweeney
Ashburn	Firestone	Martinez	Takasugi
Baca	Floyd	Mazzoni	Thompson
Battin	Frusetta	Migden	Thomson
Bowen	Gallegos	Morrissey	Torlakson
Bowler	Goldsmith	Morrow	Villaraigosa
Brown	Havice	Murray	Vincent
Campbell	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Pacheco	Wildman
Cedillo	Knox	Papan	Woods
Cunneen	Kuehl	Perata	Wright
Davis	Kuykendall	Scott	Mr. Speaker

**NOES—17**

Ackerman	Brewer	McClintock	Pringle
Alby	Granlund	Miller	Runner
Baldwin	House	Olberg	
Baugh	Kaloogian	Oller	
Bordonaro	Leonard	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 903 (Miller)**—An act to amend Section 532d of the Penal Code, relating to crimes.

Bill read third time, and passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 910 (Cardenas)**—An act to add Chapter 6 (commencing with Section 104310) to Part 1 of Division 103 of the Health and Safety Code, relating to prostate cancer.

Bill read third time, and passed by the following vote:

**AYES—55**

Aguiar	Escutia	Leach	Shelley
Alquist	Figueroa	Lempert	Strom-Martin
Aroner	Firestone	Machado	Sweeney
Ashburn	Floyd	Martinez	Takasugi
Baca	Frusetta	Mazzoni	Thomson
Battin	Gallegos	Migden	Torlakson
Bowen	Granlund	Morrissey	Villaraigosa
Brown	Havice	Murray	Vincent
Cardenas	Hertzberg	Napolitano	Washington
Cardoza	Honda	Ortiz	Wayne
Cedillo	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Wright
Davis	Kuehl	Richter	Mr. Speaker
Ducheny	Kuykendall	Scott	

**NOES—22**

Ackerman	Brewer	Miller	Pringle
Alby	Campbell	Morrow	Runner
Baldwin	House	Olberg	Thompson
Baugh	Kaloogian	Oller	Woods
Bordonaro	Leonard	Poochigian	
Bowler	McClintock	Prenter	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1102 (Knox)**—An act to amend Sections 22717 and 22719 of the Education Code, and to amend Section 20963 of, and to add Section 20837 to, the Government Code, relating to public employers.

Bill read third time, and passed by the following vote:

**AYES—58**

Aguiar	Escutia	Leach	Shelley
Alquist	Figueroa	Lempert	Strom-Martin
Aroner	Firestone	Machado	Sweeney
Ashburn	Floyd	Martinez	Takasugi
Baca	Frusetta	Mazzoni	Thomson
Bowen	Gallegos	Migden	Torlakson
Bowler	Granlund	Morrissey	Villaraigosa
Brown	Havice	Murray	Vincent
Campbell	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	House	Papan	Wildman
Cedillo	Keeley	Perata	Wright
Cunneen	Knox	Prenter	Mr. Speaker
Davis	Kuehl	Richter	
Ducheny	Kuykendall	Scott	

**NOES—19**

Ackerman	Bordonaro	Miller	Pringle
Alby	Brewer	Morrow	Runner
Baldwin	Kaloogian	Olberg	Thompson
Battin	Leonard	Oller	Woods
Baugh	McClintock	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1135 (Mazzoni)**—An act to add Article 14.5 (commencing with Section 8300) to Chapter 2 of Part 6 of the Education Code, relating to child care.

Bill read third time, and passed by the following vote:

**AYES—46**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Frusetta	Migden	Torlakson
Bowen	Gallegos	Morrissey	Villaraigosa
Brown	Havice	Murray	Vincent
Cardenas	Hertzberg	Napolitano	Washington
Cardoza	Honda	Ortiz	Wayne
Cedillo	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Lempert	Shelley	
Escutia	Machado	Strom-Martin	

**NOES—28**

Ackerman	Bowler	Leonard	Poochigian
Aguiar	Brewer	McClintock	Pringle
Alby	Campbell	Miller	Richter
Ashburn	Granlund	Morrow	Runner
Baldwin	House	Olberg	Takasugi
Baugh	Kaloogian	Oller	Thompson
Bordonaro	Leach	Pacheco	Woods

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1229 (Migden)**—An act to amend Sections 6055 and 6937 of, and to add Section 6066.1 to, the Revenue and Taxation Code, relating to taxation, 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—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**RE-REFERENCE OF BILLS**

Assembly Member Knox was granted unanimous consent that Assembly Constitutional Amendment No. 10 be re-referred from the Committee on Revenue and Taxation to the Committee on Elections, Reapportionment and Constitutional Amendments.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Lempert announced his intention to request that Senate Bill No. 989 be removed from the inactive file.

**CONSIDERATION OF ASSEMBLY BILLS  
BY UNANIMOUS CONSENT (RESUMED)**

**ASSEMBLY BILL NO. 1241 (Keeley)**—An act to amend Sections 2, 103, 1701, 7000, 7015, 7020, 7025, 7256, 7290, 7350, 7370, 7710, 8100, and 8150.7 of, to add Sections 105, 1702, 1703, 1704, 1705, 1706, 7010, 7010.1, 7010.2, 7010.3, 8140, 8610, 9024.5, 9025, and 9056 to, to add a division heading immediately preceding Section 1 of, to add Chapter 2 (commencing with Section 90) to Division .5 and Article .5 (commencing with Section 8130) to Chapter 2 of Part 3 of Division 6 of, and to repeal and add Sections 1700, 7005, 7022, 7030, 7710.1, and 8140 of, the Fish and Game Code, relating to marine life, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—45**

Alquist	Figueroa	Machado	Thomson
Aroner	Firestone	Martinez	Torlakson
Baca	Floyd	Mazzoni	Villaraigosa
Bowen	Gallegos	Migden	Vincent
Brown	Havice	Murray	Washington
Cardenas	Hertzberg	Napolitano	Wayne
Cardoza	Honda	Ortiz	Wildman
Cedillo	Keeley	Papan	Wright
Cunneen	Knox	Perata	Mr. Speaker
Davis	Kuehl	Shelley	
Ducheny	Kuykendall	Strom-Martin	
Escutia	Lempert	Sweeney	

**NOES—26**

Ackerman	Campbell	Miller	Prenter
Aguiar	Granlund	Morrissey	Richter
Baldwin	House	Morrow	Runner
Battin	Kaloogian	Olberg	Thompson
Baugh	Leach	Oller	Woods
Bowler	Leonard	Pacheco	
Brewer	McClintock	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1276 (Papan)**—An act to amend Section 4691 of the Welfare and Institutions Code, relating to developmental services.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.



**OBJECTION TO VOTE ADDS AND VOTE CHANGES**

Assembly Member Hertzberg withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 1241.

**CONSIDERATION OF ASSEMBLY BILLS  
BY UNANIMOUS CONSENT (RESUMED)**

**ASSEMBLY BILL NO. 1290 (Havice)**—An act to amend Sections 208, 290, 422.75, 667.5, 667.61, 667.7, 667.71, 1170.1, 1174.4, 1269b, 2933.5, 2962, 3003, 3057, and 12022.53 of, and to repeal Section 208 of, the Penal Code, and to amend Sections 676, 707, 828.1, and 3052 of the Welfare and Institutions Code, relating to crime and punishment.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Wayne
Brewer	House	Ortiz	Wildman
Brown	Kaloogian	Pacheco	Woods
Campbell	Keeley	Papan	Wright
Cardenas	Knox	Perata	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1384 (Havice)**—An act to amend Sections 11571 and 11573.5 of, and to add and repeal Section 11571.1 of, the Health and Safety Code, relating to controlled substances.

Bill read third time, and passed by the following vote:

**AYES—67**

Aguiar	Ducheny	Lempert	Runner
Alby	Escutia	Leonard	Scott
Alquist	Figueroa	Machado	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Battin	Goldsmith	Morrow	Thompson
Bordonaro	Granlund	Murray	Thomson
Bowen	Havice	Napolitano	Torlakson
Bowler	Hertzberg	Olberg	Vincent
Brewer	Honda	Oller	Washington
Brown	House	Ortiz	Wayne
Campbell	Keeley	Papan	Wildman
Cardenas	Knox	Perata	Woods
Cardoza	Kuehl	Poochigian	Wright
Cunneen	Kuykendall	Prenter	Mr. Speaker
Davis	Leach	Richter	

**NOES—8**

Ackerman	Baugh	Martinez	Migden
Baldwin	Kaloogian	McClintock	Pacheco

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1386 (Goldsmith)**—An act to amend Section 594 of the Penal Code, relating to crimes.

Bill read third time, and passed by the following vote:

**AYES—59**

Ackerman	Ducheny	Lempert	Prenter
Aguiar	Escutia	Leonard	Richter
Alquist	Firestone	Machado	Runner
Ashburn	Frusetta	McClintock	Scott
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bowen	Hertzberg	Napolitano	Torlakson
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Oller	Wayne
Campbell	Keeley	Ortiz	Wildman
Cardenas	Knox	Pacheco	Woods
Cardoza	Kuykendall	Papan	Mr. Speaker
Cunneen	Leach	Poochigian	

**NOES—14**

Aroner	Kuehl	Perata	Washington
Cedillo	Martinez	Shelley	Wright
Floyd	Mazzoni	Strom-Martin	
Honda	Migden	Villaraigosa	

Bill ordered transmitted to the Senate.

**Objection to Vote Adds and Vote Changes**

Assembly Member Morrissey withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 1386.

**ASSEMBLY BILL NO. 1440 (Woods)**—An act to add Section 12300.8 to the Welfare and Institutions Code, relating to public social services.

Bill read third time, and passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguilar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1477 (Papan)**—An act to repeal and add Section 19596 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read third time.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Papan moved a call of the Assembly.

Motion carried. Time, 4:40 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 599 (Prenter)**—An act to add Chapter 10.2 (commencing with Section 13893) to Title 6 of Part 4 of the Penal Code, relating to the California Forensic Science Laboratory Enhancement Program.

Bill read third time, and passed by the following vote:

**AYES—79**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Floyd	McClintock	Strom-Martin
Baca	Frusetta	Migden	Sweeney
Baldwin	Gallegos	Miller	Takasugi
Battin	Goldsmith	Morrissey	Thompson
Baugh	Granlund	Morrow	Thomson
Bordonaro	Havice	Murray	Torlakson
Bowen	Hertzberg	Napolitano	Villaraigosa
Bowler	Honda	Olberg	Vincent
Brewer	House	Oller	Washington
Brown	Kaloogian	Ortiz	Wayne
Campbell	Keeley	Pacheco	Wildman
Cardenas	Knox	Papan	Woods
Cardoza	Kuehl	Perata	Wright
Cedillo	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 785 (Campbell)**—An act to add Section 5027 to the Penal Code, relating to corrections.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Olberg	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 785: Assembly Member Cedillo, from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 484 (Havice)**—An act to amend Sections 17052.17, 17052.18, 23617, and 23617.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Martinez	Scott
Alquist	Firestone	Mazzoni	Shelley
Aroner	Floyd	McClintock	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Takasugi
Baldwin	Goldsmith	Morrissey	Thompson
Battin	Granlund	Morrow	Thomson
Baugh	Havice	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 511 (Migden)**—An act to amend Sections 19604, 23182, and 23186 of, and to add Section 19606 to, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Cunneen	Leach	Richter
Aguiar	Davis	Lempert	Runner
Alby	Ducheny	Machado	Scott
Alquist	Escutia	Martinez	Shelley
Aroner	Figueroa	Mazzoni	Strom-Martin
Ashburn	Firestone	Migden	Sweeney
Baca	Floyd	Miller	Takasugi
Baldwin	Frusetta	Morrissey	Thomson
Battin	Gallegos	Morrow	Torlakson
Baugh	Granlund	Murray	Villaraigosa
Bordonaro	Havice	Napolitano	Vincent
Bowen	Hertzberg	Olberg	Washington
Bowler	Honda	Oller	Wayne
Brewer	House	Ortiz	Wildman
Brown	Kaloogian	Pacheco	Woods
Campbell	Keeley	Papan	Wright
Cardenas	Knox	Perata	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 668 (Aroner)**—An act to add Section 14132.97 to the Welfare and Institutions Code, relating to human services.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Davis	Lempert	Runner
Aguiar	Ducheny	Leonard	Scott
Alby	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Floyd	Migden	Takasugi
Baca	Frusetta	Miller	Thompson
Baldwin	Gallegos	Morrissey	Thomson
Battin	Goldsmith	Morrow	Torlakson
Baugh	Granlund	Murray	Villaraigosa
Bordonaro	Havice	Napolitano	Vincent
Bowen	Hertzberg	Olberg	Washington
Bowler	Honda	Oller	Wayne
Brewer	House	Ortiz	Wildman
Brown	Kaloogian	Pacheco	Woods
Campbell	Keeley	Papan	Wright
Cardenas	Knox	Perata	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1063 (Lempert)**—An act to amend Section 6377 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—78**

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Machado	Runner
Alby	Escutia	Martinez	Scott
Alquist	Figueroa	Mazzoni	Shelley
Aroner	Firestone	McClintock	Strom-Martin
Ashburn	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poochigian	Mr. Speaker
Cedillo	Leach	Prenter	
Cunneen	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1287 (Wildman)**—An act to add and repeal Sections 17053.20 and 23615 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—58**

Ackerman	Davis	Machado	Sweeney
Aguiar	Ducheny	Martinez	Takasugi
Alquist	Escutia	Miller	Thompson
Aroner	Figueroa	Morrissey	Thomson
Baca	Floyd	Morrow	Torlakson
Battin	Frusetta	Murray	Villaraigosa
Bordonaro	Gallegos	Napolitano	Vincent
Bowen	Havice	Ortiz	Washington
Brewer	Hertzberg	Pacheco	Wayne
Brown	Honda	Papan	Wildman
Campbell	Keeley	Prenter	Woods
Cardenas	Knox	Runner	Wright
Cardoza	Kuehl	Scott	Mr. Speaker
Cedillo	Lempert	Shelley	
Cunneen	Leonard	Strom-Martin	

**NOES—12**

Alby	Baugh	House	McClintock
Ashburn	Bowler	Kaloogian	Oller
Baldwin	Goldsmith	Leach	Richter

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 1412**, ordered to third reading.

**CONSIDERATION OF ASSEMBLY BILLS  
BY UNANIMOUS CONSENT (RESUMED)**

**Consideration of Assembly Bill No. 1412 by Unanimous Consent**

**ASSEMBLY BILL NO. 1412 (Ducheny)**—An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

Bill read third time.

**Amendments Withdrawn**

Without objection, Assembly Member Ducheny withdrew her amendments to Assembly Bill No. 1412.

**Parliamentary Inquiry**

Assembly Member McClintock arose to the following parliamentary inquiry:

Are the amendments at the Desk not the property of the House, and available to be taken up by any Member?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that Assembly Member McClintock was technically correct.

**Demand for Previous Question**

Assembly Members Scott, Napolitano, Wright, Washington, and Baldwin demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—44**

Ackerman	Brewer	Kaloogian	Pacheco
Aguiar	Campbell	Kuykendall	Poochigian
Alby	Cardenas	Leach	Prenter
Ashburn	Cardoza	Leonard	Pringle
Baca	Cunneen	Martinez	Richter
Baldwin	Ducheny	McClintock	Runner
Battin	Firestone	Miller	Takasugi
Baugh	Frusetta	Morrissey	Thompson
Bordonaro	Goldsmith	Morrow	Vincent
Bowen	Granlund	Olberg	Woods
Bowler	House	Oller	Wright

**NOES—30**

Alquist	Gallegos	Mazzoni	Thomson
Aroner	Havice	Migden	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cedillo	Keeley	Perata	Washington
Davis	Knox	Scott	Wayne
Escutia	Kuehl	Shelley	Wildman
Figueroa	Lempert	Strom-Martin	
Floyd	Machado	Sweeney	

Bill ordered transmitted to the Senate.

