

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 10, 2002

ONE HUNDRED THIRTY-SECOND SESSION DAY

FOUR HUNDRED THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 10, 2002

The Assembly met at 9 a.m.

Hon. Robert M. Hertzberg, 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 Shelley moved a quorum call of the Assembly.

Motion carried. Time, 9:01 a.m.

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

Quorum Present

At 9:22 a.m., Speaker Hertzberg declared a quorum of the Assembly present.

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

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leonard	Richman
Aroner	Daucher	Leslie	Runner
Ashburn	Diaz	Liu	Salinas
Bates	Dickerson	Longville	Shelley
Bogh	Dutra	Lowenthal	Simitian
Briggs	Firebaugh	Maddox	Steinberg
Calderon	Florez	Maldonado	Strickland
Campbell, Bill	Frommer	Matthews	Strom-Martin
Campbell, John	Goldberg	Migden	Thomson
Canciamilla	Harman	Mountjoy	Vargas
Cardenas	Havice	Nakano	Washington
Cardoza	Hollingsworth	Nation	Wayne
Cedillo	Horton	Negrete McLeod	Wesson
Chan	Jackson	Oropeza	Wiggins
Chavez	Keeley	Pacheco, Robert	Wright
Chu	Kehoe	Pacheco, Rod	Wyland
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker

PRAYER

Upon invitation of Speaker Hertzberg, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Good morning. Let us pray. Eternal God, the Creator and Maker of all mankind, we thank You for this day and we thank You for this hour. We come now to ask Your blessings on this legislative body. Decisions that are made affect millions and millions of people. We pray now that You will bless the decisions that will be made. We lift up our soon to be Speaker to You now, Herb Wesson. We pray God that You will continue to give him the leadership, the ability to move forward, and certainly, God, to move California forward. We pray for our Speaker Hertzberg that You will continue to bless his life as he moves forward in his life, and we pray now all these blessings upon this legislative body.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Hertzberg, Assembly Member Firebaugh 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 Cox.

COMMUNICATIONS

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

January 10, 2002

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Darrell Steinberg to replace Assemblymember Herb Wesson on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

January 10, 2002

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Re: Assembly Public Safety Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Jackie Goldberg to replace Assemblymember Paul Koretz on the Assembly Public Safety Committee.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Higher Education and Budget Subcommittee No. 2, on Tuesday, January 15, 2002, at 1:30 p.m.;

Water, Parks and Wildlife, on Tuesday, January 15, 2002.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 10, 2002

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

Assembly Bill No. 117

Assembly Bill No. 886

Assembly Bill No. 310

Assembly Bill No. 1486

Assembly Bill No. 627

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 10, 2002

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

Assembly Bill No. 907

Assembly Bill No. 1410

Assembly Bill No. 1039

Assembly Bill No. 1428

Assembly Bill No. 1108

Assembly Bill No. 1713

Assembly Bill No. 1173

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 10, 2002

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

Assembly Bill No. 498

Assembly Bill No. 1109

Assembly Bill No. 987

Assembly Bill No. 1282

Assembly Bill No. 1059

Assembly Bill No. 1551

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1775—Nation and Oropeza. An act relating to financial privacy.

ASSEMBLY BILL NO. 1776—Leslie. An act to amend Section 25060 of the Government Code, relating to county government.

ASSEMBLY BILL NO. 1777—Cardenas. 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. 1778—Nakano. An act to amend Section 106876 of, and to add Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of, the Health and Safety Code, relating to drinking water.

ASSEMBLY BILL NO. 1779—Strickland (Principal coauthor: Pavley). An act to amend Section 6084 of the Harbors and Navigation Code, relating to harbor districts.

ASSEMBLY BILL NO. 1780—Nation. An act to amend Section 1801.1 of the Vehicle Code, as relating to the Department of Motor Vehicles.

ASSEMBLY BILL NO. 1781—Hertzberg. An act to amend Sections 60451.5, 60452.5, and 60453 of the Education Code, relating to instructional materials, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1782—Kehoe and Lowenthal (Principal coauthors: Aroner, Shelley, and Strom-Martin). An act to add Part 3 (commencing with Section 3800) to Division 6 of the Harbors and Navigation Code, relating to financing a harbor and port protection program 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, and declaring the urgency thereof, to take effect immediately.

**AUTHOR’S AMENDMENTS
Committee on Health**

January 10, 2002

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 1140
Assembly Bill No. 1379

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

THOMSON, Chairwoman

ASSEMBLY BILL NO. 1140—An act relating nursing.

Bill read 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. 1379—An act to amend Section 1342.3 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.

