

CALIFORNIA LEGISLATURE

2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 5, 2001

THIRTY-SECOND SESSION DAY

NINETY-SECOND 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 5, 2001

The Assembly met at 11 a.m.

Hon. Fred Keeley, 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 Pescetti 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 11:14 a.m., Speaker pro Tempore Keeley declared a quorum of the Assembly present.

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

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

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member John Dutra, of the 20th Assembly District:

Eternal God, Let us enter this new day assured of Your steadfast love and dedicated to loyal service to the people of this state.

May we strive to have our words related to our deeds. Let our thinking be sharp, our lives seeking the goal of integrity and our actions decisive and courageous.

May we think deeply upon minute problems, but ever have our horizons expand.

In our Lord's name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Hollingsworth 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 Bill Campbell.

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 Calderon and Romero.

Because of unscheduled travel delays: Assembly Members Longville and Negrete McLeod.

Because of illness: Assembly Member John Campbell.

Because of a death in her family: Assembly Member Goldberg.

EXPLANATIONS OF ABSENCE

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

February 20, 2001

The Honorable Robert M. Hertzberg

Speaker of the Assembly

State Capitol

Sacramento, California

Dear Mr. Speaker: I am writing to request to be excused from session on Monday, March 5, 2001 and Tuesday, March 6, 2001 to attend to legislative business in my district.

Sincerely,

THOMAS M. CALDERON, Assembly Member
Fifty-eighth District

March 1, 2001

The Honorable Robert Hertzberg
Speaker of the Assembly
State Capitol, Room 219

Dear Mr. Speaker: I am requesting to be excused from Session for Monday, March 5, 2001 to attend to legislative business in my District.

Thank you for your consideration of this request. If you should have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

DR. GLORIA ROMERO, Assembly Member
 Forty-ninth District

COMMUNICATIONS

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

February 26, 2001

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

RE: Appointment of David L. Brown
 to Employment Training Panel

Dear Mr. Wilson: Please be advised I have appointed Mr. David L. Brown to the Employment Training Panel. This is a term appointment starting February 26, 2001 and the expiration date is January 1, 2003. Mr. Brown will be replacing Mr. Dan Trammell.

Very truly yours,

ROBERT M. HERTZBERG
 Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Low Performing Schools, on March 13, 2001, at 2:30 p.m., in Room 126;

Local Government, Agriculture, and Natural Resources, joint meeting with the Senate Committee on Agriculture and Water Resources, on April 6, 2001, at 9:30 a.m., in Modesto;

Judiciary, on April 3, April 24, and May 8, 2001, at 9 a.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 5, 2001

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

Assembly Concurrent Resolution No. 33

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, March 5, 2001

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

Assembly Bill No. 78

Assembly Bill No. 96

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

**AUTHOR'S AMENDMENTS
Committee on Transportation**

March 5, 2001

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

Assembly Bill No. 19

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

DUTRA, Chairman

ASSEMBLY BILL NO. 19—An act to add Section 45452 to the Education Code, to add Section 1463.21 to the Penal Code, and to add Section 42011 to 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.

REQUEST FOR PHOTOGRAPHER

Speaker Hertzberg was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**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. 78 and 96, ordered to third reading.

RECESS

By unanimous consent, at 11:20 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 11:22 a.m., the Assembly reconvened.

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

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

ASSEMBLY BILL NO. 10 (Corbett)—An act to amend Sections 17024.5, 17039, 17052.12, 17275.5, 17279.4, 17279.5, 17302, 17560, 17731.5, 17751, 18038.5, 19136, 19147, 19521, 23038.5, 23609, 24369.4, 24424, 24667, and 24872 of, and to add Sections 17132.6, 17321.5, 17507.7, 17552.3, 17563.5, 17570.5, 17682, 18173, 19136.7, 24661.3, 24451.5, 24685.5, 24710.5, 24832, 24872.6, and 24990.8 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—56

Aanestad	Diaz	Leonard	Runner
Alquist	Dickerson	Liu	Salinas
Aroner	Dutra	Lowenthal	Shelley
Ashburn	Firebaugh	Maldonado	Simitian
Campbell, Bill	Florez	Matthews	Steinberg
Canciamilla	Frommer	Migden	Strom-Martin
Cardenas	Harman	Nakano	Thomson
Cardoza	Havice	Nation	Vargas
Cedillo	Horton	Oropeza	Washington
Chan	Jackson	Pacheco, Robert	Wayne
Chavez	Keeley	Papan	Wesson
Corbett	Kehoe	Pavley	Wiggins
Correa	Kelley	Reyes	Wright
Cox	Koretz	Richman	Mr. Speaker

NOES—14

Bates	Daucher	Mountjoy	Wyman
Briggs	Hollingsworth	Pacheco, Rod	Zettel
Cogdill	La Suer	Strickland	
Cohn	Maddox	Wyland	

Bill ordered transmitted to the Senate immediately.

