

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 14, 2001

THIRTY-EIGHTH SESSION DAY

ONE HUNDRED FIRST 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
Wednesday, March 14, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th 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:

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

Quorum present.

At 1:32 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 Nation and Washington.

On personal business, and waiving per diem: Assembly Member Maldonado.

EXPLANATIONS OF ABSENCE

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

March 13, 2001

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Wednesday, March 14, 2001 due to legislative business in my District.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

(NOTE: For letter explaining the absence of Assembly Member Washington on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for March 13, 2001.)

COMMUNICATIONS

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

March 14, 2001

*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 the following members to the Subcommittee on Veterans Affairs of the Assembly Governmental Organization Committee for the 2001–02 Regular Session:

Assemblymember Tom Calderon
Assemblymember Dick Dickerson
Assemblymember Sarah Reyes
Assemblymember Tony Strickland
Assemblymember Herb Wesson

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 14, 2001

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 the following members to the Subcommittee on Information Technology of the Jobs, Economic Development and the Economy Committee for the 2001–02 Regular Session:

Assemblymember Manny Diaz, Chair
Assemblymember Lynne Leach
Assemblymember Carol Liu
Assemblymember Sarah Reyes

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 14, 2001

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 the following members to the Subcommittee on International Trade of the Jobs, Economic Development and the Economy Committee for the 2001–02 Regular Session:

Assemblymember Jenny Oropeza, Chair
Assemblymember Phil Wyman, Vice Chair
Assemblymember Wilma Chan
Assemblymember David Cogdill
Assemblymember Rebecca Cohn
Assemblymember Sarah Reyes

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 13, 2001

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

RE: Reappointment of Lou Correa
to Mexican-American Veterans Memorial Beautification
& Enhancement Commission

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Lou Correa to the Mexican-American Veterans Memorial Beautification & Enhancement Commission. This is a pleasure appointment starting March 13, 2001.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 14, 2001

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

Assembly Bill No. 7
Assembly Bill No. 12

Assembly Bill No. 23
Assembly Bill No. 54

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 14, 2001

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

Assembly Concurrent Resolution No. 21

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1718—Committee on Higher Education (Alquist (Chair), Havice, Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, and Wyman). An act to amend Section 92850 of the Education Code, relating to teacher training.

ASSEMBLY BILL NO. 1719—Committee on Higher Education (Alquist (Chair), Richman (Vice Chair), Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, Strickland, and Wyman). An act to amend Sections 89036, 89045, 89048, and 89923 of the Education Code, to repeal Section 18598 of the Government Code, and to amend Sections 10430, 10705, 10710, and 10760 of the Public Contract Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 1720—Committee on Higher Education (Alquist (Chair), Havice, Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, and Wyman). An act to add Article 14.5 (commencing with Section 94996) to Chapter 7 of Part 59 of the Education Code, relating to private postsecondary education.

ASSEMBLY BILL NO. 1721—Committee on Higher Education (Alquist (Chair), Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, and Wyman). An act to amend Section 66903 of the Education Code, relating to the California Postsecondary Education Commission.

ASSEMBLY BILL NO. 1722—Committee on Higher Education (Alquist (Chair), Richman (Vice Chair), Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Strickland, and Wyman). An act to amend Section 1985.3 of the Code of Civil Procedure, to amend Sections 4005, 12116, 22714, 48801, 70900, 70901, 70901.5, 70902, 71000, 71002, 71020.5, 71021, 71025, 71027, 71028, 71040, 71050, 71090, 72000, 72011, 72014, 72022, 72023, 72023.5, 72026, 72026.5, 72027, 72029, 72031, 72103, 72104, 72121, 72330.2, 72331, 72332, 72401, 72506, 72507, 72508, 72530, 72533, 72672, 72673, 72674, 72675, 72676, 72677, 72682, 76020, 76030, 76031, 76060, 76060.5, 76061, 76063, 76065, 76067, 76120, 76140, 76141, 76143, 76300, 76350, 76355, 76360, 76361, 76365, 76370, 76375, 76380, 76385, 78020, 78021, 78022, 78030, 78032, 78103, 78210, 78211, 78211.5, 78212, 78213, 78214, 78216, 78217, 78249, 78271, 78300, 78401, 79020, 79121, 79202, 81130.3, 81459, 81800, 81836, 81837, 81839, 81901, 81902, 81907, 81962, 84030, 84040, 84040.3, 84040.5, 84040.6, 84320, 84361, 84381, 84384, 84500, 84660, 84750, 84751, 84754, 84755, 85223, 85235, 85236, 85237, 85238, 85239, 85240, 85243, 85244, 85265.5, 85280, 85281, 85282, 85284, 85288, 85301, 85302, 87061, 87100, 87418, 87419, 87423, 87470, 87488, 87781, 87783, 87831, 88013, 88164, 88165, and 88249 of, to amend and renumber Sections 69640, 69641, 69641.5, 69642, 69643, 69648, 69651, 69653, 69654, 69655, 69656, 71029, 71094, 72203.5, 72330.5, 72425, 72670.5, 76001, 76121, 76401, 76403, 76407, 81808, 84759, and 84850 of, to add Sections 76038 and 78239 to, to add the heading of Chapter 1.7 (commencing with Section 76250) to Part 47 of, to add the headings of Article 1.5 (commencing with Section 78230), Article 2 (commencing with Section 78240), and Article 5 (commencing with Section 78280) to Chapter 2 of Part 48 of, to add Chapter 4.5 (commencing with Section 84600) to Part 50 of, to repeal Sections 69648.5, 69649, 69650, 69652, 70901.1, 71001, 71003, 71004, 71020, 71022, 71024, 71046, 71049, 71051, 71090.5, 71092, 72013, 72025, 72034, 72121.5, 72122, 72129, 72205, 72207, 72400, 72403, 72423, 72500, 72678, 72679, 72681, 76000, 76002, 76033, 76034, 76037, 76140.5, 76142, 78016, 78031, 78212.5, 78215, 78218, 79030, 79120, 81805, 81807, 84328, 84382, 84501, 84752, 84753, 84756, 84810.5, 85233, 85237.5, and 85239.1 of, Article 2 (commencing with Section 78223) of Chapter 2 of Part 48 of, Article 3 (commencing with Section 79140) and Article 4 (commencing with Section 79150) of Chapter 9 of Part 48 of, Chapter 7 (commencing with Section 82300) of Part 49 of, and Chapter 8 (commencing with Section 84890) of Part 50 of, to repeal the heading of Article 8 (commencing with Section 69640) of Chapter 2 of Part 42 of, the heading of Chapter 3 (commencing with Section 76400) of Part 47 of, the heading of Article 1 (commencing with Section 76400) of Chapter 3 of Part 47 of, and the heading of Article 6 (commencing with Section 84850) of Chapter 5 of Part 50 of, to repeal and add Sections 76032, 76036, and 76064 of, and to repeal and add Chapter 1.5 (commencing with Section 76200) of Part 47 of, the Education Code, to amend Sections 6276.42 and 26907 of the Government Code, to add Section 3074.4 to the Labor Code, to repeal Section 20662 of the Public Contract Code, to amend Sections 10530 and 15071 of the Unemployment Insurance Code, to amend Section 34501.5 of the Vehicle Code, and to amend Section 11008.9 of the Welfare and Institutions Code, relating to community colleges.