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

January 10, 2002

Mr. Speaker: The Chair of your Committee on Local Government reports:
Assembly Bill No. 954

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

WIGGINS, Chairwoman

ASSEMBLY BILL NO. 954—An act to add Division 28 (commencing with Section 80400) to the Water Code, relating to financing a drinking water protection and storage 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 Health**

January 10, 2002

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 269
Assembly Bill No. 1026

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

THOMSON, Chairwoman

ASSEMBLY BILL NO. 269—An act to add Sections 1601.2, 1742.1, 2001.1, 2450.1, 2460.1, 2531.02, 2570.25, 2602.1, 2708.1, 2841.1, 2920.1, 3010.1, 3320.1, 3504.1, 3710.1, 4001.1, 4800.1, 4928.1, 4990.125, 5000.1, 5510.15, 6710.1, 7000.6, 7200.1, 7303.1, 7501.05, 7810.1, 8005.1, 8520.1, 9810.1, and 18602.1, to the Business and Professions Code, relating to professional and vocational licensing boards.

Bill read 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. 1026—An act to amend Section 651 of the Business and Professions Code, relating to healing arts.

Bill read 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 10, 2002

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Assembly Bill No. 814

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

FLOREZ, Chairman

ASSEMBLY BILL NO. 814—An act to amend Section 12684.2 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 Elections, Reapportionment and Constitutional Amendments

January 10, 2002

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 400

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

LONGVILLE, Chairman

ASSEMBLY BILL NO. 400—An act to amend Section 42700 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 Business and Professions

January 10, 2002

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 1000

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

CORREA, Chairman

ASSEMBLY BILL NO. 1000—An act to amend Section 42238 of the Education Code, relating to school 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 Transportation

January 10, 2002

Mr. Speaker: The Chair of your Committee on Transportation reports:
Assembly Bill No. 710

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

DUTRA, Chairman

ASSEMBLY BILL NO. 710—An act 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 Utilities and Commerce

January 10, 2002

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Assembly Bill No. 1315
Assembly Bill No. 1529

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

WRIGHT, Chairman

ASSEMBLY BILL NO. 1315—An act to add Section 750 to the Public Utilities Code, relating to electricity.

Bill read 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. 1529—An act to add Section 25551 to the Public Resources Code, relating to energy 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.

REPORTS OF STANDING COMMITTEES
Committee on Labor and Employment

Date of Hearing: January 9, 2002

Mr. Speaker: Your Committee on Labor and Employment reports:
Assembly Bill No. 181
Assembly Bill No. 567

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

KORETZ, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 9, 2002

Mr. Speaker: Your Committee on Labor and Employment reports:
Assembly Bill No. 1599

With the recommendation: Do pass, and be re-referred to the Committee on Judiciary.

KORETZ, Chairman

Above bill re-referred to the Committee on Judiciary.

Committee on Local Government

Date of Hearing: January 9, 2002

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 953

With the recommendation: Do pass.

WIGGINS, Chairwoman

Above bill ordered to second reading.

Committee on Water, Parks and Wildlife

Date of Hearing: January 8, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 716

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

FLOREZ, Chairman

Above bill ordered to second reading.

Committee on Agriculture

Date of Hearing: January 9, 2002

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 1408

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

MATTHEWS, Chairwoman

Above bill ordered to second reading.

Committee on Business and Professions

Date of Hearing: January 8, 2002

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Bill No. 1150

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

CORREA, Chairman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, January 10, 2002

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

Assembly Bill No. 1414

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

MESSAGES FROM THE SENATE

January 10, 2002

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

Dear Dotson: By direction of the Senate I am returning SB 1156 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

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

ASSEMBLY BILL NO. 1509—An act to amend Section 3901 of the Food and Agricultural Code, relating to agricultural districts.

Bill read second time, and ordered to third reading.

REQUEST FOR PHOTOGRAPHER

Upon request of Assembly Member Shelley, Assembly Member Wesson was granted unanimous consent that a photographer and guests be permitted to the Floor of the Assembly.

NOMINATIONS FOR SPEAKER OF THE ASSEMBLY

Speaker Hertzberg announced that, without objection, nominations are now open for the Office of Speaker, to be sworn in on February 6, 2002 or upon a vacancy, whichever occurs first.

At 9:27 a.m., Speaker pro Tempore Fred Keeley, 27th District, presiding

Nominations from the Floor

Speaker Hertzberg nominated Assembly Member Herb J. Wesson, Jr. for the Office of Speaker of the Assembly.