**ADJOURN IN MEMORY**

**Moment of Silence**

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Joseph Alioto, former Mayor of San Francisco, and that the Assembly observe a moment of silence in his honor.

**CONSIDERATION OF ASSEMBLY BILLS  
BY UNANIMOUS CONSENT (RESUMED)**

**ASSEMBLY BILL NO. 119 (Runner)**—An act to add Section 17053.18 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—76**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Migden	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Villaraigosa
Bowler	House	Olberg	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 26 (Runner)**—An act to amend Section 629.52 of the Penal Code, relating to criminal street gangs.

Bill read third time, and passed by the following vote:

**AYES—61**

Ackerman	Ducheny	Lempert	Richter
Aguiar	Escutia	Leonard	Runner
Alby	Firestone	Machado	Scott
Alquist	Frusetta	Martinez	Strom-Martin
Ashburn	Gallegos	McClintock	Sweeney
Baca	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrissey	Thompson
Battin	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Napolitano	Vincent
Bowler	Honda	Olberg	Wayne
Brewer	House	Oller	Wildman
Brown	Kaloogian	Ortiz	Woods
Campbell	Keeley	Pacheco	Mr. Speaker
Cardoza	Knox	Papan	
Cunneen	Kuykendall	Poochigian	
Davis	Leach	Prenter	

**NOES—11**

Aroner	Cedillo	Migden	Washington
Baugh	Figueroa	Perata	Wright
Bowen	Mazzoni	Villaraigosa	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 209 (Baca)**—An act to add Chapter 2.6 (commencing with Section 1000.10) to Title 6 of Part 2 of the Penal Code, relating to controlled substances, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—64**

Aguiar	Ducheny	Lempert	Prenter
Alby	Escutia	Leonard	Runner
Alquist	Figueroa	Machado	Scott
Aroner	Floyd	Martinez	Shelley
Baca	Gallegos	Mazzoni	Strom-Martin
Battin	Goldsmith	Migden	Sweeney
Bordonaro	Granlund	Miller	Thomson
Bowen	Havice	Morrissey	Torlakson
Brewer	Hertzberg	Murray	Villaraigosa
Brown	Honda	Napolitano	Vincent
Campbell	House	Olberg	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Pacheco	Wildman
Cedillo	Kuehl	Papan	Woods
Cunneen	Kuykendall	Perata	Wright
Davis	Leach	Poochigian	Mr. Speaker

**NOES—11**

Ackerman	Baugh	McClintock	Takasugi
Ashburn	Bowler	Morrow	Thompson
Baldwin	Kaloogian	Oller	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 305 (Wayne)**—An act relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Ducheny	Machado	Runner
Aguiar	Escutia	Martinez	Scott
Alby	Figueroa	Mazzoni	Shelley
Alquist	Firestone	McClintock	Strom-Martin
Ashburn	Floyd	Migden	Sweeney
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thompson
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Olberg	Vincent
Bowler	Honda	Oller	Washington
Brewer	House	Ortiz	Wayne
Brown	Kaloogian	Pacheco	Wildman
Campbell	Keeley	Papan	Woods
Cardenas	Knox	Perata	Wright
Cardoza	Kuehl	Poochigian	Mr. Speaker
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	
Davis	Lempert	Richter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 457 (Poochigian)**—An act to amend Sections 625.3, 629, 654.3, 663, and 707 of, and to add Article 20.5 (commencing with Section 790) to Chapter 1 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juveniles.

Bill read third time, and passed by the following vote:

**AYES—74**

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Martinez	Scott
Aroner	Firestone	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	Gallegos	Miller	Sweeney
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowen	Honda	Olberg	Vincent
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	Keeley	Pacheco	Woods
Campbell	Knox	Papan	Wright
Cardenas	Kuehl	Perata	Mr. Speaker
Cardoza	Kuykendall	Poochigian	
Cunneen	Leach	Prenter	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 506 (Aguiar)**—An act to add and repeal Section 5012 of the Penal Code, relating to prisoners.

Bill read third time, and passed by the following vote:

**AYES—67**

Ackerman	Cunneen	Leonard	Runner
Aguiar	Davis	Machado	Scott
Alby	Escutia	Martinez	Shelley
Alquist	Figueroa	Miller	Strom-Martin
Aroner	Firestone	Morrissey	Sweeney
Baca	Frusetta	Morrow	Takasugi
Baldwin	Gallegos	Murray	Thompson
Battin	Goldsmith	Napolitano	Thomson
Baugh	Granlund	Olberg	Torlakson
Bordonaro	Havice	Oller	Vincent
Bowen	Honda	Ortiz	Washington
Bowler	House	Pacheco	Wayne
Brewer	Kaloogian	Papan	Wildman
Brown	Keeley	Perata	Woods
Campbell	Kuykendall	Poochigian	Wright
Cardenas	Leach	Prenter	Mr. Speaker
Cardoza	Lempert	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1494 (Olberg)**—An act relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—72**

Ackerman	Cunneen	Leach	Pringle
Aguiar	Davis	Lempert	Richter
Alby	Ducheny	Leonard	Runner
Alquist	Escutia	Machado	Scott
Ashburn	Figueroa	Martinez	Shelley
Baca	Firestone	Miller	Strom-Martin
Baldwin	Floyd	Morrissey	Sweeney
Battin	Frusetta	Morrow	Takasugi
Baugh	Gallegos	Murray	Thompson
Bordonaro	Granlund	Napolitano	Thomson
Bowen	Havice	Olberg	Torlakson
Bowler	Hertzberg	Oller	Vincent
Brewer	Honda	Ortiz	Washington
Brown	House	Pacheco	Wayne
Campbell	Kaloogian	Papan	Wildman
Cardenas	Keeley	Perata	Woods
Cardoza	Knox	Poochigian	Wright
Cedillo	Kuykendall	Prenter	Mr. Speaker

**NOES—3**

Kuehl	Mazzoni	Migden
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1613 (Scott)**—An act to add Section 17204 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—77**

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Scott
Alby	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Floyd	McClintock	Takasugi
Baca	Frusetta	Miller	Thompson
Baldwin	Gallegos	Morrissey	Thomson
Battin	Goldsmith	Morrow	Torlakson
Baugh	Granlund	Murray	Villaraigosa
Bordonaro	Havice	Napolitano	Vincent
Bowen	Hertzberg	Olberg	Washington
Bowler	Honda	Oller	Wayne
Brewer	House	Ortiz	Wildman
Brown	Kaloogian	Pacheco	Woods
Campbell	Keeley	Papan	Wright
Cardenas	Knox	Perata	Mr. Speaker
Cardoza	Kuehl	Poochigian	
Cedillo	Kuykendall	Prenter	
Cunneen	Leach	Pringle	

**NOES—None**

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**SECOND READING OF ASSEMBLY BILL NO. 105**

**ASSEMBLY BILL NO. 105 (Wayne)**—An act to amend Sections 212.5, 213, 667.5, and 1170.95 of the Penal Code, relating to punishment.

Bill read second time.

**Motion to Amend by Assembly Member Pacheco—Set 1**

Assembly Member Pacheco moved the adoption of amendments.

Amendments read.

**Motion to Table Pacheco Amendments  
to Assembly Bill No. 105—Set 1**

Assembly Member Shelley moved that the amendments offered by Assembly Member Pacheco to Assembly Bill No. 105—Set 1 be laid upon the table.

Assembly Member Keeley seconded the motion.

Motion carried by the following vote:

**AYES—42**

Alquist	Figueroa	Mazzoni	Thomson
Aroner	Floyd	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cedillo	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	

**NOES—33**

Ackerman	Campbell	Leonard	Prenter
Aguiar	Cunneen	McClintock	Richter
Ashburn	Frusetta	Miller	Runner
Baldwin	Goldsmith	Morrissey	Takasugi
Battin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Bowler	Kuykendall	Pacheco	
Brewer	Leach	Poochigian	

**Objection to Vote Adds and Vote Changes**

Assembly Member Kaloogian withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motion to table Pacheco amendments to Assembly Bill No. 105—Set 1.

**Motion to Amend by Assembly Member Pacheco—Set 2**

Assembly Member Pacheco moved the adoption of amendments, of 25 words or less.

Amendments read.

**Motion to Table Pacheco Amendments  
to Assembly Bill No. 105—Set 2**

Assembly Member Shelley moved that the amendments offered by Assembly Member Pacheco to Assembly Bill No. 105—Set 2 be laid upon the table.

Assembly Member Escutia seconded the motion.

Motion carried by the following vote:

**AYES—41**

Alquist	Floyd	Migden	Torlakson
Aroner	Gallegos	Murray	Villaraigosa
Baca	Hertzberg	Napolitano	Vincent
Bowen	Honda	Ortiz	Washington
Brown	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cedillo	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	
Figueroa	Mazzoni	Thomson	

**NOES—34**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cunneen	Leonard	Prenter
Ashburn	Firestone	McClintock	Richter
Baldwin	Frusetta	Miller	Runner
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Pacheco	

**Objection to Vote Adds and Vote Changes**

Assembly Member Kaloogian withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motion to table Pacheco amendments to Assembly Bill No. 105—Set 2.

**Motion to Amend by Assembly Member Pacheco—Set 3**

Assembly Member Pacheco moved the adoption of amendments of 25 words or less.

Amendments read.

**Motion to Table Pacheco Amendments  
to Assembly Bill No. 105—Set 3**

Assembly Member Shelley moved that the amendments offered by Assembly Member Pacheco to Assembly Bill No. 105—Set 3 be laid upon the table.

Assembly Member Alquist seconded the motion.

Motion carried by the following vote:

**AYES—42**

Alquist	Figueroa	Mazzoni	Thomson
Aroner	Floyd	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cedillo	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	

**NOES—34**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cunneen	Leonard	Prenter
Ashburn	Firestone	McClintock	Richter
Baldwin	Frusetta	Miller	Runner
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Pacheco	

**Objection to Vote Adds and Vote Changes**

Assembly Member Kaloogian withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motion to table Pacheco amendments to Assembly Bill No. 105—Set 3.

**Motion to Amend by Assembly Member Pacheco—Set 4**

Assembly Member Pacheco moved the adoption of amendments of 25 words or less.

Amendments read.

**Motion to Table Pacheco Amendments  
to Assembly Bill No. 105—Set 4**

Assembly Member Shelley moved that the amendments offered by Assembly Member Pacheco to Assembly Bill No. 105—Set 4 be laid upon the table.

Assembly Member Escutia seconded the motion.

Motion carried by the following vote:

**AYES—42**

Alquist	Figueroa	Mazzoni	Thomson
Aroner	Floyd	Migden	Torlakson
Baca	Gallegos	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cedillo	Kuehl	Scott	Wright
Davis	Lempert	Shelley	Mr. Speaker
Ducheny	Machado	Strom-Martin	
Escutia	Martinez	Sweeney	

**NOES—34**

Ackerman	Campbell	Leach	Poochigian
Aguiar	Cunneen	Leonard	Prenter
Ashburn	Firestone	McClintock	Richter
Baldwin	Frusetta	Miller	Runner
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Thompson
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Kuykendall	Pacheco	

**Objection to Vote Adds and Vote Changes**

Assembly Member Kaloogian withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motion to table Pacheco amendments to Assembly Bill No. 105—Set 4.

**THIRD READING OF ASSEMBLY BILL NO. 105 BY UNANIMOUS CONSENT**

**ASSEMBLY BILL NO. 105 (Wayne)**—An act to amend Sections 212.5, 213, 667.5, and 1170.95 of the Penal Code, relating to punishment.

Bill read third time.

**Demand for Previous Question**

Assembly Members Morrissey, Sweeney, Vincent, Leach, and Brewer demanded the previous question. Demand sustained.

The question being on the passage of the bill.



Bill passed by the following vote:

**AYES—70**

Ackerman	Davis	Leach	Prenter
Aguilar	Ducheny	Lempert	Richter
Alby	Escutia	Leonard	Runner
Alquist	Figueroa	Machado	Scott
Ashburn	Firestone	Martinez	Strom-Martin
Baca	Frusetta	Mazzoni	Sweeney
Baldwin	Gallegos	McClintock	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Vincent
Bowler	Honda	Napolitano	Washington
Brewer	House	Olberg	Wayne
Brown	Kaloogian	Oller	Wildman
Campbell	Keeley	Ortiz	Woods
Cardenas	Knox	Pacheco	Mr. Speaker
Cardoza	Kuehl	Papan	
Cunneen	Kuykendall	Poochigian	

**NOES—5**

Floyd	Perata	Wright
Migden	Villaraigosa	

Bill ordered transmitted to the Senate.

**At 6:24 p.m., Hon. Fred Keeley, 27th District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 1525 (Ashburn)**—An act to amend, repeal, and add Section 58889 of the Food and Agricultural Code, relating to agriculture.

Bill read third time.

**Demand for Previous Question**

Assembly Members Baca, Vincent, Shelley, Woods, and Morrissey demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—65**

Ackerman	Escutia	Mazzoni	Shelley
Aguiar	Figueroa	Miller	Strom-Martin
Alby	Firestone	Morrissey	Sweeney
Alquist	Frusetta	Morrow	Takasugi
Aroner	Goldsmith	Murray	Thompson
Ashburn	Granlund	Napolitano	Thomson
Baca	Havice	Oller	Torlakson
Battin	Hertzberg	Ortiz	Villaraigosa
Bordonaro	Honda	Pacheco	Vincent
Bowler	House	Papan	Washington
Brewer	Keeley	Perata	Wayne
Brown	Knox	Poochigian	Woods
Campbell	Kuykendall	Prenter	Wright
Cardoza	Leach	Pringle	Mr. Speaker
Cunneen	Lempert	Richter	
Davis	Leonard	Runner	
Ducheny	Machado	Scott	

**NOES—8**

Baugh	Floyd	Kuehl	McClintock
Bowen	Kaloogian	Martinez	Migden

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 40 (Mazzoni)**—An act to add Part 68 (commencing with Section 100400) to the Education Code, relating to education facilities funding.

Bill read third time.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Morrissey moved a call of the Assembly.

Motion carried. Time, 6:35 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 261 (Baca)**—An act to add Chapter 2 (commencing with Section 100200) to Part 66 of the Education Code, relating to the financing of educational technology infrastructure.

Bill read third time, and passed by the following vote:

**AYES—45**

Alquist	Figueroa	Martinez	Thomson
Aroner	Frusetta	Mazzoni	Torlakson
Baca	Gallegos	Migden	Villaraigosa
Bowen	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Cedillo	Knox	Perata	Wright
Cunneen	Kuehl	Scott	Mr. Speaker
Davis	Kuykendall	Shelley	
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	

**NOES—26**

Ackerman	Campbell	Leonard	Pringle
Alby	Floyd	McClintock	Richter
Ashburn	Goldsmith	Miller	Takasugi
Baldwin	Granlund	Morrow	Thompson
Baugh	House	Olberg	Woods
Bordonaro	Kaloogian	Oller	
Brewer	Leach	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1180 (Battin)**—An act to add Chapter 8 (commencing with Section 117135) to Part 12 of Division 104 of, the Health and Safety Code, relating to financing a safe drinking water program.

Bill read third time, and passed by the following vote:

**AYES—60**

Aguiar	Figueroa	Lempert	Scott
Alquist	Firestone	Machado	Shelley
Aroner	Frusetta	Martinez	Strom-Martin
Baca	Gallegos	Mazzoni	Sweeney
Battin	Granlund	Migden	Takasugi
Bordonaro	Havice	Morrissey	Thomson
Bowen	Hertzberg	Murray	Torlakson
Brown	Honda	Napolitano	Villaraigosa
Cardenas	House	Oller	Vincent
Cardoza	Kaloogian	Ortiz	Washington
Cedillo	Keeley	Pacheco	Wayne
Cunneen	Knox	Papan	Wildman
Davis	Kuehl	Perata	Woods
Ducheny	Kuykendall	Prenter	Wright
Escutia	Leach	Richter	Mr. Speaker

**NOES—10**

Ackerman	Baugh	McClintock	Thompson
Alby	Bowler	Miller	
Ashburn	Leonard	Olberg	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 1180: Assembly Member Poochigian, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**At 6:38 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**ASSEMBLY BILL NO. 1532 (Shelley)**—An act to add Article 2.5 (commencing with Section 13835.50) to Chapter 4 of Title 6 of Part 4 of the Penal Code, relating to crimes.

