

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 13, 2001

**THIRTY-SEVENTH SESSION DAY
ONE HUNDREDTH 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, March 13, 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 Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—74:

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

Quorum present.

At 12:28 p.m., Hon. Joe Canciamilla, 11th 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 Hertzberg and Washington.

Because of illness: Assembly Member Bates.

The following Assembly Member was excused for the day, and his per diem was waived: Florez.

EXPLANATIONS OF ABSENCE

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

March 13, 2001

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

Dear Dotson: This is to advise you that I will be out of state today on legislative business.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 12, 2001

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

Dear Mr. Speaker: I would like to request to be excused from check-in session on Tuesday, March 13, 2001 and Wednesday, March 14, 2001. I will be in my district on important legislative business.

Your consideration of this request is appreciated.

Sincerely,

CARL WASHINGTON, Assembly Member
Fifty-second District

COMMUNICATIONS

The following communications were 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: Reappointment of Patricia Wiggins and Virginia Strom-Martin to Pacific Fisheries Legislative Task Force

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Patricia Wiggins and Assemblymember Virginia Strom-Martin to the Pacific Fisheries Legislative Task Force. These are pleasure appointments starting February 26, 2001.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 28, 2001

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

RE: Reappointment of Marco Firebaugh
to Commission of the Californias

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Marco Firebaugh to the Commission on the Californias. This is a pleasure term appointment starting February 28, 2001 and the expiration date is February 28, 2005.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 28, 2001

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

RE: Reappointment of Louis J. Papan
to California Debt and Investment Advisory Commission

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Louis J. Papan to the California Debt and Investment Advisory Commission. This is a pleasure appointment starting February 28, 2001.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 28, 2001

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

RE: Appointment of Ken Peterson and Mac Dube
to Hazardous Waste Appeal Board

Dear Mr. Wilson: Please be advised I have appointed Supervisor Ken Peterson and City Councilmember Mac Dube to the Hazardous Waste Appeal Board. These are term appointments starting February 28, 2001 and the expiration date is February 28, 2005.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 28, 2001

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

RE: Reappointment of Dion Aroner
to California Policy Research Center Steering Committee

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Dion Aroner to the California Policy Research Center Steering Committee. This is a pleasure appointment starting February 28, 2001.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 2, 2001

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

RE: Reappointment of Virginia Strom-Martin
and appointment of Tim Leslie
to Western States Legislative Forestry Task Force

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Virginia Strom-Martin and appointed Assemblymember Tim Leslie to the Western States Legislative Forestry Task Force. These are pleasure appointments starting March 3, 2001. Assemblymember Leslie will be replacing Assemblymember Fred Keeley.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

**California's Job Agent Program, Fiscal Year 1999-00
(Pursuant to Unemployment Insurance Code Section 9614(a)(2))**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Department of Employment Development, dated March 5, 2001, referred by the Speaker to the Committee on Jobs, Economic Development and the Economy.

**List of Fiscal Year 1998-99 Awards—
Farmworker Housing Grant Program Demonstration Programs
(Pursuant to Chapter 881 of the Statutes of 1997)**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated March 5, 2001, referred by the Speaker to the Committee on Housing and Community Development.

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

Above transmitted report, together with letter of transmittal from Karen Colby, Assistant Superintendent, Curriculum and Instruction, Ocean View School District, dated March 2, 2001, referred by the Speaker to the Committee on Budget.

**1999–2000 Contracting Report:
Annual Disabled Veteran Business Enterprise Participation
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Glen S. Matsuoka, Acting Director, Business, Transportation and Housing Agency, dated February 27, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Capitol Area East End Complex Quarterly Report
(Pursuant to Government Code Section 8169.5)**

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated February 28, 2001, referred by the Speaker to the Committee on Business and Professions.

**Final 2001 Sunset Review Report on
Special Education Programs
(Pursuant to Education Code Section 62006)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated March 6, 2001, referred by the Speaker to the Committee on Education.

**Standardized Testing and Reporting (STAR) Program
Annual Report
(Pursuant to Education Code Sections 60604(b) 604649)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated March 5, 2001, referred by the Speaker to the Committee on Education.