Nominations Seconded

Assembly Members Cox, Wiggins, Steinberg, Strickland, Washington, Frommer, Cohn, Diaz, and Firebaugh seconded the nomination of Herb J. Wesson, Jr. for the Office of Speaker of the Assembly.

NOMINATIONS CLOSED

There being no further nominations, the Speaker declared nominations for the Office of Speaker of the Assembly closed.

MOTION BY ASSEMBLY MEMBER SHELLEY

Assembly Member Shelley moved that the Rules and precedent be suspended to allow Assembly Member Herb J. Wesson, Jr. to be elected to the Office of Speaker, to be sworn in February 6, 2002, or upon a vacancy, whichever occurs first, by a voice vote.

Upon request of Speaker pro Tempore Keeley, all Members in favor of electing Assembly Member Herb J. Wesson, Jr. to the Office of Speaker responded by saying "Aye", whereupon Speaker pro Tempore Keeley declared Assembly Member Wesson the choice of the Assembly for the Office of Speaker.

ADDRESS BY SPEAKER-ELECT WESSON

Speaker-elect Wesson introduced his wife Fabian, his sons Justin Wesson and Herb Wesson III; his mother and stepfather Gladys Wesson-Strickland and Lethard Strickland; and Dr. William Burke, whereupon he addressed the assemblage from his desk in the Assembly Chamber.

SPECIAL COMMITTEE MEETINGS

Assembly Member Migden was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting today, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 65 for hearing.

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. 627, to the Committee on Jobs, Economic Development and the Economy; and

Senate Bill No. 489, to the Committee on Environmental Safety and Toxic Materials.

**REQUEST TO CONSIDER AND ACT ON BILLS
WITHIN 30 CALENDAR DAYS**

The following request was submitted:

Assembly Chamber, January 7, 2002

Mr. Speaker: I request permission to introduce a resolution providing that Assembly Bill No. 1759 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

HERB J. WESSON

Recommendation of Rules Committee

January 10, 2002

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member Wesson 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 Bill No. 1759 be granted.

CARDOZA, 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 Bill No. 1759 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 adopted by the following vote:

AYES—79

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Runner
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	

NOES—None

Article IV, Section 8(a) of the Constitution was declared dispensed with, and Joint Rule 55 suspended.

RE-REFERENCE OF BILLS

Assembly Member Shelley was granted unanimous consent that the following bills be re-referred as noted:

Assembly Bill No. 310 from the Committee on Local Government, to the Committee on Public Safety;

Assembly Bill No. 321 from the Committee on Transportation, to the Committee on Local Government;

Assembly Bill No. 610 from the Committee on Banking and Finance, to the Committee on Health;

Assembly Bill No. 886 from the Committee on Education, to the Committee on Judiciary;

Assembly Bill No. 1317 from the Committee on Public Safety, to the Committee on Education and then to the Committee on Judiciary;

Assembly Bill No. 1425 from the Committee on Health, to the Committee on Human Services; and

Assembly Bill No. 1486 from the Committee on Judiciary, to the Committee on Insurance.

GOVERNOR'S VETO STRICKEN FROM FILE

On behalf of the authors, Assembly Member Shelley was granted unanimous consent that the Governor's vetoes of the following bills be stricken from file:

Assembly Bills Nos. 1635, 230, 441, 1228, 528, 1451, 330, 834, 484, 316, 767, 1279, 1693, 1626, 801, 122, 148, 231, 272, 295, 508, 833, 1497, 292, 101, 357, 1739, 249, 366, 545, 1191, 1547, 1656, 20, 144, 745, 1079, 1331, 50, 900, 937, 252, 522, 186, 504, 698, 852, 855, 960, 1110, 199, 293, 304, 1554, 1680, 1361, 1536, 1679, 121, 256, 1419, 1477, 1564, 177, 348, 769, 1132, 1213, 1341, 916, 1073, 1603, 167, 183, 1098, 1111, 69, 206, 1176, 1186, 876, 1312, 830, 306, 466, 31, 961, 70, 936, 343, and 1018.

**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. 510 be removed from the inactive file.

ADJOURN IN MEMORY

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Val Gill, former Mayor of San Leandro.

(Assembly Rule 45.5 suspended.)

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 10:33 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 the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

ADJOURN IN MEMORY

Assembly Member Wiggins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eric Steven Martineau, of Citrus Heights.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Moment of Silence Observed

Assembly Member Dickerson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Capt. Matthew Bancroft, of Redding, and that the Assembly observe a moment of silence in his honor.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Pescetti and Cox were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Tony Gora, Mayor of Galt.

(Assembly Rule 45.5 suspended.)