Bill read third time, and passed by the following vote:

**AYES—43**

Alquist	Figueroa	Martinez	Thomson
Aroner	Floyd	Mazzoni	Torlakson
Baca	Gallegos	Migden	Villaraigosa
Battin	Havice	Murray	Vincent
Bowen	Hertzberg	Napolitano	Washington
Brown	Honda	Ortiz	Wayne
Cardenas	Keeley	Perata	Wildman
Cedillo	Knox	Scott	Woods
Davis	Kuehl	Shelley	Wright
Ducheny	Lempert	Strom-Martin	Mr. Speaker
Escutia	Machado	Sweeney	

**NOES—30**

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	McClintock	Pringle
Alby	Frusetta	Miller	Richter
Ashburn	Goldsmith	Morrissey	Runner
Baldwin	Granlund	Morrow	Takasugi
Baugh	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	
Bowler	Leach	Pacheco	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1212 (Wright)**—An act to add Chapter 2.5 (commencing with Section 990) to Part 1 of Division 2 of the Welfare and Institutions Code, relating to financing the construction of county juvenile facilities, youth centers, and Department of the Youth Authority facilities.

Bill read third time, and passed by the following vote:

**AYES—58**

Aguiar	Escutia	Lempert	Strom-Martin
Alquist	Figueroa	Machado	Sweeney
Aroner	Floyd	Martinez	Takasugi
Ashburn	Frusetta	Mazzoni	Thompson
Baca	Gallegos	Migden	Thomson
Battin	Goldsmith	Morrissey	Torlakson
Bordonaro	Granlund	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Cardenas	Honda	Pacheco	Wayne
Cardoza	House	Papan	Wildman
Cedillo	Keeley	Perata	Wright
Cunneen	Knox	Prenter	Mr. Speaker
Davis	Kuehl	Scott	
Ducheny	Kuykendall	Shelley	

**NOES—14**

Ackerman	Bowler	McClintock	Pringle
Alby	Campbell	Morrow	Richter
Baldwin	Kaloogian	Olberg	
Baugh	Leonard	Oller	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 254 (Machado)**—An act to add Division 26 (commencing with Section 79000) to the Water Code, relating to financing a flood protection program.

Bill read third time, and passed by the following vote:

**AYES—49**

Aguiar	Figueroa	Martinez	Thompson
Alquist	Frusetta	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Granlund	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Cardenas	Honda	Papan	Wayne
Cardoza	Keeley	Perata	Wildman
Cedillo	Knox	Richter	Wright
Cunneen	Kuehl	Scott	Mr. Speaker
Davis	Leach	Shelley	
Ducheny	Lempert	Strom-Martin	
Escutia	Machado	Sweeney	

**NOES—16**

Ackerman	Bordonaro	Kaloogian	Morrow
Baldwin	Brewer	Leonard	Olberg
Battin	Campbell	McClintock	Oller
Baugh	Floyd	Miller	Woods

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1381 (Thomson)**—An act to add Chapter 3 (commencing with Section 100600) to Part 66 of the Education Code, relating to child care facilities funding.

Bill read third time, and passed by the following vote:

**AYES—46**

Alquist	Figueroa	Machado	Sweeney
Aroner	Floyd	Martinez	Thomson
Baca	Frusetta	Mazzoni	Torlakson
Bowen	Gallegos	Migden	Villaraigosa
Brown	Havice	Murray	Vincent
Cardenas	Hertzberg	Napolitano	Washington
Cardoza	Honda	Ortiz	Wayne
Cedillo	Keeley	Papan	Wildman
Cunneen	Knox	Perata	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Kuykendall	Shelley	
Escutia	Lempert	Strom-Martin	

**NOES—25**

Ackerman	Bowler	Miller	Runner
Aguiar	Brewer	Morrow	Takasugi
Alby	Campbell	Olberg	Thompson
Ashburn	House	Oller	Woods
Baldwin	Kaloogian	Poochigian	
Baugh	Leach	Pringle	
Bordonaro	McClintock	Richter	

Bill ordered transmitted to the Senate.

**At 6:55 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 1118 (Bustamante)**—An act to amend Section 731 of, to add Section 731.1 to, to add Article 18.9 (commencing with Section 749.35) to, Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to financing the construction of local juvenile justice facilities.

Bill read third time, and passed by the following vote:

**AYES—56**

Aguilar	Ducheny	Machado	Scott
Alquist	Escutia	Martinez	Shelley
Aroner	Figueroa	Mazzoni	Strom-Martin
Ashburn	Frusetta	Migden	Sweeney
Baca	Gallegos	Miller	Thomson
Bordonaro	Goldsmith	Morrissey	Torlakson
Bowen	Havice	Napolitano	Villaraigosa
Bowler	Hertzberg	Ortiz	Vincent
Brown	Honda	Pacheco	Washington
Cardenas	Keeley	Papan	Wayne
Cardoza	Knox	Perata	Wildman
Cedillo	Kuehl	Poochigian	Woods
Cunneen	Kuykendall	Prenter	Wright
Davis	Lempert	Richter	Mr. Speaker

**NOES—13**

Ackerman	Campbell	Morrow	Thompson
Alby	Kaloogian	Olberg	
Baldwin	Leonard	Oller	
Baugh	McClintock	Takasugi	

Bill ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 110**, on request of Assembly Member Leonard.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES (RESUMED)**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 1608**, ordered to third reading.

**Third Reading of Assembly Bill No. 1608 by Unanimous Consent**

**ASSEMBLY BILL NO. 1608 (Pringle)**—An act to add and repeal Section 6362 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

**Amendments Withdrawn**

Without objection, Assembly Member Pringle withdrew his amendments to Assembly Bill No. 1608.

**Demand for Previous Question**

Assembly Members Shelley, Wayne, Alquist, Ducheny, and Brewer demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—75**

Ackerman	Cunneen	Kuykendall	Prenter
Aguiar	Davis	Leach	Pringle
Alby	Ducheny	Lempert	Runner
Alquist	Escutia	Leonard	Scott
Aroner	Figueroa	Machado	Strom-Martin
Ashburn	Firestone	Martinez	Sweeney
Baca	Floyd	Mazzoni	Takasugi
Baldwin	Frusetta	McClintock	Thompson
Battin	Gallegos	Migden	Thomson
Baugh	Goldsmith	Miller	Torlakson
Bordonaro	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Morrow	Vincent
Bowler	Hertzberg	Napolitano	Washington
Brewer	Honda	Olberg	Wayne
Brown	House	Oller	Wildman
Campbell	Kaloogian	Ortiz	Woods
Cardenas	Keeley	Pacheco	Wright
Cardoza	Knox	Perata	Mr. Speaker
Cedillo	Kuehl	Poochigian	

**NOES—1**

Richter

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1120**

At 7:12 p.m., on motion of Assembly Member Knox, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 1120 refused passage by the following vote:

**AYES—34**

Alquist	Figueroa	Martinez	Torlakson
Aroner	Floyd	Migden	Villaraigosa
Baca	Gallegos	Murray	Vincent
Bowen	Havice	Napolitano	Washington
Brown	Honda	Ortiz	Wayne
Cedillo	Keeley	Perata	Wildman
Davis	Knox	Shelley	Mr. Speaker
Ducheny	Kuehl	Strom-Martin	
Escutia	Lempert	Sweeney	

**NOES—36**

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	McClintock	Pringle
Baldwin	Frusetta	Miller	Richter
Battin	Goldsmith	Morrissey	Runner
Baugh	Granlund	Morrow	Takasugi
Bordonaro	House	Olberg	Thompson
Bowler	Kaloogian	Oller	Woods

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 822**

At 7:13 p.m., on motion of Assembly Member Aroner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 822 passed by the following vote:

**AYES—56**

Aguir	Ducheny	Kuykendall	Scott
Alby	Escutia	Lempert	Shelley
Alquist	Figueroa	Machado	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Ashburn	Floyd	Mazzoni	Thomson
Baca	Frusetta	Migden	Torlakson
Bowen	Gallegos	Morrissey	Villaraigosa
Brown	Havice	Morrow	Vincent
Campbell	Hertzberg	Murray	Washington
Cardenas	Honda	Napolitano	Wayne
Cardoza	House	Ortiz	Wildman
Cedillo	Keeley	Pacheco	Woods
Cunneen	Knox	Papan	Wright
Davis	Kuehl	Perata	Mr. Speaker

**NOES—20**

Ackerman	Brewer	Leonard	Prenter
Baldwin	Goldsmith	McClintock	Pringle
Baugh	Granlund	Olberg	Runner
Bordonaro	Kaloogian	Oller	Takasugi
Bowler	Leach	Poochigian	Thompson

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1352**

At 7:13 p.m., on motion of Assembly Member Martinez, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 1352 refused passage by the following vote:

**AYES—47**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Frusetta	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Havice	Morrissey	Villaraigosa
Brown	Hertzberg	Murray	Vincent
Cardenas	Honda	Napolitano	Washington
Cardoza	Keeley	Ortiz	Wayne
Cedillo	Knox	Papan	Wildman
Cunneen	Kuehl	Perata	Woods
Davis	Kuykendall	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—27**

Ackerman	Bowler	Leach	Poochigian
Aguir	Brewer	Leonard	Prenter
Alby	Campbell	McClintock	Pringle
Ashburn	Goldsmith	Miller	Runner
Baldwin	Granlund	Morrow	Takasugi
Baugh	House	Olberg	Thompson
Bordonaro	Kaloogian	Oller	



**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 80**

At 7:14 p.m., on motion of Assembly Member Ducheny, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly Continued**

Pending the announcement of the vote, Assembly Member Pringle moved to continue the call of the Assembly.

Motion carried. Time, 7:15 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1477**

At 7:15 p.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 1477 passed by the following vote:

**AYES—58**

Ackerman	Cunneen	Machado	Poochigian
Alby	Davis	Mazzoni	Prenter
Alquist	Ducheny	McClintock	Pringle
Ashburn	Figueroa	Migden	Runner
Baca	Firestone	Miller	Shelley
Baldwin	Gallegos	Morrissey	Takasugi
Battin	Goldsmith	Morrow	Thomson
Baugh	Granlund	Murray	Torlakson
Bordonaro	Hertzberg	Napolitano	Villaraigosa
Bowler	Kaloogian	Olberg	Vincent
Brewer	Keeley	Oller	Wayne
Brown	Kuykendall	Ortiz	Wright
Campbell	Leach	Pacheco	Mr. Speaker
Cardenas	Lempert	Papan	
Cardoza	Leonard	Perata	

**NOES—11**

Bowen	Floyd	Scott	Washington
Cedillo	Havice	Strom-Martin	Wildman
Escutia	Martinez	Thompson	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 40**

At 7:15 p.m., on motion of Assembly Member Morrissey, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 40 passed by the following vote:

**AYES—47**

Alquist	Figueroa	Machado	Sweeney
Aroner	Floyd	Martinez	Takasugi
Baca	Frusetta	Mazzoni	Thomson
Bowen	Gallegos	Migden	Torlakson
Brown	Havice	Murray	Villaraigosa
Cardenas	Hertzberg	Napolitano	Vincent
Cardoza	Honda	Ortiz	Washington
Cedillo	Keeley	Papan	Wayne
Cunneen	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Kuykendall	Shelley	Mr. Speaker
Escutia	Lempert	Strom-Martin	

**NOES—17**

Ackerman	Brewer	Miller	Thompson
Alby	Campbell	Morrow	Woods
Baldwin	Kaloogian	Olberg	
Baugh	Leonard	Oller	
Bordonaro	McClintock	Richter	

Bill ordered transmitted to the Senate.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Bordonaro announced his intention to request that Senate Bill No. 536 be removed from the inactive file.

**CONFERENCE COMMITTEE REPORTS WITHDRAWN**

Without objection, Assembly Member Mazzoni withdrew the Conference Committee Reports on Assembly Bill No. 755 and Assembly Bill No. 252.

**REQUEST TO WAIVE JOINT RULE 62(a)**

Assembly Member Mazzoni requested unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Constitutional Amendment No. 12 for hearing in the Committee on Education on Monday, February 2, 1998.

Assembly Member Leonard withheld unanimous consent.

**Motion to Waive Joint Rule 62(a)**

Assembly Member Mazzoni moved that Joint Rule 62(a) be waived to permit the Committee on Education to hear Senate Constitutional Amendment No. 12 on Monday, February 2, 1998.

Assembly Member Baca seconded the motion.

Motion carried by the following vote:

**AYES—43**

Alquist	Figueroa	Martinez	Sweeney
Aroner	Floyd	Mazzoni	Thomson
Baca	Gallegos	Migden	Torlakson
Bowen	Havice	Murray	Villaraigosa
Brown	Hertzberg	Napolitano	Vincent
Cardenas	Honda	Ortiz	Washington
Cardoza	Keeley	Papan	Wayne
Cedillo	Knox	Perata	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Machado	Strom-Martin	

**NOES—34**

Ackerman	Brewer	Kuykendall	Poochigian
Aguiar	Campbell	Leach	Prenter
Alby	Cunneen	Leonard	Pringle
Ashburn	Firestone	McClintock	Richter
Baldwin	Frusetta	Miller	Runner
Battin	Goldsmith	Morrissey	Takasugi
Baugh	Granlund	Morrow	Woods
Bordonaro	House	Olberg	
Bowler	Kaloogian	Oller	

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 80**

At 7:19 p.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 80 passed by the following vote:

**AYES—54**

Aguiar	Escutia	Martinez	Sweeney
Alquist	Figueroa	Mazzoni	Takasugi
Aroner	Firestone	Migden	Thomson
Ashburn	Gallegos	Miller	Torlakson
Baca	Granlund	Murray	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Campbell	Honda	Papan	Wayne
Cardenas	Keeley	Perata	Wildman
Cardoza	Knox	Prenter	Woods
Cedillo	Kuehl	Richter	Wright
Cunneen	Kuykendall	Scott	Mr. Speaker
Davis	Lempert	Shelley	
Ducheny	Machado	Strom-Martin	

**NOES—19**

Ackerman	Brewer	McClintock	Poochigian
Alby	House	Morrissey	Pringle
Baugh	Kaloogian	Morrow	Runner
Bordonaro	Leach	Olberg	Thompson
Bowler	Leonard	Oller	

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 142, Urgency and Concurrence:** Baugh, Olberg, and Runner—Aye; Baldwin—No.