ASSEMBLY CONCURRENT RESOLUTION NO. 33 (Hertzberg)—Relative to Japan Peace Treaty Day.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 33**

Assembly Member Hertzberg was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 33.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Hertzberg was granted unanimous consent to take up Assembly Concurrent Resolution No. 33, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 33, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 33—Relative to Japan Peace Treaty Day.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

RECESS

By unanimous consent, at 11:31 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 11:38 a.m., the Assembly reconvened.

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

ADJOURN IN MEMORY**Moment of Silence Observed**

Assembly Member Zettel 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 tragic shooting earlier today at Santana High School in Santee and that the Assembly observe a moment of silence in honor of the victims and their families.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 Norm Reed, of Long Beach.

Assembly Member Leach was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Sprague, of Walnut Creek.

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 Joyce Kahl, of Palmdale.

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carolyn Marie Brown, of Sacramento.

Assembly Member Strickland was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Leonard Maw, of Thousand Oaks.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

Assembly Bill No. 10: Cardenas, Cedillo, and Lowenthal—Aye; Bates, Briggs, Daucher, La Suer, Maddox, Wyland, and Zettel—No.

MOTION TO ADJOURN

At 11:43 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:43 a.m., Speaker pro Tempore Keeley 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. 1689—Committee on Jobs, Economic Development, and the Economy (Reyes (Chair), Cogdill (Vice Chair), Ashburn, Cardoza, Chan, Cohn, Correa, Diaz, Florez, Keeley, Leach, Liu, Oropeza, and Wyman). An act to amend Section 12440.1 of the Government Code, relating to the California State University.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 6—Canciamilla. Relative to retirement security and savings.

REFERENCE OF BILLS TO COMMITTEE

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

<i>Assembly Bill No.</i>	<i>Committee</i>
33	Trans. and L. & E.
237	Jud.
241	Pub. S. and Trans.
242	Nat. Res.
260	Jud.
269	B. & P. and Health
270	B. & P. and Health
284	E.S. & T.M.
296	H. & C.D.
314	L. Gov.
326	H. & C.D.
334	Health
335	B. & P.
336	Ed.
338	Higher Ed.
339	Rev. & Tax.
340	W.,P. & W.
342	Ed.
343	Nat. Res.
344	Ed.
345	Rev. & Tax.
346	Pub. S.
349	Pub. S.
350	Rev. & Tax.
352	Pub. S.
353	Ed.
354	Ed.

355 ----- Pub. S.
356 ----- B. & P.
359 ----- Health
360 ----- Trans.
361 ----- Rev. & Tax.
362 ----- Jud.
363 ----- Jud.
364 ----- Hum. S.
365 ----- P.E.,R. & S.S.
366 ----- J., E.D. & E.
367 ----- Ed.
368 ----- L. Gov.
370 ----- Trans.
372 ----- B. & P.
373 ----- Rev. & Tax.
374 ----- E.,R. & C.A.
375 ----- Rev. & Tax.
376 ----- Pub. S.
377 ----- Rev. & Tax.
379 ----- Ed.
380 ----- Pub. S.
382 ----- H. & C.D.
383 ----- Health
385 ----- Rev. & Tax.
388 ----- Nat. Res.
389 ----- P.E.,R. & S.S.
391 ----- Trans.
393 ----- E.S. & T.M.
394 ----- Pub. S.
395 ----- G.O.
396 ----- Hum. S.
397 ----- E.,R. & C.A.
398 ----- Trans.
399 ----- P.E.,R. & S.S.
401 ----- Ed.
402 ----- Rev. & Tax.
404 ----- H. & C.D.
405 ----- Trans.
406 ----- H. & C.D.
407 ----- B. & F.
408 ----- B. & P.
410 ----- J., E.D. & E.
411 ----- Trans.
413 ----- G.O.
414 ----- E.S. & T.M.
416 ----- W.,P. & W.
417 ----- Pub. S.
420 ----- Ed.
423 ----- L. & E.
424 ----- Health
425 ----- Budget
426 ----- Budget
427 ----- Budget
428 ----- Budget