RECESS

By unanimous consent, at 10:37 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 10:48 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing: January 10, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 65

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 65 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

Assembly Member Migden was granted unanimous consent to take up Senate Bill No. 65 without reference to file, for the purpose of reading the bill a second time.

SENATE BILL NO. 65—An act to amend Sections 3517.61, 18903, 19056.5, 19141, 19142, 19771, 19774, 19786, 19798, 19816.2, 19827, 19841, 19994, 19994.1, 19994.2, 19997, 19997.3, 19997.4, 19997.5, 19997.6, 19997.7, 19997.8, 19997.11, 19997.13, 20677.2, 20677.3, 20683.1, 20683.2, 20687, 20687.3, 22790 of, to add Section 21363.4 to, to add and repeal Sections 20035.1 and 20687.4 of, to repeal Sections 18523.1, 19170.1, 19173.4, 19175.7, 19818.7, 19818.11, and 19826.1 of, and to repeal Article 2.1 (commencing with Section 19817) of Chapter 1 of Part 2.6 of Division 5 of Title 2 of, the Government Code, and to amend Section 1808.4 of the Vehicle Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Senate Bill No. 65 by Unanimous Consent

Assembly Member Migden was granted unanimous consent to take up Senate Bill No. 65 without reference to file, for purpose of consideration.

SENATE BILL NO. 65 (Burton)—An act to amend Sections 3517.61, 18903, 19056.5, 19141, 19142, 19771, 19774, 19786, 19798, 19816.2, 19827, 19841, 19994, 19994.1, 19994.2, 19997, 19997.3, 19997.4, 19997.5, 19997.6, 19997.7, 19997.8, 19997.11, 19997.13, 20677.2, 20677.3, 20683.1, 20683.2, 20687, 20687.3, 22790 of, to add Section 21363.4 to, to add and repeal Sections 20035.1 and 20687.4 of, to repeal Sections 18523.1, 19170.1, 19173.4, 19175.7, 19818.7, 19818.11, and 19826.1 of, and to repeal Article 2.1 (commencing with Section 19817) of Chapter 1 of Part 2.6 of Division 5 of Title 2 of, the Government Code, and to amend Section 1808.4 of the Vehicle Code, relating to state employees, 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.

Demand for Previous Question

Assembly Members Reyes, Washington, Liu, Cedillo, and La Suer demanded the previous question.

Point of Order

Assembly Member Leonard arose to the following point or order:

Assembly Member Reyes spoke prior to moving the previous question.

Ruling by Speaker pro Tempore Keeley

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

Demand for Previous Question

Assembly Members Leslie, Washington, Liu, Cedillo, and La Suer demanded the previous question. Demand sustained.

The question being on the adoption of the urgency clause.

Urgency clause adopted by the following vote:

AYES—79

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Runner
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cardoza	Hollingsworth	Negrete McLeod	Wesson
Cedillo	Horton	Oropeza	Wiggins
Chan	Jackson	Pacheco, Robert	Wright
Chavez	Keeley	Pacheco, Rod	Wyland
Chu	Kehoe	Papan	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	

NOES—None

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

AYES—79

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Runner
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cardoza	Hollingsworth	Negrete McLeod	Wesson
Cedillo	Horton	Oropeza	Wiggins
Chan	Jackson	Pacheco, Robert	Wright
Chavez	Keeley	Pacheco, Rod	Wyland
Chu	Kehoe	Papan	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	

NOES—None

Bill ordered transmitted to the Senate.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Cogdill announced that the Committee on Rules would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

JOINT RULE 62(a) WAIVED

Speaker pro Tempore Keeley was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1759 for hearing in the Committee on Transportation on Monday, January 14, 2002.

SUSPEND ASSEMBLY RULE 56 AND WAIVE JOINT RULE 62(a)

Speaker pro Tempore Keeley was granted unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended for the purpose of permitting the Committee on Higher Education to notice hearing of Assembly Bill No. 1759 on Tuesday, January 15, 2002 in the Assembly Daily File, pending re-referral to the committee from the Committee on Transportation.

RE-REFERENCE OF BILLS

Assembly Member Keeley was granted unanimous consent that Assembly Bill No. 1190 be re-referred from the Committee on Banking and Finance to the Committee on Public Employees, Retirement and Social Security.

ADJOURN IN MEMORY

Assembly Members Bill Campbell and Daucher were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Thomas B. Silver, of Fullerton.

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Phillip Noyes, of San Leandro; Jonathon Leroy Stagger Sr., of Hayward; Fred Collins, of San Leandro; Ellen Geis, of San Leandro.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sam Taylor, Sr., of Fresno; Demaria Hilliard, of Fresno; Maria Quintero, of Fresno; Felix Delgado, of Dinuba; Charles Melogian, of Dinuba; and Cornelius "Dutch" Warmerdam, of Fresno.