**Assembly Bill No. 771:** Baugh, Bordonaro, Bowen, Knox, and Runner—Aye.

**Assembly Bill No. 812:** Machado—Aye; Baugh and Bordonaro—No.

**Assembly Bill No. 744:** Alquist, Baldwin, Baugh, and Escutia—Aye.

**Assembly Bill No. 1000:** Granlund and Takasugi—Aye; Ashburn and Baugh—No.

**Assembly Bill No. 499:** Washington—Aye; Machado—No.

**Assembly Bill No. 332:** Alby, Bordonaro, and Pacheco—Aye; Ashburn, Morrow, Olberg, and Poochigian—No.

**Assembly Bill No. 224:** Baugh and Bordonaro—Aye.

**Assembly Bill No. 981:** Alby, Ashburn, Bordonaro, and Morrissey—Aye; Baugh and Olberg—No.

**Assembly Bill No. 1236:** Ashburn, Battin, Bordonaro, Bowen, Cardenas, Gallegos, Knox, Leach, Miller, and Runner—Aye.

**Assembly Bill No. 118:** Baldwin, Baugh, Bordonaro, Pacheco, and Runner—Aye.

**Assembly Bill No. 222:** Baugh, Bordonaro, Honda, Pacheco, Pringle, and Runner—Aye.

**Assembly Bill No. 266:** Battin, Bordonaro, Honda, Takasugi, and Woods—Aye; Baugh, Granlund, Pringle, and Runner—No.

**Assembly Bill No. 357:** Battin, Baugh, Bordonaro, and Pringle—Aye.

**Assembly Bill No. 496:** Alby, Bordonaro, Brewer, Olberg, and Pringle—Aye; Baldwin—No.

**Assembly Bill No. 548:** Ducheny—Aye; Alby, Battin, Bordonaro, Prenter, Pringle, and Runner—No.

**Assembly Bill No. 796:** Alby, Bordonaro, Ducheny, Knox, and Pringle—Aye.

**Assembly Bill No. 828:** Ducheny and Knox—Aye; Alby, Bordonaro, Pringle, and Runner—No.

**Assembly Bill No. 903:** Alby, Baldwin, Bordonaro, and Pringle—Aye.

**Assembly Bill No. 910:** Alby, Bordonaro, and Pringle—No.

**Assembly Bill No. 1102:** Havice—Aye; Alby, Baugh, Bordonaro, Oller, and Pringle—No.

**Assembly Bill No. 1135:** Cunneen—Aye; Alby, Bordonaro, and Pringle—No.

**Assembly Bill No. 1229 and Urgency:** Alby, Bordonaro, Migden, and Pringle—Aye.

**Assembly Bill No. 1276:** Alby, Baugh, Bordonaro, Ortiz, Pacheco, and Pringle—Aye.

**Assembly Bill No. 1290:** Alby, Baugh, Bordonaro, Havice, Machado, and Pringle—Aye.

**Assembly Bill No. 1384:** Alby, Bordonaro, Machado, Oller, Prenter, Runner, and Shelley—Aye; Baugh—No.

**Assembly Bill No. 1440:** Alby, Bordonaro, Pringle, Runner, and Shelley—Aye.

**Assembly Bill No. 599:** Alby, Bordonaro, Pringle, and Runner—Aye.

**Assembly Bill No. 785:** Alby, Granlund, Pringle, Richter, and Runner—Aye.

**Assembly Bill No. 484:** Alby, Pacheco, Pringle, Richter, and Runner—Aye.

**Assembly Bill No. 511:** Alby, Pacheco, Richter, and Runner—Aye.

**Assembly Bill No. 668:** Ackerman, Alby, Pacheco, Richter, Runner, and Shelley—Aye.

**Assembly Bill No. 1063:** Alby, Baugh, Pacheco, Pringle, Richter, and Runner—Aye.

**Assembly Bill No. 1287:** Campbell, Cunneen, Morrow, and Pacheco—Aye; Alby—No.

**Assembly Bill No. 1412:** Alby, Prenter, and Pringle—Aye.

**Assembly Bill No. 119:** Alby, Ducheny, Kaloogian, Mazzoni, and Pringle—Aye.

**Assembly Bill No. 26:** Alby and Honda—Aye.

**Assembly Bill No. 209:** Alby, Cunneen, Kuykendall, and Runner—Aye; Morrow and Takasugi—No.

**Assembly Bill No. 305:** Alby and Pringle—Aye.

**Assembly Bill No. 457:** Alby, Ducheny, Pringle, and Runner—Aye.

**Assembly Bill No. 506:** Alby, Pringle, and Runner—Aye.

**Assembly Bill No. 1494:** Alby, Ducheny, Knox, Pringle, and Runner—Aye.

**Assembly Bill No. 1613:** Alby, Knox, and Pringle—Aye.

**Assembly Bill No. 1525:** Cunneen—Aye; Martinez—No.

**Assembly Bill No. 261:** Cunneen and Kuykendall—Aye; Baugh—No.

**Assembly Bill No. 1180:** Aguiar, Ducheny, and Knox—Aye.

**Assembly Bill No. 1532:** Knox—Aye; Aguiar, Goldsmith, and Olberg—No.

**Assembly Bill No. 1212:** Kuykendall—Aye; Baldwin and Olberg—No.

**Assembly Bill No. 254:** Cunneen and Granlund—Aye; Olberg—No.

**Assembly Bill No. 1381:** Kuykendall—Aye; Olberg—No.

**Assembly Bill No. 1118:** Aroner, Bordonaro, and Kuykendall—Aye.

**Assembly Bill No. 1608:** Kaloogian—Aye.

**Assembly Bill No. 1352:** Kuykendall—Aye.

**Assembly Bill No. 1477:** Scott—No.

**Assembly Bill No. 40:** Kuykendall—Aye.

#### MOTION TO ADJOURN

At 7:20 p.m., Assembly Member Pacheco moved that the Assembly do now adjourn.

Assembly Member Martinez seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 7:21 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 28, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Antonio Villaraigosa from the Conference Committee on AB 252 and AB 755 and appointing Assemblymember Jack Scott.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Date of Hearing: January 29, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 85

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

**Committee on Education**

January 27, 1998

Mr. Speaker: Your Committee on Education reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 85

MAZZONI, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Public Safety**

January 21, 1998

Mr. Speaker: Your Committee on Public Safety reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 555

HERTZBERG, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Governmental Organization**

January 27, 1998

Mr. Speaker: Your Committee on Governmental Organization reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 547

BROWN, Chairwoman

Above bill ordered filed with the Chief Clerk.

January 27, 1998

Mr. Speaker: Your Committee on Governmental Organization reports the following resolution pursuant to the provisions of Joint Rule 62(a):

Assembly Constitutional Amendment No. 16

BROWN, Chairwoman

Above resolution ordered filed with the Chief Clerk.

**Committee on Insurance**

January 28, 1998

Mr. Speaker: Your Committee on Insurance reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1239

FIGUEROA, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Water, Parks and Wildlife**

January 29, 1998

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1350

MACHADO, Chairman

Above bill ordered filed with the Chief Clerk.

**REQUESTS TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9801004.

KEVIN MURRAY

**Permission of Rules Committee**

Assembly Chamber, January 29, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9801004.

DON PERATA, Chairman

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9800544.

LIZ FIGUEROA

**Permission of Rules Committee**

Assembly Chamber, January 29, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9800544.

DON PERATA, Chairman

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1716 (RN 9801004)—Murray.** An act to add Article 10.5 (commencing with Section 6175) to the Business and Professions Code, relating to lawyers.

**ASSEMBLY BILL NO. 1717—Richter, Baugh, and Granlund.** An act to add Section 1368.07 to the Health and Safety Code, relating to health coverage.

**ASSEMBLY BILL NO. 1718—Richter, Baugh, and Granlund.** An act to amend Section 1370.4 of the Health and Safety Code, and to amend Section 10145.3 of the Insurance Code, relating to health insurance.

**ASSEMBLY BILL NO. 1719 (RN 9800544)—Figueroa.** An act to amend Section 35414 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

#### INTRODUCTION OF GUESTS

Assembly Member Oller, of the 4th Assembly District, introduced his wife Londa, and their children William, Jeffrey, Rachael, and Spencer.

Speaker pro Tempore Kuehl introduced former Assembly Member George Danielson.

#### ADJOURNMENT

At 7:25 p.m., pursuant to the motion by Assembly Member Pacheco, the Assembly adjourned until 7 a.m., Monday, February 2, 1998, out of respect to the memory of former Mayor Lionel Wilson on motion of Assembly Member Aroner; out of respect to the memory of William “Bill” Bauer, on motion of Assembly Member Napolitano; out of respect to the memory of Anthony “Tony” Jimenez, on motion of Assembly Member Sweeney; out of respect to the memory of Maj. Joseph S. Boyd, on motion of Assembly Members Brewer, Campbell, and Morrissey; out of respect to the memory of Homer Heacock, on motion of Assembly Member Napolitano; out of respect to the memory of Hon. Joseph Alioto, on motion of Assembly Member Migden; out of respect to the memory of Allan Grant, on motion of Assembly Members Poochigian and Ashburn; and out of respect to the memory of George “Barney” Finfrock, on motion of Assembly Member Poochigian.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 29, 1998**

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The following measures were amended in the Assembly on this day:

<b>SB</b>	<b>RN</b>
10	9805042

**Daily Total: 1**  
**Cumulative Total: 3811**

Amendments were considered by the Assembly, but not adopted, to the following measure:

- AB**
- 105 (Pacheco Amendments—Set 1, RN #9805152, laid upon the table)  
(Pacheco Amendments—Set 2, \*, laid upon the table)  
(Pacheco Amendments—Set 3, \*, laid upon the table)  
(Pacheco Amendments—Set 4, \*, laid upon the table)

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 2, 1998**

**ONE HUNDRED FIFTY-FIFTH SESSION DAY  
FOUR HUNDRED TWENTY-EIGHTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, February 2, 1998

The Assembly met at 7 a.m.

Hon. Fred Keeley, Assembly Member, 27th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—65:

Ackerman	Escutia	Martinez	Shelley
Aguilar	Figueroa	Mazzoni	Strom-Martin
Alby	Floyd	McClintock	Sweeney
Alquist	Gallegos	Migden	Thompson
Aroner	Goldsmith	Murray	Thomson
Baca	Havice	Napolitano	Torlakson
Baldwin	Hertzberg	Olberg	Villaraigosa
Battin	Honda	Oller	Vincent
Baugh	House	Ortiz	Washington
Bowler	Kaloogian	Pacheco	Wayne
Brown	Keeley	Papan	Wildman
Campbell	Kuehl	Perata	Woods
Cardenas	Leach	Poochigian	Wright
Cardoza	Lempert	Pringle	Mr. Speaker
Cedillo	Leonard	Richter	
Davis	Machado	Runner	
Ducheny	Margett	Scott	

Quorum present.

**At 2:05 p.m., Hon. Robert M. Hertzberg, 40th District, presiding**

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Ashburn, Bowen, Brewer, Cunneen, Frusetta, Granlund, Knox, Kuykendall, Miller, Prenter, and Takasugi.*

*On legislative business, and waiving per diem: Assembly Member Morrissey.*

*On personal business, and waiving per diem: Assembly Members Bordonaro and Firestone.*

*Because of illness: Assembly Member Morrow.*

**EXPLANATIONS OF ABSENCE**

Pursuant to Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 29, 1998

*The Honorable Cruz Bustamante*  
*California State Assembly Speaker*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from session on Monday, February 2, 1998. I will be in my district on legislative business.

Thank you for your immediate attention to this matter. If you have any questions, please feel free to contact me at: 445-8498.

Best regards,

ROY ASHBURN, Assembly Member  
Thirty-second District

February 2, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I am writing to request that I be excused from check-in session today. I will be working in my district all day.

Please feel free to contact me should you have any questions.

Thank you for your attention to this request.

Sincerely,

DEBRA BOWEN, Assembly Member  
Fifty-third District

January 30, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am respectfully requesting to be excused from Assembly Check-In Session on Monday and Tuesday, February 2 and 3, 1998, due to legislative business in my District Office.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 445-7222.

Sincerely,

MARILYN C. BREWER, Assembly Member  
Seventieth District

January 30, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Monday, February 2, due to legislative business in my district. Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

January 30, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I humbly request to be excused from session on February 2, 1998. I will be attending to legislative business in my district. Specifically, I will be surveying the status of rivers and levees in my district, which have been impacted by recent rainfall.

Thank you for your consideration, and please call me if you have any questions.

Sincerely,

PETER FRUSETTA, Assembly Member  
Twenty-eighth District

January 30, 1998

*The Honorable Cruz M. Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker: Since floor session has been cancelled for Monday and all other committees that I now sit on were not scheduled, I respectfully request to be excused for the dates of February 2, 3, and 4, 1998.

This request is necessitated due to significant constituent casework and District speaking engagements.

Sincerely,

BRETT GRANLUND, Assembly Member  
Sixty-fifth District

February 2, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Cruz: I respectfully request to be excused from Check-In Session today to handle business in the district. Thank you for your consideration of this request.

Sincerely,

WALLY KNOX, Assembly Member  
Forty-second District

January 30, 1998

*Hon. Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: On Monday, February 2, 1998, I will be attending several meetings with local officials regarding my legislative agenda for 1998. I respectfully request that my absence be excused as legislative business.

Thank you for your consideration of this matter. If there are any questions, please do not hesitate to contact me at 445-9234.

Sincerely,

STEVEN T. KUYKENDALL, Assembly Member  
Fifty-fourth District

January 30, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from check-in session on Monday, February 2, 1998 and Tuesday, February 3, 1998. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member  
Sixtieth District

January 30, 1998

*The Honorable Cruz M. Bustamante*  
*Speaker of the California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: Monday, February 2nd, 1998 I will be in my district office on business. I had previously been scheduled to fly back to my district after session Monday afternoon. As there will be no floor session, I would like to request an excuse from check-in session on Monday and waive my per diem.

Please contact Rebecca Ann Fontaine in my capitol office with any further questions. Thank you for your consideration in this matter.

Sincerely,

JIM MORRISSEY, Assembly Member  
Sixty-ninth District

February 2, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from Assembly check-in session today as I have urgent business in my district.

If you have any questions regarding this request, please contact Stacey Neese in my capitol office at (916) 445-7558.

Sincerely,

ROBERT PRENTER, Assembly Member  
Thirtieth District

January 21, 1998

*Hon. Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: This is to request that I be excused from floor session on Monday, February 2, 1998 due to legislative business in my district office. I will be back in Sacramento for check-in session on Tuesday, February 3.

Thank you for your consideration of my request.

Sincerely,

NAO TAKASUGI, Assembly Member  
Thirty-seventh District

#### COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 28, 1998

*Mr. E. Dotson Wilson, Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Labor Code Sec. 75 (amended by Ch. 227 of 1993, SB 1005—Lockyer), I have re-appointed Mr. Robert B. Steinberg to serve on the Commission on Health and Safety and Workers' Compensation. The effective date of the appointment is January 28, 1998, and this is a term appointment ending December 31, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 29, 1998

[Revision]

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions Code Section 3710 et seq. (Ch. 1344 of 1982), I have named Mr. J. Michael Thompson to serve on the Respiratory Care Examining Committee as the Respiratory Care Practitioner member.

Mr. Thompson will be replacing Ms. Virginia M. Wiprud-Ettinger. The effective date of the appointment is January 21, 1998, and this is a term appointment ending June 1, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

(NOTE: The above letter is a revision of original letter dated January 21, 1998. See page 5162.)

January 28, 1998

*Mr. E. Dotson Wilson, Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: Please be advised that pursuant to Government Code Sec. 8260 (amended by: Ch. 668 of 1994, SB 1405), I have named Assembly Member Howard Wayne to serve on the California Commission on Uniform State Laws. The effective date of the appointment is January 28, 1998, and this is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

February 2, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Liz Figueroa to the Assembly Education Committee to replace Assemblymember Elaine Alquist for today, February 2, 1998, only. Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly



The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

January 27, 1998  
98011

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by Chapter 716, Statutes of 1992, the Bureau of State Audits presents its audit report concerning the processing activity associated with the reimbursement requests for certain prescribed drugs under the California Medical Assistance Program. These requests are known as drug treatment authorization requests (TARs). This report concludes that the Department of Health Services received more drug TARs during the current six-month review period than in earlier periods and it processed most of these requests within one workday, as required.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Health.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Office, Sacramento

Message From the Governor  
Concerning

Reprieves, Pardons and Commutations

*To the Members of the Senate and Assembly of the State of California:*

In accordance with the provisions of Article V, section 8(a) of the California Constitution, I hereby submit to you a report on the reprieves, pardons and commutations granted by me between January 1, 1997 and December 31, 1997.

Respectfully submitted,

PETE WILSON  
Governor

Above report referred to the Committee on Public Safety.

Governor's Office, Sacramento

Message from the Governor  
Concerning  
Parole Review Decisions

*To the Members of the Senate and Assembly of the State of California:*

In accordance with the provisions of Article V, section 8(b) of the California Constitution, I hereby submit to you a report on my review of parole decisions involving persons sentenced to indeterminate terms upon conviction of murder. The report includes actions taken by me between January 1, 1996, and December 31, 1996.