429	-----	Budget
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441	-----	Budget
442	-----	Budget
443	-----	Budget
444	-----	Budget
445	-----	Budget
446	-----	B. & P.
447	-----	Health
449	-----	P.E.,R. & S.S.
450	-----	W.,P. & W.
451	-----	Nat. Res.
452	-----	B. & P.
453	-----	Pub. S.
454	-----	Pub. S.
455	-----	Pub. S.
456	-----	Jud.
457	-----	L. Gov.
460	-----	Nat. Res.
461	-----	Pub. S.
462	-----	Rev. & Tax.
464	-----	G.O.
465	-----	Rev. & Tax.
468	-----	Trans.
469	-----	Pub. S.
470	-----	Health
471	-----	G.O.
472	-----	H. & C.D. and Jud.
475	-----	Rev. & Tax.
477	-----	Pub. S.
478	-----	L. Gov. and Jud.
479	-----	Jud.
480	-----	Health
481	-----	Ed.
482	-----	Health
483	-----	Rev. & Tax.
485	-----	Rev. & Tax.
486	-----	Ins.
487	-----	Health
489	-----	B. & F.
490	-----	H. & C.D.
493	-----	Higher Ed.
494	-----	G.O.
498	-----	E.S. & T.M.

501	Pub. S.
502	J., E.D. & E.
503	Ed.
505	Health and Jud.
506	Ed.
507	Ins.
508	Ed.
509	Trans.
510	P.E.,R. & S.S.
511	Jud.
512	Ins.
513	Rev. & Tax.
516	H. & C.D.
517	Pub. S.
518	E.,R. & C.A.
520	Ed.
522	W.,P. & W.
523	Rev. & Tax.
525	J., E.D. & E.
526	Ed.
527	Trans.
528	E.,R. & C.A.
529	G.O.
533	Jud.
535	B. & P.
536	Health
539	Jud.
540	Higher Ed.
541	Ins.
542	Ed.
545	B. & P.
546	Trans.
547	Rev. & Tax.
548	Health
550	Jud.
551	E.,R. & C.A.
552	J., E.D. & E.
554	Rev. & Tax.
556	Nat. Res.
557	Hum. S.
558	Ed.
560	E.S. & T.M.
561	E.,R. & C.A.
563	Trans.
564	Health
565	Pub. S.
566	Pub. S.
568	Jud. and Pub. S.
569	Nat. Res. and U. & C.
570	U. & C.
572	G.O.
573	Agri. and E.S. & T.M.
574	Health
578	Nat. Res. and U. & C.

579	-----	Pub. S.
580	-----	Pub. S.
581	-----	Pub. S.
582	-----	L. & E.
583	-----	Jud.
584	-----	Ins.
585	-----	B. & P.
586	-----	Health
587	-----	Jud.
588	-----	Ins.
590	-----	Health
593	-----	Rev. & Tax.
594	-----	Rev. & Tax.
595	-----	Rev. & Tax.
597	-----	Nat. Res.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>	
25	-----	Trans.
26	-----	Rls.
28	-----	Trans.
29	-----	Trans.
31	-----	Rls.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: March 5, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 31

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

CARDOZA, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: March 5, 2001

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 8

With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolution ordered on file.

Date of Hearing: March 5, 2001

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 10

With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolution ordered on file.

Committee on Governmental Organization

Date of Hearing: March 5, 2001

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 66

Assembly Bill No. 70

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

WESSON, Chairman

Above bills re-referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

Senate Chamber, March 5, 2001

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. 84.

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

INTRODUCTION OF GUESTS

Speaker Hertzberg introduced Consul General of Japan, Hon. Nobuaki Tanaka.

Assembly Member Wiggins, of the 7th Assembly District, introduced the following representatives from the Sonoma County League of Women Voters in the back of the Chambers: Lynda Hungerford, President, Carol Ann Fontana, Treasurer, Louisa Levitt, Margaret Millner, Elisabeth Hawthorne, Phyllis Stanley, and Linda Sims.

INTRODUCTION OF GUESTS

Assembly Member Horton, of the 51st Assembly District, introduced the following guests representing CH2M Hill: Leonard J. Sequeira, P.E., Vice President and Principal Project Manager and Jack A. Baylis, Vice President, Engineering and Construction Services.

Assembly Member Wright, of the 48th Assembly District, introduced Joseph "Quint" Stone and his 5th grade classmates from Courtyard School in Sacramento, who were accompanied by their teacher, Dean Christiansen.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 7 a.m., Tuesday, March 6, 2001, out of respect to the memory of Norm Reed, on motion of Assembly Member Havice; out of respect to the memory of Robert Sprague, on motion of Assembly Member Leach; out of respect to the memory of Joyce Kahl, on motion of Assembly Member Runner; out of respect to the memory of Carolyn Marie Brown, on motion of Assembly Member Steinberg; out of respect to the memory of George Leonard Maw, on motion of Assembly Member Strickland; and out of respect to the memory of the victims of the tragic shooting at Santana High School, on motion of Assembly Member Zettel.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 5, 2001**

The following measure was amended in the Assembly on this day:

AB RN

19 0108585

Daily Total: 1

Cumulative Total: 22

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