

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 27, 2001
TWENTY-NINTH SESSION DAY
EIGHTY-SIXTH 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
Tuesday, February 27, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th 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—78:

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

Quorum present.

At 1:43 p.m., Hon. Dennis Mountjoy, 59th 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 Member was granted leave of absence for the day:

On legislative business: Assembly Member Rod Pacheco.

EXPLANATIONS OF ABSENCE

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

February 27, 2001

*Robert Hertzberg, Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker,

This letter is to respectfully request an excuse from check-in on February 27, 2001. I am in Washington D.C. on legislative business. If you have any questions, please call Karrie Watson at 319.2064.

It is an honor to work with you in the California State Assembly.

Very truly yours,

ROD PACHECO, Assembly Member
Sixty-fourth District

COMMUNICATIONS

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

February 23, 2001

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

RE: Reappointment of Virginia Strom-Martin
to School Building Finance Committee

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Virginia Strom-Martin to the School Building Finance Committee. This is a pleasure appointment starting February 23, 2001.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 22, 2001

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

RE: Appointment of Howard Wayne
to Sea Grant Advisory Panel

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Howard Wayne to the Sea Grant Advisory Panel. This is a pleasure appointment starting February 22, 2001.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 23, 2001

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

RE: Appointment of Wendy J. Greuel
to California Film Commission

Dear Mr. Wilson: Please be advised I have appointed Ms. Wendy J. Greuel to the California Film Commission. This is a pleasure term appointment starting February 23, 2001 and the expiration date is February 23, 2003. Ms. Greuel will be replacing Mr. Michael Galizio.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

**Complaints of Retaliation
for the Disclosure of Information by Public Employees
(Whistleblower Retaliation)
(Pursuant to Government Code Section 19683)**

Above transmitted report, together with letter of transmittal from Walter Vaughn, Executive Officer, California State Personnel Board, dated February 13, 2001, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Economic and Fiscal Impact Study
of Siting a State Office Building in Fresno, California
(Pursuant to Government Code Section 14669.7)**

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated February 15, 2001, referred by the Speaker to the Committee on Business and Professions.

**Disabled Veteran Business Enterprise Program
1999–2000 Annual Report
(Pursuant to Public Contracts Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Department of Employment Development, dated February 20, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Accounts Receivable Management Act, Fiscal Year 1999
(Pursuant to Government Code Section 16582)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Department of Employment Development, dated February 20, 2001, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Energy Project Benefit Sharing for Fiscal Year 1999
(Pursuant to Public Resources Code Section 25008.5)**

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated February 20, 2001, referred by the Speaker to the Committee on Business and Professions.

**Nonpoint Source Pollution Related Reports
(Pursuant to Water Code Section 13369(b))**

Above transmitted report, together with letter of transmittal from Edward C. Anton, Acting Executive Director, State Water Resources Control Board, dated January 10, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Voluntary Integration Program Report
Vista Unified School District
(Pursuant to Item 6110-115-0001 of the Budget Act of 1999)**

Above transmitted report, together with letter of transmittal from William Loftus, Assistant Superintendent, Vista Unified School District, dated February 15, 2001, referred by the Speaker to the Committee on Budget.

**Implementation of AB 27: Creating a Long Term Care
Information Infrastructure Blueprint
(Pursuant to Health and Safety Code Section 101950)**

Above transmitted report, together with letter of transmittal from Grantland Johnson, Secretary, Health and Human Services Agency, dated February 15, 2001, referred by the Speaker to the Committee on Health.

**October 2000 Unemployment Insurance Fund Forecast
(Pursuant to Unemployment Insurance Code Section 995)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Department of Employment Development, dated February 23, 2001, referred by the Speaker to the Committee on Insurance.

**Implementation of a Strategy for
the Prevention, Education, Screening, Related Tests, and Treatment of
Inmates Infected with Hepatitis B or C
(Pursuant to Item 5240-001-0001 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Steven Cambra, Jr., Acting Director, Department of Corrections, dated February 20, 2001, referred by the Speaker to the Committee on Public Safety.

**Report on Lottery Revenues and Expenditures
in Fiscal Years 1999–2000 and 2000–2001
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Jerry L. Harper, Director, Department of the Youth Authority, dated February 16, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Teachers Meeting Standards for Professional Certification in California:
Summary of Second Annual Report
(Pursuant to Chapter 381 of the Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Sam W. Swofford, Ed.D., Executive Director, Commission on Teacher Credentialing, dated February 16, 2001, referred by the Speaker to the Committee on Education.