Respectfully submitted,

PETE WILSON  
Governor

Above report referred to the Committee on Public Safety.

**MESSAGES FROM THE SENATE**

February 2, 1998

*Hon. E. Dotson Wilson  
Chief Clerk of the Assembly  
Assembly Chamber*

Dear Dotson: I am directed to inform your honorable body that the Senate on this day withdrew the Conference Reports on Senate Bill 250, Assembly Bill 252, and Assembly Bill 755.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

---

Senate Chamber, February 2, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Greene, O'Connell and Brulte as a Committee on Conference concerning:

**Senate Bill No. 1110.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

(NOTE: On February 3, 1998, the Senate cancelled the above appointment of conferees. See page 5416.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

**Conference Committee Changes**

January 28, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Kerry Mazzoni as co-chair of the Conference Committee on AB 252 and AB 755.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 28, 1998

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I am removing Assemblymember Antonio Villaraigosa from the Conference Committee on SB 250 and appointing Jack Scott. I am also appointing Assemblymember Kerry Mazzoni to serve as co-chair.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 1110:

Mazzoni, Migden, and Bordonaro.

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9801011.

DICK FLOYD

**Permission of Rules Committee**

Assembly Chamber, January 29, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9801011.

DON PERATA, Chairman

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9725401.

DICK FLOYD

**Permission of Rules Committee**

Assembly Chamber, January 29, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9725401.

DON PERATA, Chairman

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1720—Davis.** An act relating to food, drugs, and devices.

**ASSEMBLY BILL NO. 1721—Cunneen.** An act to add Section 41209 to the Education Code, relating to education.

**ASSEMBLY BILL NO. 1722—Cunneen.** An act to amend Sections 8265 and 8470 of the Education Code, relating to child care.

**ASSEMBLY BILL NO. 1723 (RN 9801011)—Floyd.** An act to amend Section 830.3 of the Penal Code, relating to peace officers.

**ASSEMBLY BILL NO. 1724—Richter.** An act to repeal and add Section 11462 of, and to repeal Sections 11462.01, 11462.05, and 11462.06 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1725—Napolitano, Miller, Cedillo, Gallegos, Havice, Vincent, and Wright.** An act relating to parks and recreation, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1726—Bustamante, Gallegos, Figueroa, and Villaraigosa.** An act to add Section 1367.01 to the Health and Safety Code, relating to health care.

**ASSEMBLY BILL NO. 1727—Runner.** An act to amend Section 17280 of the Education Code, relating to education.

**ASSEMBLY BILL NO. 1728 (RN 9725401)—Floyd.** An act to add and repeal Section 17052.6 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1729—Leach.** An act to amend Section 12389 of the Insurance Code, relating to insurance.

**ASSEMBLY BILL NO. 1730—Wright.** An act to amend Section 1808.21 of the Vehicle Code, relating to the Department of Motor Vehicles.

**ASSEMBLY BILL NO. 1731—Bowler.** An act to amend Section 11377 of the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 1732—Bowler, Ashburn, Campbell, Cunneen, House, Leach, Margett, Morrissey, Oller, and Woods, (Senators Knight, Kopp, Monteith, and Peace, coauthors).** An act to amend Section 4706.5 of the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1733—Machado.** An act to amend Section 18785 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1734—Mazzoni.** An act to add Part 33.5 (commencing with Section 61000) to Part 28 of, the Education Code, relating to school accountability.

**ASSEMBLY BILL NO. 1735—Pacheco, Frusetta, Goldsmith, and Prenter (Principal coauthors: Baldwin, Battin, Bowler, Cunneen, Morrissey, Kuykendall, Leach, House, and Takasugi) (Coauthors: Ackerman, Alby, Ashburn, Bordonaro, Firestone, Kaloogian, Leonard, Margett, Oller, Poochigian, Pringle, Richter, Runner, Thompson).** An act to amend Sections 186.22, 190.2, 594, 629.52, 667, 667.5, and 1192.7 of, to add Sections 182.5, 186.30, 186.31, 186.32, and 186.33 to, and to repeal and add Section 186.26 of, the Penal Code, to amend Sections 602, 625.3, 629, 654.3, 660, 663, 676, 707, 777, 781, 827.5, 827.6, and 1732.6 of, to amend and renumber Section 827.1 of, to add Section 602.5 to, to add Article 20.5 (commencing with Section 790) to Chapter 1 of Part 1 of Division 2 of, and to repeal Section 828.01 of, the Welfare and Institutions Code, and to amend Section 2 of Proposition 184 of the November 8, 1994, general election, relating to crime.

**ASSEMBLY BILL NO. 1736—Torlakson.** An act to amend Section 51745 of the Education Code, relating to independent study.

**ASSEMBLY BILL NO. 1737—Torlakson.** An act to add Section 51005.2 to the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 47—Knox (Principal coauthors: Shelley and Thompson) (Coauthors: Alquist, Aroner, Bowen, Bowler, Bustamante, Campbell, Cedillo, Cunneen, Davis, Figueroa, Havice, Hertzberg, Honda, House, Kaloogian, Keeley, Kuehl, Kuykendall, Leach, Lempert, Leonard, Machado, Mazzoni, McClintock, Migden, Miller, Murray, Oller, Perata, Pringle, Richter, Runner, Scott, Strom-Martin, Thomson, Villaraigosa, and Wayne) (Senators Alpert, Brulte, Costa, Greene, Hayden, Haynes, Johnston, Karnette, Kelley, Leslie, Lockyer, Peace, Rosenthal, Schiff, Sher, Thompson, and Vasconcellos, coauthors).** Relative to the State of Israel.

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 30, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 142

Assembly Bill No. 160

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., January 30, 1998.

E. DOTSON WILSON, Chief Clerk

### AUTHOR'S AMENDMENTS

#### Committee on Budget

February 2, 1998

Mr. Speaker: The Chair of your Committee on Budget reports:

Senate Bill No. 740

With author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chairwoman

**SENATE BILL NO. 740—**An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

February 2, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 533

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chairwoman

**SENATE BILL NO. 533**—An act to amend Section 4799.13 of, and to add Article 5 (commencing with Section 4665) to Chapter 9 of Part 2 of Division 4 of, the Public Resources Code, relating to forest resources.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE**  
**SENATE BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 10**, ordered to third reading.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rules 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

**Senate Bill No. 989**, on request of Assembly Member Lempert;

**Senate Bill No. 536**, on request of Assembly Member Bordonaro.

**BILLS WHICH DIED ON FILE PURSUANT TO**  
**CONSTITUTION—ART. IV, SEC 10(c)**

The following bills died on the inactive file:

Assembly Bills Nos. 1313, 779, 1145, 587, 1324, 53, 375, 232, 54, 136, 1109, 250, 1142, 398, 740, 1359, 532, 435, 714, and 110.

The following bills died on the third reading file:

Assembly Bills Nos. 390, 550, and 1001.

**BILLS WHICH DIED AT THE DESK WITHOUT FURTHER ACTION**

The following Assembly bills died at the Desk without further action:

Assembly Bills Nos. 144, 151, 337, 516, 586, 596, 634, 647, 720, 841, 948, 970, 1034, 1035, 1038, 1046, 1049, 1060, 1125, 1202, 1231, 1250, 1270, 1367, 1388, and 1452.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Education**

Date of Hearing: February 2, 1998

Mr. Speaker: Your Committee on Education reports:

Senate Constitutional Amendment No. 12

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

MAZZONI, Chairwoman

Above resolution re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

**JOINT RULE 62(a) WAIVED**

Unanimous consent was granted that Joint Rule 62(a) be waived for the purpose of setting Senate Constitutional Amendment No. 12 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments on Monday, February 2, 1998.

**ADJOURNMENT**

At 4:20 p.m., the Assembly adjourned until 7 a.m., Tuesday, February 3, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 2, 1998**

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The following measures were amended in the Assembly on this day:

<b>SB</b>	<b>RN</b>
533	9805217
740	9805162
<b>Daily Total:</b>	<b>2</b>
<b>Cumulative Total:</b>	<b>3813</b>



CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 3, 1998**

**ONE HUNDRED FIFTY-SIXTH SESSION DAY  
FOUR HUNDRED TWENTY-NINTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, February 3, 1998

The Assembly met at 7 a.m.

Hon. Steven T. Kuykendall, Assembly Member, 54th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—66:

Ackerman	Floyd	McClintock	Scott
Aguiar	Gallegos	Migden	Shelley
Alquist	Goldsmith	Morrissey	Strom-Martin
Aroner	Granlund	Morrow	Takasugi
Baca	Havice	Murray	Thompson
Battin	Hertzberg	Napolitano	Thomson
Baugh	Honda	Olberg	Torlakson
Bowen	House	Oller	Villaraigosa
Bowler	Kaloogian	Ortiz	Vincent
Campbell	Keeley	Pacheco	Washington
Cardenas	Knox	Papan	Wayne
Cardoza	Kuehl	Perata	Wildman
Cedillo	Kuykendall	Poochigian	Woods
Davis	Lempert	Prenter	Wright
Ducheny	Leonard	Pringle	Mr. Speaker
Escutia	Margett	Richter	
Figueroa	Mazzoni	Runner	

Quorum present.

**At 1:30 p.m., Hon. Steven T. Kuykendall, 54th District, presiding**

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Baldwin, Brewer, Cunneen, Frusetta, Leach, Martinez, and Miller.*

*On legislative business, and waiving per diem: Assembly Member Sweeney.*

*On personal business, and waiving per diem: Assembly Members Alby, Bordonaro, and Firestone.*

*Because of weather conditions: Assembly Members Ashburn, Brown, and Machado.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

February 2, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*Room 219, State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I am requesting to be excused from check-in session of February 3 and February 4 on legislative business. I will be in my district office meeting with constituents. I will be back for legislative session on Thursday and Friday.

Thank you in advance for your consideration.

Sincerely,

STEVE BALDWIN, Assembly Member  
Seventy-seventh District

February 2, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Tuesday, February 3, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

February 2, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I humbly request to be excused from session February 3, 1998 in order for me to attend to legislative business in my district. I am continuing to check the status of rivers and waterways in my district. It is estimated that by tomorrow, regions in my district will have received about 10 inches of rain in three days seriously threatening flooding.

Thank you for your consideration, and please call me if you have any questions.

Sincerely,

PETER FRUSETTA, Assembly Member  
Twenty-eighth District

February 3, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from session on Tuesday, February 3rd, 1998 due to legislative business in my district.

Thank you for your consideration of this request. Should you have any questions please contact my Legislative Director, Angela Wiederrich, at 445-6161.

Sincerely,

LYNNE C. LEACH, Assembly Member  
Fifteenth District

February 3, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: Please excuse my absence for today February 3, 1998 and tomorrow February 4, 1998. I will be in my district office on legislative business.

Thank you for your immediate attention to this matter.

Warmest regards,

DIANE MARTINEZ, Assembly Member  
Forty-ninth District

February 2, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*Room 219, State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request that my per diem be waived for February 3, 1998, due to the fact that I will be in my district that day on legislative business.

Respectfully,

MICHAEL SWEENEY, Assembly Member  
Eighteenth District

(NOTE: For letters explaining the absences of Assembly Members Brewer and Miller on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Monday, February 2, 1998.)

**COMMUNICATIONS**

The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

**Public Officials: Term Limits/Compensation.  
Reduction of Legislative Session.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Initiatives. Initiative Constitutional Amendment and Statute.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Permissible Consideration of Economic Background  
Race, Sex, Ethnicity, National Origin in Public Education.  
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committees on Judiciary and Education.

**Joint Child Custody. Initiative Statute.**

Referred by the Speaker to the Committee on Judiciary.

**Prostate and Breast Cancer Prevention. Tobacco Tax.  
Initiative Statute.**

Referred by the Speaker to the Committees on Revenue and Taxation and Health.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Reports from California School Districts  
Relative to Use of Desegregation Program Funds  
(Pursuant to Provision 9 of Item 6110-230-0001 of the Budget Act of 1997  
Chapter 282, Statutes of 1997)**

Reports from school districts, together with letters of transmittal received in the Office of the Chief Clerk will be referred to the Committee on Budget.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1738—Alquist, Cunneen, Figueroa, and Lempert, (Senator Vasconcellos, coauthor).** An act to add Chapter 7.2 (commencing with Section 8669) to Division 1 of Title 2 of the Government Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1739—Scott.** An act to amend Section 25144 of the Health and Safety Code, relating to hazardous waste.

**ASSEMBLY BILL NO. 1740—Richter.** An act to add Section 41862.5 to the Health and Safety Code, relating to air resources.

**ASSEMBLY BILL NO. 1741—Scott.** An act to amend Sections 152, 602, 14300, and 25103 of the Corporations Code, relating to mutual water companies.

**ASSEMBLY BILL NO. 1742—Ducheny.** An act to add Part 3 (commencing with Section 475) to Division 1 of the Health and Safety Code, relating to public health.

**ASSEMBLY BILL NO. 1743—Runner (Senator Knight, coauthor).** An act to add Section 33204.4 to the Public Resources Code, relating to parks and open space.

**ASSEMBLY BILL NO. 1744—Knox and Honda (Principal coauthor: Perata) (Coauthors: Aroner, Murray, Scott, and Wildman) (Senator Solis, coauthor).** An act to add Chapter 6 (commencing with Section 16643) to Part 2 of Division 4 of Title 2 of the Government Code, relating to public employee retirement system investments.

**ASSEMBLY BILL NO. 1745—Alby.** An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

**ASSEMBLY BILL NO. 1746—Escutia.** An act to amend Section 52122.1 of the Education Code, relating to class size reduction, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1747—Alquist.** An act to add and repeal Sections 17052.33 and 23633 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1748—Alquist, Aroner, Baca, Brown, Davis, Ducheny, Escutia, Figueroa, Havice, Honda, Keeley, Knox, Kuehl, Leach, Lempert, Machado, Martinez, Mazzoni, Migden, Napolitano, Ortiz, Perata, Shelley, Strom-Martin, Takasugi, Thomson, Washington, Wayne, and Wildman, (Senators Alpert, Costa, Hughes, Karnette, Lee, Solis, Vasconcellos, and Watson, coauthors).** An act to add Chapter 1 (commencing with Section 125700) to Part 8 of Division 106 of the Health and Safety Code, relating to osteoporosis.

### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 48—Richter.** Relative to medical savings accounts.

### REPORTS OF STANDING COMMITTEES

#### **Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: February 2, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Constitutional Amendment No. 12

With the recommendation: Be adopted.

VINCENT, Chairman

Above resolution ordered to second reading.

#### **Committee on Appropriations**

February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 448

Assembly Bill No. 1510

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

#### **Committee on Consumer Protection, Governmental Efficiency and Economic Development**

February 2, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1541

DAVIS, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Education**

February 2, 1998

Mr. Speaker: Your Committee on Education reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 814

MAZZONI, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Elections, Reapportionment and Constitutional Amendments**

February 2, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 383

VINCENT, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Human Services**

February 2, 1998

Mr. Speaker: Your Committee on Human Services reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 295

ARONER, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Judiciary**

February 2, 1998

Mr. Speaker: Your Committee on Judiciary reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1113

Assembly Bill No. 1295

ESCUTIA, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Local Government**

February 2, 1998

Mr. Speaker: Your Committee on Local Government reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 393

SWEENEY, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Revenue and Taxation**

February 2, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 470

KNOX, Chairman

Above bill ordered filed with the Chief Clerk.