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 Tim Sampson, of Oakland.

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 John Rico, of Vacaville; Jeremy Gonsalves, of Benicia; Edward W. Day, of Woodland; Russell Olson, of Davis.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 75, 767, 773, 79, and 1211 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 (shown in sequential order):

Invoke Constitution: Firebaugh, Hollingsworth, Maddox, Mountjoy, and Wesson—Aye.

Senate Bill No. 65 and Urgency: Firebaugh—Aye.

MOTION TO ADJOURN

At 11:13 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:14 a.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

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>
400 -----	E.,R. & C.A.
537 -----	Trans. and Jud.
1000 -----	B. & P.
1140 -----	Health
1379 -----	Health
1743 -----	Rev. & Tax.
1744 -----	Rev. & Tax.
1746 -----	Higher Ed.
1747 -----	Higher Ed.
1749 -----	G.O.
1750 -----	Pub. S.
1751 -----	Ed.
1752 -----	G.O.
1753 -----	Rev. & Tax.
1754 -----	Pub. S.
1755 -----	Pub. S.
1756 -----	Higher Ed.
1757 -----	G.O.
1758 -----	Jud.
1759 -----	Trans. and Higher Ed.

Assembly Constitutional

<i>Amendment No.</i>	<i>Committee</i>
15 -----	Jud.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
123 -----	Jud.
124 -----	Rev. & Tax.
125 -----	Jud.
126 -----	Agri.
127 -----	Rls.

*Assembly Joint
Resolution No.*

Committee

31 ----- G.O.

MESSAGES FROM THE GOVERNOR

The following Budget message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento
January 10, 2002

To the Senate and the Assembly of the California Legislature:

I submit for your consideration the Governor's Budget for 2002–03.

In the past three years, California has been blessed with the bounty of an economic expansion like no other in modern history. Working together, we wisely invested a substantial share of that bounty in one-time expenditures to build our infrastructure, improve our environment, and invest in technologies for the 21st century. The balance of these resources were invested in our most valuable asset—people. Together, we made record investments in improving our children's education, protecting public safety, expanding access to health care, and providing taxpayers with the largest tax relief in more than 20 years.

We have also faced some challenges. We navigated an energy crisis that many believed would bring California to its knees. We shared in the tragedy of September 11th with our fellow Americans, and now proudly share in our nation's resolve to defeat terrorism at home and abroad. Now we face a new challenge brought about by recession and economic uncertainty. Together we took steps to prepare for a declining economy, including setting aside the largest budget reserve in two decades. Our task now is to guide California through the shoals of this economic downturn while protecting the gains we've made and preparing for the future.

As this proposed Budget indicates, we have difficult decisions to make. But California is stronger today than ever before, and if we meet this task head on, we will emerge from this economic challenge stronger still. I look forward to working with the Legislature this year on the challenges and opportunities that lie ahead.

Sincerely,

GRAY DAVIS

Accompanying Governor's Budget and Budget Summary ordered filed with the Secretary of State.

RECEIPT

I acknowledge receipt this 10th day of January 2002 at 1 p.m., of the budget for the 2002–2003 fiscal year, together with an explanatory message delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

INTRODUCTION OF GUESTS

Assembly Member Washington, of the 52nd Assembly District, introduced former Member of the Assembly Williard Murray.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 11 a.m., Monday, January 14, 2002, out of respect to the memory of Hon. Val Gill, on motion of Assembly Member Corbett; out of respect to the memory of Eric Steven Martineau, on motion of Assembly Member Wiggins; out of respect to the memory of Capt. Matthew Bancroft, on motion of Assembly Member Dickerson; out of respect to the memory of Hon. Tony Gora, on motion of Assembly Members Pescetti and Cox; out of respect to the memory of Thomas B. Silver, on motion of Assembly Members Bill Campbell and Daucher; out of respect to the memory of Dr. Phillip Noyes, Jonathon Leroy Stagger Sr., Fred Collins, and Ellen Geis, on motion of Assembly Member Ellen Corbett; out of respect to the memory of Sam Taylor, Sr., Demaria Hilliard, Maria Quintero, Felix Delgado, Charles Melogian, and Cornelius "Dutch" Warmerdam, on motion of Assembly Member Reyes; out of respect to the memory of Tim Sampson, on motion of Assembly Member Migden; out of respect to the memory of John Rico, Jeremy Gonsalves, Edward W. Day, and Russell Olson, on motion of Assembly Member Thompson.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