AUTHOR'S AMENDMENTS
Committee on Agriculture

March 14, 2001

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

Assembly Bill No. 11

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

MATTHEWS, Chairwoman

ASSEMBLY BILL NO. 11—An act to amend the heading of Part 5.5 (commencing with Section 8760) of Division 4 of, and to amend Sections 8760, 8761, 8762, 8764, 8764.5, 8764.6, 8765, 8766, 8767, 8768, 8769, 8770, 8771, and 8772 of, the Food and Agriculture Code, relating to olive pests.

Bill read 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

March 14, 2001

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
House Resolution No. 5

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

WRIGHT, Chairman

HOUSE RESOLUTION NO. 5—Relative to the Public Utilities Commission.

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 Health

March 14, 2001

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 108
Assembly Bill No. 124

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

THOMSON, Chairwoman

ASSEMBLY BILL NO. 108—An act to add Section 4125 to the Business and Professions Code, relating to pharmacy.

Bill read 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. 124—An act to amend Section 114145 of, and to add Section 113856 to, the Health and Safety Code, relating to environmental health, and declaring the urgency thereof, to take effect immediately as an urgency statute.

Bill read 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

March 14, 2001

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 113

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

CORREA, Chairman

ASSEMBLY BILL NO. 113—An act to add Chapter 9.5 (commencing with Section 8760) to Division 1 of Title 2 of the Government Code, relating to the California Poet Laureate, 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

March 14, 2001

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

Assembly Bill No. 97

Assembly Bill No. 141

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

WASHINGTON, Chairman

ASSEMBLY BILL NO. 97—An act to amend Section 2972 of the Penal Code, relating to prisoners.

Bill read 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. 141—An act to amend Section 272 of the Penal Code, relating to crime.

Bill read 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 14, 2001

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

Assembly Bill No. 9

Assembly Bill No. 99

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

STROM-MARTIN, Chairwoman

ASSEMBLY BILL NO. 9—An act to add Section 35021.4 to the Education Code, relating to school safety.

Bill read 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. 99—An act to amend Section 52262 of the Education Code, 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 Revenue and Taxation

March 14, 2001

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

Assembly Bill No. 39

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 39—An act to add Sections 17053.65 and 23665 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 Banking and Finance

March 14, 2001

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:
Assembly Bill No. 21

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

PAPAN, Chairman

ASSEMBLY BILL NO. 21—An act to add Division 10 (commencing with Section 24000) to 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 Higher Education

Date of Hearing: March 13, 2001

Mr. Speaker: Your Committee on Higher Education reports:
Senate Bill No. 176

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

ALQUIST, Chairwoman

Above ordered to second reading.

MESSAGES FROM THE GOVERNOR

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

SPECIAL ELECTION PROCLAMATION

I, GRAY DAVIS, Governor of the State of California, pursuant to Section 1773 of the Elections Code, do hereby proclaim and order that a special election shall be held on the 10th day of July, 2001, within the 49th Assembly District of the State, to fill the vacancy in the office of the California State Assembly from said district resulting from the resignation of Gloria Romero.

IN WITNESS WHEREOF I hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 13th day
of March, 2001.

GRAY DAVIS
Governor of California

ATTEST:

BILL JONES
Secretary of State



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

ASSEMBLY BILL NO. 92—An act to amend Section 831.8 of the Government Code, relating to liability.

Bill read second time, and ordered to Consent Calendar.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 14, 2001

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

Assembly Bill No. 92

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the
Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 15, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 14, 2001**

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

AB RN

- 9 0108969
- 11 0109052
- 21 0108938
- 39 0108766
- 97 0109003
- 99 0108964
- 108 0109071
- 113 0108894
- 124 0107746
- 141 0108968

HR RN

- 5 0107652

Daily Total: 11
Cumulative Total: 46

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