**REPORTS OF STANDING COMMITTEES****Committee on Agriculture**

February 2, 1998

Mr. Speaker: Your Committee on Agriculture reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 505  
Assembly Bill No. 716

Assembly Bill No. 891  
Assembly Bill No. 1379

CARDOZA, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Appropriations**

February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 13  
Assembly Bill No. 22  
Assembly Bill No. 28  
Assembly Bill No. 41  
Assembly Bill No. 56  
Assembly Bill No. 63  
Assembly Bill No. 77  
Assembly Bill No. 97

Assembly Bill No. 104  
Assembly Bill No. 106  
Assembly Bill No. 108  
Assembly Bill No. 109  
Assembly Bill No. 120  
Assembly Bill No. 138  
Assembly Bill No. 141  
Assembly Bill No. 147

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 161  
Assembly Bill No. 166  
Assembly Bill No. 171  
Assembly Bill No. 203  
Assembly Bill No. 215  
Assembly Bill No. 230  
Assembly Bill No. 238  
Assembly Bill No. 251

Assembly Bill No. 253  
Assembly Bill No. 263  
Assembly Bill No. 265  
Assembly Bill No. 282  
Assembly Bill No. 336  
Assembly Bill No. 344  
Assembly Bill No. 347  
Assembly Bill No. 372

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 373  
Assembly Bill No. 401  
Assembly Bill No. 403  
Assembly Bill No. 415  
Assembly Bill No. 416  
Assembly Bill No. 419  
Assembly Bill No. 427  
Assembly Bill No. 429

Assembly Bill No. 444  
Assembly Bill No. 454  
Assembly Bill No. 461  
Assembly Bill No. 479  
Assembly Bill No. 495  
Assembly Bill No. 507  
Assembly Bill No. 512  
Assembly Bill No. 537

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.



February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 538	Assembly Bill No. 675
Assembly Bill No. 539	Assembly Bill No. 677
Assembly Bill No. 551	Assembly Bill No. 684
Assembly Bill No. 613	Assembly Bill No. 706
Assembly Bill No. 617	Assembly Bill No. 724
Assembly Bill No. 638	Assembly Bill No. 773
Assembly Bill No. 642	Assembly Bill No. 791
Assembly Bill No. 648	Assembly Bill No. 809

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 813	Assembly Bill No. 962
Assembly Bill No. 824	Assembly Bill No. 965
Assembly Bill No. 850	Assembly Bill No. 971
Assembly Bill No. 867	Assembly Bill No. 987
Assembly Bill No. 876	Assembly Bill No. 998
Assembly Bill No. 905	Assembly Bill No. 1003
Assembly Bill No. 914	Assembly Bill No. 1005
Assembly Bill No. 945	Assembly Bill No. 1009
Assembly Bill No. 961	Assembly Bill No. 1010

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 1011	Assembly Bill No. 1107
Assembly Bill No. 1012	Assembly Bill No. 1108
Assembly Bill No. 1013	Assembly Bill No. 1114
Assembly Bill No. 1030	Assembly Bill No. 1140
Assembly Bill No. 1031	Assembly Bill No. 1149
Assembly Bill No. 1045	Assembly Bill No. 1151
Assembly Bill No. 1062	Assembly Bill No. 1168
Assembly Bill No. 1081	Assembly Bill No. 1170

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 1179	Assembly Bill No. 1393
Assembly Bill No. 1192	Assembly Bill No. 1401
Assembly Bill No. 1244	Assembly Bill No. 1408
Assembly Bill No. 1248	Assembly Bill No. 1417
Assembly Bill No. 1305	Assembly Bill No. 1421
Assembly Bill No. 1330	Assembly Bill No. 1437
Assembly Bill No. 1340	Assembly Bill No. 1461
Assembly Bill No. 1351	Assembly Bill No. 1471
Assembly Bill No. 1360	

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

February 2, 1998

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 1473	Assembly Bill No. 1512
Assembly Bill No. 1488	Assembly Bill No. 1552
Assembly Bill No. 1498	Assembly Bill No. 1567
Assembly Bill No. 1499	Assembly Bill No. 1616

MIGDEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Banking and Finance**

February 2, 1998

Mr. Speaker: Your Committee on Banking and Finance reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 46  
Assembly Bill No. 798  
Assembly Bill No. 1383

PAPAN, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Budget**

February 2, 1998

Mr. Speaker: Your Committee on Budget reports the following bill pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(a) of the Constitution:

Assembly Bill No. 1095

DUCHENY, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Consumer Protection, Governmental Efficiency and Economic Development**

February 2, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 19	Assembly Bill No. 775
Assembly Bill No. 60	Assembly Bill No. 1111
Assembly Bill No. 61	Assembly Bill No. 1422
Assembly Bill No. 597	Assembly Bill No. 1533
Assembly Bill No. 616	Assembly Bill No. 1535
Assembly Bill No. 774	

DAVIS, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Education**

February 2, 1998

Mr. Speaker: Your Committee on Education reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 25	Assembly Bill No. 859
Assembly Bill No. 31	Assembly Bill No. 1075
Assembly Bill No. 36	Assembly Bill No. 1085
Assembly Bill No. 37	Assembly Bill No. 1090
Assembly Bill No. 272	Assembly Bill No. 1253
Assembly Bill No. 288	Assembly Bill No. 1254
Assembly Bill No. 458	Assembly Bill No. 1489
Assembly Bill No. 628	Assembly Bill No. 1490
Assembly Bill No. 671	Assembly Bill No. 1495
Assembly Bill No. 787	Assembly Bill No. 1503
Assembly Bill No. 844	

MAZZONI, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Elections, Reapportionment and Constitutional Amendments**

February 2, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 73	Assembly Bill No. 1037
Assembly Bill No. 674	Assembly Bill No. 1066
Assembly Bill No. 679	Assembly Bill No. 1348
Assembly Bill No. 936	Assembly Bill No. 1506
Assembly Bill No. 1036	

VINCENT, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Environmental Safety and Toxic Materials**

February 2, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 733	Assembly Bill No. 982
Assembly Bill No. 763	Assembly Bill No. 1594

WAYNE, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Governmental Organization**

February 2, 1998

Mr. Speaker: Your Committee on Governmental Organization reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 328	Assembly Bill No. 1048
Assembly Bill No. 704	Assembly Bill No. 1177
Assembly Bill No. 900	Assembly Bill No. 1234
Assembly Bill No. 902	Assembly Bill No. 1434
Assembly Bill No. 1014	

BROWN, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Health**

February 2, 1998

Mr. Speaker: Your Committee on Health reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 274	Assembly Bill No. 1032
Assembly Bill No. 276	Assembly Bill No. 1101
Assembly Bill No. 610	Assembly Bill No. 1137
Assembly Bill No. 619	Assembly Bill No. 1247
Assembly Bill No. 709	Assembly Bill No. 1426
Assembly Bill No. 802	Assembly Bill No. 1431
Assembly Bill No. 881	

GALLEGOS, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Higher Education**

February 2, 1998

Mr. Speaker: Your Committee on Higher Education reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 883  
Assembly Bill No. 908

LEMPERT, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Housing and Community Development**

February 2, 1998

Mr. Speaker: Your Committee on Housing and Community Development reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 275  
Assembly Bill No. 923  
Assembly Bill No. 1478

TORLAKSON, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Human Services**

February 2, 1998

Mr. Speaker: Your Committee on Human Services reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 5	Assembly Bill No. 1249
Assembly Bill No. 502	Assembly Bill No. 1288
Assembly Bill No. 756	Assembly Bill No. 1355
Assembly Bill No. 784	Assembly Bill No. 1402
Assembly Bill No. 1050	

ARONER, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Insurance**

February 2, 1998

Mr. Speaker: Your Committee on Insurance reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 155	Assembly Bill No. 1131
Assembly Bill No. 449	Assembly Bill No. 1309
Assembly Bill No. 636	Assembly Bill No. 1411
Assembly Bill No. 660	Assembly Bill No. 1516
Assembly Bill No. 815	Assembly Bill No. 1524
Assembly Bill No. 887	Assembly Bill No. 1550
Assembly Bill No. 975	Assembly Bill No. 1566

FIGUEROA, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on International Trade and Development**

Assembly Chamber, February 2, 1998

Mr. Speaker: Your Committee on International Trade and Development reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(a) of the Constitution:

Assembly Bill No. 888  
Assembly Bill No. 897

NAPOLITANO, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Judiciary**

February 2, 1998

Mr. Speaker: Your Committee on Judiciary reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 86	Assembly Bill No. 843
Assembly Bill No. 124	Assembly Bill No. 872
Assembly Bill No. 129	Assembly Bill No. 886
Assembly Bill No. 260	Assembly Bill No. 907
Assembly Bill No. 474	Assembly Bill No. 912
Assembly Bill No. 612	Assembly Bill No. 918
Assembly Bill No. 746	Assembly Bill No. 919
Assembly Bill No. 804	Assembly Bill No. 988

ESCUTIA, Chairwoman

Above bills ordered filed with the Chief Clerk.

February 2, 1998

Mr. Speaker: Your Committee on Judiciary reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 1028	Assembly Bill No. 1409
Assembly Bill No. 1176	Assembly Bill No. 1462
Assembly Bill No. 1220	Assembly Bill No. 1486
Assembly Bill No. 1274	Assembly Bill No. 1487
Assembly Bill No. 1323	Assembly Bill No. 1500
Assembly Bill No. 1361	Assembly Bill No. 1517
Assembly Bill No. 1371	Assembly Bill No. 1540

ESCUTIA, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Labor and Employment**

February 2, 1998

Mr. Speaker: Your Committee on Labor and Employment reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 159	Assembly Bill No. 1185
Assembly Bill No. 413	Assembly Bill No. 1240
Assembly Bill No. 453	Assembly Bill No. 1267
Assembly Bill No. 959	Assembly Bill No. 1289
Assembly Bill No. 977	Assembly Bill No. 1509
Assembly Bill No. 1146	

FLOYD, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Local Government**

February 2, 1998

Mr. Speaker: Your Committee on Local Government reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 1	Assembly Bill No. 928
Assembly Bill No. 145	Assembly Bill No. 934
Assembly Bill No. 338	Assembly Bill No. 990
Assembly Bill No. 526	Assembly Bill No. 1282
Assembly Bill No. 661	Assembly Bill No. 1284
Assembly Bill No. 693	Assembly Bill No. 1349
Assembly Bill No. 694	Assembly Bill No. 1466
Assembly Bill No. 852	

SWEENEY, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Natural Resources**

February 2, 1998

Mr. Speaker: Your Committee on Natural Resources reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 262  
Assembly Bill No. 402  
Assembly Bill No. 567  
Assembly Bill No. 868

Assembly Bill No. 985  
Assembly Bill No. 1273  
Assembly Bill No. 1376

BOWEN, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Public Employees, Retirement and Social Security**

February 2, 1998

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 14  
Assembly Bill No. 1347  
Assembly Bill No. 1375

Assembly Bill No. 1504  
Assembly Bill No. 1600  
Assembly Bill No. 1604

HONDA, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Public Safety**

February 2, 1998

Mr. Speaker: Your Committee on Public Safety reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 33  
Assembly Bill No. 35  
Assembly Bill No. 165  
Assembly Bill No. 343  
Assembly Bill No. 370  
Assembly Bill No. 406  
Assembly Bill No. 476  
Assembly Bill No. 631

Assembly Bill No. 703  
Assembly Bill No. 737  
Assembly Bill No. 778  
Assembly Bill No. 819  
Assembly Bill No. 878  
Assembly Bill No. 1057  
Assembly Bill No. 1073  
Assembly Bill No. 1076

HERTZBERG, Chairman

Above bills ordered filed with the Chief Clerk.

February 2, 1998

Mr. Speaker: Your Committee on Public Safety reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 1080  
Assembly Bill No. 1119  
Assembly Bill No. 1123  
Assembly Bill No. 1343

Assembly Bill No. 1369  
Assembly Bill No. 1370  
Assembly Bill No. 1385  
Assembly Bill No. 1455

HERTZBERG, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Revenue and Taxation**

February 2, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 9	Assembly Bill No. 1067
Assembly Bill No. 69	Assembly Bill No. 1232
Assembly Bill No. 91	Assembly Bill No. 1262
Assembly Bill No. 148	Assembly Bill No. 1358
Assembly Bill No. 559	Assembly Bill No. 1364
Assembly Bill No. 654	Assembly Bill No. 1441
Assembly Bill No. 801	Assembly Bill No. 1443
Assembly Bill No. 873	Assembly Bill No. 1530
Assembly Bill No. 890	

KNOX, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Rules**

Assembly Chamber, February 2, 1998

Mr. Speaker: Your Committee on Rules reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(a) of the Constitution:

Assembly Bill No. 678  
Assembly Bill No. 1039

PERATA, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Transportation**

February 2, 1998

Mr. Speaker: Your Committee on Transportation reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 24	Assembly Bill No. 978
Assembly Bill No. 314	Assembly Bill No. 997
Assembly Bill No. 527	Assembly Bill No. 1018
Assembly Bill No. 557	Assembly Bill No. 1474
Assembly Bill No. 765	Assembly Bill No. 1523

MURRAY, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Utilities and Commerce**

February 3, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 306	Assembly Bill No. 879
Assembly Bill No. 443	Assembly Bill No. 906
Assembly Bill No. 579	Assembly Bill No. 1154
Assembly Bill No. 580	Assembly Bill No. 1299

MARTINEZ, Chairwoman

Above bills ordered filed with the Chief Clerk.

**Committee on Water, Parks and Wildlife**

February 2, 1998

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports the following bills pursuant to the provisions of Joint Rule 56 and Article IV, Sec. 10(c) of the Constitution:

Assembly Bill No. 184  
Assembly Bill No. 279  
Assembly Bill No. 608  
Assembly Bill No. 624  
Assembly Bill No. 665  
Assembly Bill No. 691

Assembly Bill No. 766  
Assembly Bill No. 767  
Assembly Bill No. 1047  
Assembly Bill No. 1286  
Assembly Bill No. 1315

MACHADO, Chairman

Above bills ordered filed with the Chief Clerk.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 3, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate cancels the appointment of Greene, O'Connell and Brulte as a Committee on Conference concerning:

**Senate Bill No. 1110.**

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Consumer Protection, Governmental Efficiency and Economic Development, on Tuesday, February 3, 1998, in Room 444 instead of 447;

Revenue and Taxation, on Tuesday, February 10, 1998, in Room 444;

Local Government, on Friday, February 20, 1998, in San Jose;

Joint Hearing of Higher Education, Budget Subcommittee on Education #2, and Senate Budget and Fiscal Review Subcommittee #1, on Thursday, February 26, 1998, at 11 a.m., in Room 4202;

Insurance, on Friday, February 27, 1998, at 9:30 a.m., at the Children's Hospital at Stanford in Palo Alto.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 4, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 4, 1998**

**ONE HUNDRED FIFTY-SEVENTH SESSION DAY**

**FOUR HUNDRED THIRTIETH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, February 4, 1998

The Assembly met at 7 a.m.

Hon. Scott Baugh, Assembly Member, 67th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—70:

Ackerman	Figueroa	McClintock	Scott
Aguilar	Floyd	Migden	Shelley
Alquist	Gallegos	Miller	Strom-Martin
Aroner	Granlund	Morrissey	Sweeney
Ashburn	Havice	Morrow	Takasugi
Baca	Hertzberg	Murray	Thompson
Battin	Honda	Napolitano	Thomson
Baugh	House	Olberg	Torlakson
Bowen	Kaloogian	Oller	Villaraigosa
Bowler	Keeley	Ortiz	Vincent
Brown	Knox	Pacheco	Washington
Cardenas	Kuehl	Papan	Wayne
Cardoza	Kuykendall	Perata	Wildman
Cedillo	Leach	Poochigian	Woods
Cunneen	Lempert	Prenter	Wright
Davis	Leonard	Pringle	Mr. Speaker
Ducheny	Machado	Richter	
Escutia	Mazzoni	Runner	

Quorum present.

**At 2:03 p.m., Hon. Mike Machado, 17th District, presiding**

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Baldwin, Frusetta, Goldsmith, and Martinez.*

*On personal business, and waiving per diem: Assembly Members Alby, Bordonaro, Campbell, and Firestone.*

*Because of illness: Assembly Members Brewer and Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

February 3, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I humbly request to be excused from legislative session on February 4, 1998 to attend to legislative business in my district. Major areas of my district are flooding as a result of the recent rainfall. Weather estimates predict up to 10 inches of rain between last Sunday and tomorrow.