**Cargo Tank and Hazardous Waste Transport
Vehicle Inspection Report
(Pursuant to Chapter 539 of the Statutes of 1996)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, dated February 20, 2001, referred by the Speaker to the Committee on Transportation.

**State Agency Assistance
to California Indian Tribes Report to the Legislature
(Pursuant to Chapter 397 of the Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated January 2001, referred by the Speaker to the Committee on Housing and Community Development.

**Final Report for SB 1832
Home Economics Careers and Technology Vocational Education
(Pursuant to Education Code Sections 52486–52499.5)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Governmental Affairs Branch, Department of Education, dated February 21, 2001, referred by the Speaker to the Committee On Education.

**2000 Discrimination Complaint Report
(Pursuant to Labor Code 98.75)**

Above transmitted report, together with letter of transmittal from Stephen J. Smith, Director, Department of Industrial Relations, dated February 26, 2001, referred by the Speaker to the Committee on Labor and Employment.

**Toll Bridge Report to
the California Legislature for Fiscal Year 2000–2001
(Pursuant to Streets and Highway Code Sections 30961 and 30895)**

Above transmitted report, together with letter of transmittal from Steve Heminger, Executive Director, Metropolitan Transportation Commission, dated February 21, 2001, referred by the Speaker to the Committee on Transportation.

**Report on the Use of Voluntary Desegregation Funding in
the Berkeley Unified School District with Exhibits
(Pursuant to Item 6110-230-0001 of the Budget Act of 1998)**

Above transmitted report, together with letter of transmittal from Steven A. Goldstate, Ed.D., Interim Superintendent, Berkeley Unified School District, dated February 22, 2001, referred by the Speaker to the Committee on Education.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 27, 2001

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

Assembly Bill No. 6

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, February 27, 2001

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

Assembly Concurrent Resolution No. 24

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1668—Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aroner, Calderon, Goldberg, Kehoe, Kelley, Thomson, and Wayne). An act to repeal Section 5056 of the Public Resources Code, relating to parks and recreation.

ASSEMBLY BILL NO. 1669—Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aroner, Calderon, Goldberg, Kehoe, Kelley, Pavley, Thomson, and Wayne). An act to amend Section 1010 of the Water Code, relating to water.

ASSEMBLY BILL NO. 1670—Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aroner, Calderon, Goldberg, Kehoe, Kelley, Pavley, Thomson, and Wayne). An act to amend Section 352 of the Water Code, relating to water.

ASSEMBLY BILL NO. 1671—Committee on Water, Parks and Wildlife (Florez (Chair), Aroner, Calderon, Frommer, Goldberg, Kehoe, Kelley, Pavley, Thomson, and Wayne). An act to amend Section 12002.5 of, and to repeal Section 221 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

ASSEMBLY BILL NO. 1672—Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aroner, Calderon, Goldberg, Kehoe, Kelley, Pavley, Thomson, and Wayne). An act to amend Section 10011 of the Water Code, relating to water.

ASSEMBLY BILL NO. 1673—Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aroner, Calderon, Goldberg, Kehoe, Kelley, Pavley, Thomson, and Wayne). An act to amend Section 8405.4 of the Fish and Game Code, relating to sea cucumbers, and making an appropriation therefor.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 30—Runner (Coauthor: Senator Knight). Relative to hospitals as essential services.

ASSEMBLY CONCURRENT RESOLUTION NO. 31—Strom-Martin (Coauthors: Aroner, Chan, Cohn, Corbett, Daucher, Diaz, Firebaugh, Goldberg, Jackson, Kehoe, Leach, Liu, Maldonado, Negrete McLeod Oropeza, Pavley, Reyes, Romero, Thomson, Wiggins, and Zettel) (Principal coauthor: Wesson) (Coauthors: Senators Bowen, Costa, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Soto, Speier, Torlakson, and Vasconcellos). Relative to Women's History Month and women's history curriculum.

AUTHOR'S AMENDMENTS Committee on Transportation

February 27, 2001

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

Assembly Bill No. 107

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

DUTRA, Chairman

ASSEMBLY BILL NO. 107—An act to amend Sections 514, 518, 519, 520, 522, 523, and 526 of the Harbors and Navigation Code, relating to vessels.

Bill read 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. 115—An act relating to the Historic State Capitol, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Rules read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 62—An act relating to oaks, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 84—An act to amend Sections 52053, 60604, 60640, 60641, 60643, and 60851 of the Education Code, relating to pupil testing, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 28, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 27, 2001**

The following measures were amended in the Assembly on this day:

AB RN

62 0108480

107 0108076

115 0108472

Daily Total: 3

Cumulative Total: 18

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