**Use of Funds Allocated
by the United States Department of Veterans Affairs
to Educate, Screen, and Treat Veterans with the Hepatitis C Virus
(Pursuant to Health and Safety Code Section 122406)**

Above transmitted report, together with letter of transmittal from Bruce Thiesen, Interim Secretary, Department of Veterans Affairs, dated March 1, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Long-Range Plan for
Juvenile Justice Data Collection, Analysis, and Dissemination in California
(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 March 2, 2001, referred by the Speaker to the Committee on Public Safety.

**Summary of Federal Income Tax Changes 2000
(Pursuant to Revenue and Taxation Code Section 19522)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated March 7, 2001, referred by the Speaker to the Committee on Revenue and Taxation.

**Concealable Firearms Charges in California, 2000
(Pursuant to Penal Code Sections 12025 and 12031)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Department of Justice, dated March 2, 2001, referred by the Speaker to the Committee on Public Safety.

**Vocational Education Carryover Funds
(Pursuant to Item 6100-166-890 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated March 6, 2001, referred by the Speaker to the Committee on Education.

**California State Teachers' Retirement System
Northern Ireland Report
(Pursuant to Chapter 341 of the Statutes of 1999)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, dated March 8, 2001, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**1999–2000 Basic Apportionment for Deferred Maintenance
(Pursuant to Education Code Section 17584.1)**

Above transmitted report, together with letter of transmittal from Colleen B. Wilcox, Superintendent, Santa Clara County Office of Education, dated March 5, 2001, referred by the Speaker to the Committee on Education.

**Contracting Report:
Disabled Veteran Business Enterprise Participation
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Ron Lucero, Chief, Business Management Bureau, Department of Insurance, dated March 9, 2001, referred by the Speaker to the Committee on Governmental Organization.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 13, 2001

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

Assembly Bill No. 128

Assembly Bill No. 134

Assembly Bill No. 182

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 bill was introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 9—Dutra. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 3 to Article XIX A thereof, relating to transportation.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 36—Cox. Relative to Meningitis Awareness Month.

AUTHOR'S AMENDMENTS
Committee on Higher Education

March 13, 2001

Mr. Speaker: The Chair of your Committee on Higher Education reports:
 Assembly Concurrent Resolution No. 21

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

ALQUIST, Chairwoman

ASSEMBLY CONCURRENT RESOLUTION NO. 21—Relative to the University of California.

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

March 13, 2001

Mr. Speaker: The Chair of your Committee on Public Safety reports:
 Assembly Bill No. 23

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

WASHINGTON, Chairman

ASSEMBLY BILL NO. 23—An act to amend Section 186.22 of the Penal Code, relating to gangs.

Bill read 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

March 13, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
 Assembly Bill No. 7

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 7—An act to add Section 6356.5 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.

AUTHOR'S AMENDMENTS
Committee on Education

March 13, 2001

Mr. Speaker: The Chair of your Committee on Education reports:
 Assembly Bill No. 12

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

STROM-MARTIN, Chairwoman

ASSEMBLY BILL NO. 12—An act to add Chapter 12.7 (commencing with Section 17079.10) 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.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Date of Hearing: March 13, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 25

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

STEINBERG, Chairman

Above bill re-referred to the Committee on Labor and Employment.

Date of Hearing: March 13, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 72

With the recommendation: Do pass, and be re-referred to the Committee on Housing and Community Development with recommendation: To Consent Calendar.

STEINBERG, Chairman

Above bill re-referred to the Committee on Housing and Community Development.

Date of Hearing: March 13, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 92

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.

STEINBERG, Chairman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 136

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

CORBETT, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Committee on Jobs, Economic Development, and the Economy

Date of Hearing: March 13, 2001

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Senate Concurrent Resolution No. 3

Senate Concurrent Resolution No. 4

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.

REYES, Chairwoman

Above resolutions ordered to the Consent Calendar.

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

ASSEMBLY BILL NO. 54—An act to amend Section 19805 of the Business and Professions Code, and to amend Section 330.11 of the Penal Code, relating to gambling clubs.

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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 14, 2001.

FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 13, 2001**

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

AB RN

7 0108890
12 0107775
23 0109002
54 0108808

ACR RN

21 0108580

Daily Total: 5
Cumulative Total: 35

O