Thank you for your time and consideration.

Sincerely,

PETER FRUSETTA, Assembly Member  
Twenty-eighth District

February 2, 1998

*Assembly Speaker's Office*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: Please excuse me for legislative session on Wednesday, February 4, 1998. I have legislative business in the district. Thank you for your attention to this request.

Sincerely,

JAN GOLDSMITH, Assembly Member  
Seventy-fifth District

(NOTE: For letters explaining the absence of Assembly Members Baldwin and Martinez on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, February 3, 1998.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 4, 1998

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember George Runner to the Assembly Budget Committee to replace Bruce Thompson for today, February 4, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**REPORTS**

The following reports were presented by the Chief Clerk:

**Department of Mental Health, 1997–98 Second Quarter Status Update  
on the Security Modifications at Napa State Hospital  
(Pursuant to Chapter 281, Budget Act of 1997, Item 4440-011-0001(13))**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, Sacramento, referred by the Speaker to the Committee on Budget.

**Santa Monica Mountains Conservancy  
Annual Report—Fiscal year 1996–97  
(Pursuant to Supplemental Budget Language)**

Above transmitted report, together with letter of transmittal from Joseph T. Edmiston, AICP, Executive Director, Santa Monica Mountains Conservancy, Beverly Hills, dated December 30, 1997, referred by the Speaker to the Committee on Budget.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1749—Leach.** An act to add and repeal Section 1596.7926 of the Health and Safety Code, relating to child day care facilities.

**ASSEMBLY BILL NO. 1750—Pringle.** An act to amend Section 25503.7 of the Business and Professions Code, relating to alcoholic beverages.

**ASSEMBLY BILL NO. 1751—Wildman.** An act to amend Sections 5311.5 and 5813 of, and to repeal Section 27 of, the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1752—Davis.** An act to add Chapter 3 (commencing with Section 14100) to Part 5 of Division 3 of Title 1 of the Corporations Code, relating to business development.

**ASSEMBLY BILL NO. 1753—Escutia.** An act to amend Section 51225.3 of the Education Code, relating to instructional programs.

**ASSEMBLY BILL NO. 1754—Havice.** An act to amend Sections 1048.1 and 1050 of the Penal Code, relating to criminal procedure.

**ASSEMBLY BILL NO. 1755—Keeley and Takasugi.** An act to amend Section 2827 of the Public Utilities Code, and to add Section 73 to the Revenue and Taxation Code, relating to solar energy.

**ASSEMBLY BILL NO. 1756—Havice.** An act to add Article 6 (commencing with Section 49356) to Chapter 8 of Part 27 of the Education Code, relating to the School and Community Policing Program.

**ASSEMBLY BILL NO. 1757—Bowler.** An act to amend Section 42238.18 of the Education Code, relating to school finance.

**ASSEMBLY BILL NO. 1758—Runner.** An act to add Section 123451 to the Health and Safety Code, relating to abortion.

**ASSEMBLY BILL NO. 1759—Runner.** An act to amend Section 14527 of the Government Code, relating to transportation.

**ASSEMBLY BILL NO. 1760—Baldwin.** An act to amend Section 33413 of the Health and Safety Code, relating to housing.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 30—Murray (Principal coauthor: Brewer) (Principal Senate coauthor: Kopp) (Coauthors: Battin, Cunneen, Leach, Oller, Runner, Scott, and Thomson) (Senators McPherson and Watson, coauthors).** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 6 and 7 of Article XIX thereof, and by adding Article XIXA thereto, relating to transportation.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 90—Honda.** Relative to a Day of Remembrance.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**SENATE CONSTITUTIONAL AMENDMENT NO. 12**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII A thereof, and by amending Section 18 of Article XVI thereof, relating to school facilities financing.

Resolution read second time, and ordered to third reading.

**ADJOURNMENT**

At 3:45 p.m., the Assembly adjourned until 7 a.m., Thursday, February 5, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 5, 1998**

**ONE HUNDRED FIFTY-EIGHTH SESSION DAY  
FOUR HUNDRED THIRTY-FIRST CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, February 5, 1998

The Assembly met at 7 a.m.

Hon. Steven T. Kuykendall, Assembly Member, 54th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—68:

Ackerman	Figueroa	Machado	Richter
Aguilar	Floyd	Martinez	Runner
Alquist	Gallegos	Mazzoni	Scott
Ashburn	Goldsmith	McClintock	Shelley
Baca	Granlund	Migden	Strom-Martin
Baldwin	Haveice	Morrissey	Takasugi
Battin	Hertzberg	Morrow	Thompson
Baugh	Honda	Napolitano	Thomson
Bowen	House	Olberg	Torlakson
Bowler	Kaloogian	Oller	Villaraigosa
Brown	Keeley	Ortiz	Vincent
Cardenas	Knox	Pacheco	Washington
Cardoza	Kuehl	Papan	Wayne
Cedillo	Kuykendall	Perata	Wildman
Davis	Leach	Poochigian	Woods
Ducheny	Lempert	Prenter	Wright
Escutia	Leonard	Pringle	Mr. Speaker

Quorum present.

**At 11:35 a.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding**

#### 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 Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Aroner, Cunneen, Frusetta, Miller, and Murray.*

*On legislative business, and waiving per diem: Assembly Member Sweeney.*

*On personal business, and waiving per diem: Assembly Members Alby, Bordonaro, Campbell, and Firestone.*

*Because of illness: Assembly Members Brewer and Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 23, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am requesting permission to be excused on February 5, 1998 for legislative business in Monterey.

Thank you for your consideration.

Sincerely,

DION S. ARONER, Assembly Member  
Fourteenth District

February 4, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Thursday, February 5, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

February 4, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I humbly request to be excused from session February 5, 1998 in order for me to attend to legislative business in my district. I am still monitoring various rivers and waterways, which have been severely impacted by significant amounts of rainfall.

Thank you for your consideration, and please call me if you have any questions.

Sincerely,

PETER FRUSETTA, Assembly Member  
Twenty-eighth District



February 4, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from check-in session on Thursday, February 5, 1998. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member  
Sixtieth District

February 2, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Legislative Session for the following dates so that I may attend to legislative business in my district:

February 5, 1998

February 6, 1998.

Thank you for your consideration in this matter.

Sincerely,

KEVIN MURRAY, Assembly Member  
Forty-seventh District

February 4, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*Room 219, State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request that my per diem be waived for Thursday, February 5, 1998, due to the fact that I will be in my district that day on legislative business.

Respectfully,

MICHAEL SWEENEY, Assembly Member  
Eighteenth District

#### COMMUNICATIONS

The following communication was presented by the Chief Clerk from:

Bill Jones, Secretary of State, Office of the Secretary of State, dated December 23, 1997, (processed January 7, 1998), transmitting a copy of the qualified initiative entitled "Political Contributions. Employers. Labor Unions. Foreign Entities. Initiate Statute." Referred pursuant to Elections Code, Section 9034, to the Committees on Labor and Employment and Elections, Reapportionment and Constitutional Amendments.

**REPORTS**

The following reports were presented by the Chief Clerk:

**1996–97 Annual Lottery Report  
(Pursuant to Chapter 162, Budget Act of 1996, Control Section 24.60)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, Sacramento, referred by the Speaker to the Committee on Budget.

**Bureau of Automotive Repair, Program Review Report  
(Pursuant to Chapter 162, SB 1393, of the 1996–97 Budget Act)**

Above transmitted report, together with letter of transmittal from Marjorie M. Berte, Director, Department of Consumer Affairs, Sacramento, dated January 22, 1998, referred by the Speaker to the Committee on Budget.

**Resources Agency Infrastructure Needs Assessment**

**Resources Agency, Ten-Year Infrastructure Needs, December 1996  
(Pursuant to the Supplemental Report of the 1997 Budget Act  
Item 0540-001-0001)**

Above transmitted report, together with letter of transmittal from Douglas P. Wheeler, Secretary for Resources, The Resources Agency, Sacramento, dated January 22, 1998, referred by the Speaker to the Committee on Budget.

**Inmate Pay Telephone Access  
(Pursuant to the Supplemental Report of the 1997 Budget Act  
Item 5240-001-0001)**

Above transmitted report, together with letter of transmittal from C. A. Terhune, Director, Department of Corrections, Sacramento, dated January 23, 1998, referred by the Speaker to the Committee on Budget.

**Minority, Women, and Disabled Veteran Business Enterprise  
Participation Goals for State Contracts  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Fern M. Laethem, State Public Defender, Office of the State Public Defender, Sacramento, dated January 28, 1998, referred by the Speaker to the Committee on Utilities and Commerce.

**1997 Annual Report, California Motorcyclist Safety Program  
(Pursuant to Vehicle Code Section 2936)**

Above transmitted report, together with letter of transmittal from D. O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated January 29, 1998, referred by the Speaker to the Committee on Transportation.

**Second Quarterly Progress Report  
Living Within California's Annual Colorado River Appointment  
(Pursuant to Budget Item 3460-001-0001)**

Above transmitted report, together with letter of transmittal from Gerald R. Simmerman, Executive Director, Colorado River Board of California, Glendale, dated January 29, 1998, referred by the Speaker to the Committee on Budget.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1761—Sweeney.** An act to amend Sections 52250, 52251, 52252, 52253, 52254, 52255, 52256, 52257, 52260, 52262, 52264, and 52266 of, and to amend the heading of Chapter 8.5 (commencing with Section 52250) of Part 28 of, the Education Code, relating to education.

**ASSEMBLY BILL NO. 1762—Ducheny and Figueroa.** An act to add Section 15364.75 to the Government Code, relating to foreign trade.

**ASSEMBLY BILL NO. 1763—Mazzoni.** An act to amend Sections 60640 and 60643 of the Education Code, relating to pupil testing.

**ASSEMBLY BILL NO. 1764—Olberg.** An act to add Article 3.5 (commencing with Section 16385) to Chapter 1 of Part 2 of Division 4 of Title 2 of the Government Code, relating to The California Tobacco Settlement Trust Fund.

**ASSEMBLY BILL NO. 1765—Runner (Senator Knight, coauthor).** An act to amend Section 6380 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1766—Takasugi.** An act to amend Section 31521 of, to add Section 31564.2 to, and to repeal and add Sections 31522 and 31593 of, the Government Code, relating to county employee retirement systems.

**ASSEMBLY BILL NO. 1767—Havice.** An act to amend Sections 243 and 836 of the Penal Code, relating to domestic violence.

**ASSEMBLY BILL NO. 1768—Vincent.** An act to add Section 407.1 to the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 1769—Kuykendall.** An act relating to community care facilities.

**ASSEMBLY BILL NO. 1770—Kuykendall.** An act to amend Section 10177 of the Business and Professions Code, relating to real estate licenses.

**ASSEMBLY BILL NO. 1771—Vincent.** An act to amend Section 53201 of the Government Code, relating to local government officers.

**ASSEMBLY BILL NO. 1772—Olberg.** An act to amend Section 11350.6 of the Welfare and Institutions Code, relating to child support.

**ASSEMBLY BILL NO. 1773—Leach.** An act relating to firefighters, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1774—Ackerman.** An act to amend Section 53260 of the Government Code, relating to local agency employees.

**ASSEMBLY BILL NO. 1775—Runner.** An act to amend Section 14 of, and to add Sections 29.6 and 29.7 to, the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), relating to the Castaic Lake Water Agency.

**ASSEMBLY BILL NO. 1776—McClintock (Principal coauthors: Kaloogian, Granlund, and Frusetta) (Coauthors: Alby, Ashburn, Baldwin, Bowler, Leach, Margett, Morrow, Olberg, Oller, and Woods) (Senators Haynes, Johnson, Knight, and Mountjoy, coauthors).** An act to amend Section 7102 of, to add Sections 242 and 10754 to, and to repeal Section 11001.5 of, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1777: Committee on Labor and Employment (Floyd (Chair), Baca, Cedillo, Gallegos, Havice, Knox, Ortiz, and Washington) (Senator Solis, coauthor).** An act to add Sections 11005.8 and 11005.9 to the Government Code, relating to state agencies.

**ASSEMBLY BILL NO. 1778—Prenter.** An act to amend Sections 17001.51 and 17100 of, to add Sections 17004.5, 17112, and 17608.20 to, and to repeal Sections 17001.6, 17001.7, 17001.8, and 17001.9 of, the Welfare and Institutions Code, relating to public social services.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 91—Papan.** Relative to European American Heritage Month.

**AUTHOR'S AMENDMENTS****Committee on Banking and Finance**

February 5, 1998

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:  
Senate Bill No. 1200

With author's amendments with the recommendation: Amend, and re-refer to the committee.

PAPAN, Chairman

**SENATE BILL NO. 1200**—An act to amend Section 1107 of the Corporations Code, relating to corporations.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Education**

February 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:  
House Resolution No. 49

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**HOUSE RESOLUTION NO. 49**—Relative to social promotion in the schools.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Education**

February 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:  
Assembly Bill No. 1620

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 1620**—An act to add Sections 44259.5 and 44259.6 to the Education Code, relating to education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 9 a.m., Friday, February 6, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 5, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
1620	9805082
<b>HR</b>	<b>RN</b>
49	9804952
<b>SB</b>	<b>RN</b>
1200	9805279
<b>Daily Total:</b>	<b>3</b>
<b>Cumulative Total:</b>	<b>3816</b>

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, February 6, 1998**

**ONE HUNDRED FIFTY-NINTH SESSION DAY  
FOUR HUNDRED THIRTY-SECOND CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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**NOTE:** Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Friday, February 6, 1998

The Assembly met at 9:05 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Sweeney moved a quorum call of the Assembly. Motion carried. Time, 9:06 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 9:11 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—61:

Ackerman  
Aguilar  
Ashburn  
Baca  
Baldwin  
Battin  
Baugh  
Bowen  
Bowler  
Cardenas  
Cardoza  
Cedillo  
Cunneen  
Davis  
Ducheny  
Escutia

Figueroa  
Floyd  
Gallegos  
Goldsmith  
Granlund  
Havice  
Hertzberg  
Honda  
House  
Knox  
Kuehl  
Kuykendall  
Leach  
Leonard  
Machado  
Martinez

Mazzoni  
McClintock  
Migden  
Miller  
Morrissey  
Morrow  
Olberg  
Oller  
Ortiz  
Pacheco  
Papan  
Poochigian  
Prenter  
Pringle  
Richter  
Runner

Shelley  
Sweeney  
Takasugi  
Thompson  
Thomson  
Torlakson  
Villaraigosa  
Vincent  
Washington  
Wildman  
Woods  
Wright  
Mr. Speaker

**PRAYER**

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*O Lord and Savior, We live in the hope of Your return and we do good works that we may offer hope for tomorrow. Help us to work for the peace "that passes all understanding", and so demonstrate that we are worthy of our humanity. Open our eyes to recognize the image of God in every human being and lead us to an everlasting unity with each other through You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Ashburn then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Papan, seconded by Assembly Member Leonard.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Alquist, Aroner, Brewer, Brown, Frusetta, Kaloogian, Keeley, Lempert, Murray, Napolitano, Perata, and Strom-Martin.*

*On legislative business, and waiving per diem: Assembly Member Wayne.*

*On personal business, and waiving per diem: Assembly Members Alby, Bordonaro, Campbell, Firestone, and Scott.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 26, 1998

*The Honorable Cruz Bustamante*

*Speaker*

*State Capitol, Room 219*

*Sacramento, California*

Dear Speaker Bustamante: I am writing to respectfully request your approval that I be excused from Session on February 6, 1998 in order to conduct legislative business in my district. As I will be introducing legislation that deals with the reuse of Onizuka Air Station, which is in my district, it is important that I attend the base tour and briefing hosted by the Onizuka Installation Commander, the City of Sunnyvale, and organized by the Silicon Valley Defense/Space Consortium.

If you have any questions, please feel free to call me at 445-4253. Thank you for your consideration in this matter.

Sincerely,

ELAINE ALQUIST, Assembly Member  
Twenty-second District



January 26, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am requesting permission to be excused on February 6, 1998 for legislative business in my district.

Thank you for your consideration.

Sincerely,

DION S. ARONER, Assembly Member  
Fourteenth District

January 30, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am respectfully requesting to be excused from Assembly Floor Session on Friday, February 6, 1998, due to legislative business in my District Office.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 445-7222.

Sincerely,

MARILYN C. BREWER, Assembly Member  
Seventieth District

February 5, 1998

*The Honorable Cruz Bustamante*  
*Speaker, California State Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I am writing to respectfully request that I be excused from Session tomorrow, Friday, February 6 due to legislative business in my district.

Should you have any questions concerning the above, please call Charmette Bonpua at 445-8492.

Sincerely,

VALERIE K. BROWN, Assembly Member  
Seventh District

February 5, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I humbly request to be excused from session February 6, 1998 in order for me to attend to legislative business in my district. As you know, three of my four counties have been declared state of emergencies, and there is considerable work underway by myself and my office to coordinate and assist flood clean up efforts.

Thank you for your consideration, and please call me if you have any questions.

Sincerely,

PETER FRUSETTA, Assembly Member  
Twenty-eighth District

February 5, 1998

*Speaker Cruz Bustamante*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante,

This letter is to inform you that I will not be in attendance during Session on Friday, February 6, 1998 as I will be out on legislative business.

Should you have any questions please call Siobhan Guiney at 445-2390. Thank you for your prompt response to this matter.

Respectfully,

HOWARD KALOOGIAN, Assembly Member  
Seventy-fourth District

February 5, 1998

*Hon. Speaker Cruz M. Bustamante*  
*State Capitol*  
*Sacramento, California*

Re: Excused Absence from Session—February 6, 1998

Dear Speaker Bustamante: I respectfully request to be excused from session on Friday, February 6, 1998 due to legislative business in my district related to the disastrous flooding.

Thank you very much for your consideration of this request.

Sincerely,

FRED KEELEY, Assembly Member  
Twenty-seventh District

February 2, 1998

*The Honorable Cruz M. Bustamante  
Speaker, California State Assembly  
Room 219, State Capitol  
Sacramento, California*

Dear Mr. Speaker: This letter is to request that I be excused from Check-In Session on February 6th for legislative business in my District.

I will be in my District Office on Friday. During the day, I will be conducting legislative business in my office and throughout my District.

Sincerely,

TED LEMPert, Assembly Member  
Twenty-first District

February 3, 1998

*The Honorable Cruz Bustamante  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: This is to respectfully request to be excused Friday, February 6, 1998, on legislative business in my District Office. I have a scheduled event to which I had made a prior commitment to attend followed by several constituent meetings.

Your favorable response would be much appreciated.

Warmest regards,

GRACE F. NAPOLITANO, Assembly Member  
Fifty-eighth District

February 5, 1998

*The Honorable Cruz Bustamante  
State Assembly Speaker  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Floor Session Friday, February 6, 1998. I have some legislative business to attend to in my District.

Sincerely,

DON PERATA, Assembly Member  
Sixteenth District

February 5, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: This letter is to request your permission to be excused from Session on Friday, February 6, 1998.

My district is being threatened because of recent winter storms.

Your consideration of my request will be appreciated.

Thank you for your attention to this request.

Sincerely,

VIRGINIA STROM-MARTIN, Assembly Member  
First District

February 3, 1998

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I request permission to be excused from Session on Friday, February 6, 1998, for legislative business in my district. I elect to waive per diem.

I respectfully appreciate your consideration of this request.

Sincerely,

HOWARD WAYNE, Assembly Member  
Seventy-eighth District

(NOTE: For letter explaining the absence of Assembly Member Murray on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Thursday, February 5, 1998.)

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 6, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1620

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, February 6, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

House Resolution No. 49

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to Committee:

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
<b>1631</b> -----	Rev. & Tax. and Jud.
<b>1692</b> -----	Pub. S.
<b>1693</b> -----	Pub. S.
<b>1695</b> -----	Pub. S.
<b>1698</b> -----	Pub. S.
<b>1699</b> -----	Nat. Res.
<b>1700</b> -----	Jud.
<b>1701</b> -----	H. & C.D.
<b>1702</b> -----	Rev. & Tax.
<b>1703</b> -----	Jud.
<b>1704</b> -----	Ins.
<b>1705</b> -----	C.P.,G.E. & E.D.
<b>1706</b> -----	Pub. S.
<b>1707</b> -----	Pub. S.
<b>1708</b> -----	Rev. & Tax.
<b>1709</b> -----	C.P.,G.E. & E.D.
<b>1710</b> -----	Jud. and TV.A. & I.T.
<b>1711</b> -----	Health
<b>1712</b> -----	L. Gov.
<b>1713</b> -----	Rev. & Tax.
<b>1714</b> -----	Higher Ed.
<b>1715</b> -----	Ins.

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
<b>89</b> -----	Rls.

*Senate*

<i>Bill No.</i>	<i>Committee</i>
<b>44</b> -----	G.O.
<b>63</b> -----	Pub. S.
<b>147</b> -----	L. Gov.
<b>175</b> -----	Agri.
<b>218</b> -----	Rev. & Tax.
<b>519</b> -----	Rev. & Tax.
<b>664</b> -----	Rev. & Tax.
<b>845</b> -----	Jud.
<b>1186</b> -----	Pub. S.
<b>1222</b> -----	Agri.

*Senate Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
<b>61</b> -----	Rls.

*Senate Joint*

<i>Resolution No.</i>	<i>Committee</i>
<b>32</b> -----	G.O.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

February 6, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 1631

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Chairman

**ASSEMBLY BILL NO. 1631**—An act relating to taxation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

February 6, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Senate Bill No. 519

With author's amendments with the recommendation: Amend, and re-refer to the committee.

KNOX, Chairman

**SENATE BILL NO. 519**—An act to amend Section 64 of the Revenue and Taxation Code, relating to property taxation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

Date of Hearing: February 6, 1998

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 61

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

AGUIAR, Vice Chair

Above resolution ordered on file.

**ADJOURN IN MEMORY**

Assembly Member Morrissey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bernice Cochran List, of Ontario.

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Leni Even, of Calabasas.

Assembly Members Cunneen and Honda were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nancy Coe, of San Jose.

Assembly Members Honda and Cunneen were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elaine Manley White, of Los Gatos.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Minami, of Hayward.

Assembly Member Aguiar was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Vita Baker, longtime resident of Chino. She is survived by her husband, John.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Escutia was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**RECOGNITION OF BLACK HISTORY MONTH**

Assembly Member Washington announced that in celebration of Black History month, the Legislative Black Caucus will be honoring *Black Firsts*, by acknowledging African-Americans who have made great strides by becoming experts and leaders in their fields.

Today, three outstanding African-Americans will be acknowledged during the Senate floor session, including recognition of the late Frederick Roberts—the first African-American to serve in the Legislature. Assembly Member Washington also announced that there would be a reception upon adjournment of Senate floor session in Room 211 and that an exhibit honoring baseball great Jackie Robinson on the first floor of the Capitol outside Rooms 112 and 113 will be on display through February 17th.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following resolution was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Assembly Concurrent Resolution No. 85**, on request of Assembly Member Wildman.

**ADJOURN IN MEMORY**

Assembly Member Wildman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Thelma June Alford Baker, of Glendale and Elizabeth Fredenhagen, of Burbank.

**RE-REFERENCE OF BILLS**

Assembly Member Gallegos was granted unanimous consent that Assembly Bill No. 1621 be re-referred from the Committee on Health to the Committee on Insurance.

**ADJOURN IN MEMORY**

Assembly Member Woods was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of civil rights activist Vernon Lowe, of Redding.

Assembly Members Wright, Murray, Vincent, and Washington were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Thomas Kilgore, Jr., Pastor of the Second Baptist Church in Los Angeles.

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. William R. Ridgeway, former Presiding Judge of the Sacramento Superior and Municipal courts.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Knox was granted unanimous consent that the Governor's veto of Assembly Bill No. 1041 be stricken from file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Knox was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 519 for hearing in the Committee on Revenue and Taxation on Tuesday, February 10, 1998.

**ADJOURN IN HONOR**

Assembly Member Pringle was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the 87th birthday of former President of the United States Ronald Reagan.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Thomson was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**SPECIAL RECOGNITION**

Assembly Member Battin and Speaker Bustamante were joined by the Members of the Assembly in extending best wishes to Alexis Pringle, wife of Assembly Member Curt Pringle, on the occasion of her 37th birthday.



**RECESS FOR SPECIAL GUESTS**

By unanimous consent, at 9:30 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Members Thomson and Wright introduced professional boxer Willie Jorrin, of West Sacramento, who is in training for the WBC junior featherweight championship of the world.

Assembly Member Thomson introduced Willie Jorrin's parents Alfonso and Virginia Jorrin and Yolo County Supervisor Mike McGowan, who were seated in the Assembly Gallery.

Willie Jorrin then addressed the assemblage.

**REASSEMBLED**

At 9:33 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Members Woods, Floyd, Knox, Figueroa, and Kuehl on the occasion of their birthdays.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Baldwin was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP****SENATE BILL NO. 536 OUT OF ORDER**

Assembly Member Woods requested unanimous consent to take up Senate Bill No. 536, out of order, for purpose of presenting amendments on behalf of Assembly Member Bordonaro.

Assembly Member Shelley withheld unanimous consent.

**PARLIAMENTARY INQUIRY**

Assembly Member Leonard arose to the following parliamentary inquiry:

Is it the intention of the Chair to move to consideration of the Daily File, and further, as rules were waived on a previous day to expedite the process as it relates to Senate Constitutional Amendment No. 12, is the resolution being taken up on this day?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that several Members are excused on this day; that the House is still under Motions and Resolutions, and that Members may request to take up their measures on the Daily File.

**MOTION TO ADJOURN**

At 9:39 a.m., Assembly Member Baca moved that the Assembly do now adjourn.

Assembly Member Washington seconded the motion.

**REMARKS ON CONDITION OF THE FILE**

Assembly Members Olberg, Leonard, Mazzoni, Pringle, and Bustamante arose to speak on the condition of the file.

**Permission to Speak a Second Time**

Assembly Member Leonard and Speaker Bustamante were granted unanimous consent to speak a second time on condition of the file.

**Further Remarks on Condition of the File**

Assembly Members Battin and Villaraigosa arose to speak on the condition of the file.

**FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Baca that the Assembly adjourn.

**Roll Call Demanded**

Assembly Members Bowler, Pacheco, and Oller, demanded a roll call.

The roll was called, and the motion to adjourn carried by the following vote:

**AYES—32**

Baca	Figueroa	Machado	Thomson
Bowen	Floyd	Martinez	Torlakson
Cardenas	Gallegos	Mazzoni	Villaraigosa
Cardoza	Havice	Migden	Vincent
Cedillo	Hertzberg	Ortiz	Washington
Davis	Honda	Papan	Wildman
Ducheny	Knox	Shelley	Wright
Escutia	Kuehl	Sweeney	Mr. Speaker

**NOES—24**

Ackerman	Cunneen	McClintock	Pacheco
Ashburn	Goldsmith	Miller	Poochigian
Baldwin	Granlund	Morrissey	Prenter
Battin	Kuykendall	Morrow	Pringle
Baugh	Leach	Olberg	Runner
Bowler	Leonard	Oller	Takasugi

**SESSION SCHEDULE ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced the following session schedule:

Tuesday, February 10, Wednesday, February 11, and Thursday, February 12, Check-in Sessions 7 a.m.–3 p.m.;

Friday, February 13, 1998, Floor Session, 9 a.m.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:59 a.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9801407.

KEVIN MURRAY

**Permission of Rules Committee**

Assembly Chamber, February 6, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9801407.

FRED AGUIAR, Vice Chair

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9726038.

JOE BACA

**Permission of Rules Committee**

Assembly Chamber, February 6, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9726038.

FRED AGUIAR, Vice Chair

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9800425.

KEVIN MURRAY

**Permission of Rules Committee**

Assembly Chamber, February 6, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9800425.

FRED AGUIAR, Vice Chair

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1779—Runner.** An act to add and repeal Sections 17053.36, 17053.37, 23636, and 23637 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1780 (RN 9801407)—Murray.** An act to amend Section 15630 of the Welfare and Institutions Code, relating to elder abuse.

**ASSEMBLY BILL NO. 1781—Bowen.** An act to amend Section 17053.5 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1782—Strom-Martin (Principal coauthor: Brown).** An act to amend Section 4701 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1783—Bordonaro, Brown, Leonard, and Napolitano, (Senators Brulte, Calderon, Johannessen, and O'Connell, coauthors).** An act to add Section 243.9 to the Penal Code, relating to battery.

**ASSEMBLY BILL NO. 1784 (RN 9726038)—Baca.** An act to add Chapter 4 (commencing with Section 11759) to Part 1 of Division 10.5 of the Health and Safety Code, relating to substance abuse.

**ASSEMBLY BILL NO. 1785 (RN 9800425)—Murray.** An act relating to visual and performing arts education.

**ASSEMBLY BILL NO. 1786—Vincent.** An act to amend Section 18543 of, and to amend and renumber Section 336 of, the Elections Code, relating to elections.

**ASSEMBLY BILL NO. 1787—Bowler.** An act relating to initiative measures.

**ASSEMBLY BILL NO. 1788—Wright.** An act to amend Section 647 of the Penal Code, and to amend Section 13201.5 of the Vehicle Code, relating to prostitution.

**ASSEMBLY BILL NO. 1789—Mazzoni (Senator Burton, coauthor).** An act to amend Section 50286 of the Government Code, relating to land use.

**ASSEMBLY BILL NO. 1790—Bowen.** An act to add Section 14303.5 to the Public Resources Code, relating to the California Conservation Corps.

#### INTRODUCTION OF GUESTS

Assembly Member Baldwin, of the 77th Assembly District, introduced his son, Eric Baldwin.

Assembly Member McClintock, of the 38th Assembly District, introduced the following individuals from the Ukraine: Olexandr Savtchenko, administrator, Valentina Ustinova, teacher, Stepan Hermanyuk, teacher, Isanna Beregovaya, teacher, Galyna Chepelianska, teacher, Yuriy Kucher, teacher, Tymur Oratovskyy, teacher, Andrei Osmolovskyy, teacher, Svitlana Petrovaskaya, teacher, and Anatoliy Shvants, teacher; and their escorts Carol Russell, of Granada Hills and Robert Nuranen, PhD., of Northridge.

#### ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Baca, the Assembly adjourned until 7 a.m., Tuesday, February 10, 1998, out of respect to the memory of Bernice Cochran List, on motion of Assembly Member Morrissey; out of respect to the memory of Leni Even, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Thelma June Alford Baker and Elizabeth Fredenhagen, on motion of Assembly Member Wildman; out of respect to the memory of Vernon Lowe, on motion of Assembly Member Woods; out of respect to the memory of Dr. Thomas Kilgore, Jr., on motion of Assembly Members Wright, Murray, Vincent, and Washington; out of respect to the memory of Judge William R. Ridgeway, on motion of Assembly Member Bowler; out of respect to the memory of Nancy Coe, on motion of Assembly Members Cunneen and Honda; out of respect to the memory of Elaine Manley White, on motion of Assembly Members Honda and Cunneen; out of respect to the memory of Vita Baker, on motion of Assembly Member Aguiar; out of respect to the memory of George Minami, on motion of Assembly Member Sweeney; and in honor of former President Ronald Reagan on motion of Assembly Member Pringle.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 6, 1998**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
1631	9805146

<b>SB</b>	<b>RN</b>
519	9801215

**Daily Total: 2**

**Cumulative Total: 3818**