CALIFORNIA LEGISLATURE 2001–02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 15, 2001

THIRTY-NINTH SESSION DAY ONE HUNDRED 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento Thursday, March 15, 2001

The Assembly met at 8:30 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 Shelley moved a quorum call of the Assembly. Motion carried. Time, 8:31 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 8:39 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—72:

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

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

Frank Outlaw, a noted 20th century businessman, commented on the nature of human character. He said:

Watch your thoughts; they become words. Watch your words; they become actions. Watch your actions; they become habits. Watch your habits; they become your character. Watch your character; it becomes your destiny.

Like a pebble dropped in a pond, we can never tell how far the concentric circles that mark its ripples will go. But there is great hope in this. For it means that merely by paying attention to our own thoughts, we can take responsibility for our destiny.

May the Holy One of Blessing help us recognize the power in even the smallest of our acts, and the freedom we hold in determining our future. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Shelley 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 Leonard.

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 Bates and Cedillo.

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

Because of illness: Assembly Members Leslie and Wright.

EXPLANATIONS OF ABSENCE

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

March 7, 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 session on Thursday, March 15th, so I may attend to legislative business in my district. I will be participating in a panel discussion on Alzheimer's Disease in the City of Laguna Woods. If you have any questions, please contact Trent Smith in my office at (916) 319-2073.

Sincerely,

PATRICIA BATES, Assembly Member Seventy-third District

March 13, 2001

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

Dear Mr. Speaker,

I respectfully request that I be excused from session on legislative business Thursday, March 15, 2001 as I have a meeting with Consulate Martha Lara of Mexico in Los Angeles regarding legislation and the pending visit of President Fox of Mexico.

Thank you for your prompt attention in this matter.

Sincerely,

GILBERT CEDILLO, Assembly Member Forty-sixth District

COMMUNICATIONS

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

March 15, 2001

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

Re: Assembly Labor and Employment Committee

Dear Dotson: This is to advise you I have appointed Assemblymember Gloria Negrete McLeod to fill the vacancy on the Assembly Labor and Employment Committee.

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

March 15, 2001

E. Dotson Wilson

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

Re: Select Committee on

Community Colleges/School to Career

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on Community Colleges/School to Career:

Assemblymember Elaine Alquist Assemblymember Rebecca Cohn Assemblymember Lynn Daucher Assemblymember Paul Koretz Assemblymember Carol Liu Assemblymember Abel Maldonado Assemblymember Rod Pacheco Assemblymember Patricia Wiggins

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

March 15, 2001

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

Re: Select Committee on California Horse Racing Industry Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on California Horse Racing Industry:

Assemblymember Mike Briggs Assemblymember Dennis Cardoza Assemblymember Ed Chavez Assemblymember Tom Harman Assemblymember Herb Wesson Assemblymember Rod Wright

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 15, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 9
Assembly Bill No. 11
Assembly Bill No. 21
Assembly Bill No. 21
Assembly Bill No. 39
Assembly Bill No. 124
Assembly Bill No. 97
Assembly Bill No. 141

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 15, 2001

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

House Resolution No. 5

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

SPECIAL COMMITTEE MEETINGS

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

Select Committee on School Safety, on March 30, 2001, at 9 a.m., in the 56th Assembly District;

Utilities and Commerce on Monday, March 19, 2001, in Room 4202 instead of Room 437.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1723—Committee on Utilities and Commerce (Wright (Chair), Pescetti (Vice Chair), John Campbell, Canciamilla, Cardenas, Diaz, Jackson, Maddox, Nation, Papan, Reyes, and Wesson). An act to amend Sections 278 and 2881 of the Public Utilities Code, relating to public utilities.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly	
Bill No.	Committee
109	Jud. and Aging & L.T.C.
145	
201	Higher Ed. and B. & P.
255	Jud. and Aging & L.T.C.
276	
	Rev. & Tax.
357	B. & P.
	E.S. & T.M. and Jud.
403	
409	Pub. S.
	Ed. and J., E.D. & E.
	H. & C.D. and U. & C.
	W.,P. & W.
	Nat. Res. and U. & C.
504	Ed.
515	Hum. S.
530	Pub. S. and Aging & L.T.C.
538	Jud.
553	L. Gov.
555	B. & P.
617	E.S. & T.M.
623	B. & P. and Jud.
655	B. & F. and Jud.
692	Hum. S.
723	
728	B. & P.
730	W.,P. & W.

734 H	Ium S
740 H	
743B	
749 H	ligher Ed.
759 T	rans.
1100 H	
1101H	
1102E	
1103L	
1105H	
1107 E	d. and Hum. S.
1108N	lat. Res.
1110 P	
1113	
1114E	
1115R	
1116R	
1118I1	
1119 H	Ium. S.
1121	i.O.
1122 R	
1123R	
1124U	
1125	
1126R	
1127 R	
1128	i.O.
1100 T	_
1129J	ud.
1130N	lat. Res.
1130N 1132E	lat. Res.
1130N 1132E 1133U	Jat. Res. d. J. & C.
1130N 1132	Jat. Res. J. & C. V.,P. & W.
1130 N 1132 E 1133 V 1135 V 1137 L	Jat. Res. J. & C. V.,P. & W. J. Gov.
1130 N 1132 E 1133 U 1135 V 1137 L 1138 J	Jat. Res. d. J. & C. V.,P. & W. Gov. ., E.D. & E. and U. & C.
1130 N 1132 E 1133 V 1135 V 1137 L	Jat. Res. d. J. & C. V.,P. & W. Gov. ., E.D. & E. and U. & C.
1130 N 1132 E 1133 U 1135 V 1137 L 1138 J	Jat. Res. J. & C. J. & C. V.,P. & W. J. Gov. J. E.D. & E. and U. & C. J. U. & C.
1130	Jat. Res. J. & C. J. & C. V.,P. & W. J. Gov. J. E.D. & E. and U. & C. J. U. S. J. Ub. S.
1130	Jat. Res. J. & C. J. & C. V.,P. & W. J. Gov. J. E.D. & E. and U. & C. J. B. S. J. & P.
1130	Jat. Res. J. & C. J. & C. V.,P. & W. J. Gov. J. E.D. & E. and U. & C. J. B. J.
1130	Jat. Res. J. & C. J. & C. V.,P. & W. J. Gov. J. E.D. & E. and U. & C. J. B. J.
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1391	J., E.D. & E.
1392	Ed.
1394	Agri.
1396	Trans.
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Senate	
Bill No.	Committee
54	
Senate Concurrent	
Resolution No.	Committee
16	
DEDODIE	OF STANDING COMMITTEES

REPORTS OF STANDING COMMITTEES Committee on Rules

Date of Hearing: March 15, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 8

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 resolution be placed on the Consent Calendar.

CARDOZA, Chairman

Above resolution ordered on file.

Date of Hearing: March 15, 2001

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 16 With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolution ordered on file.

REQUEST FOR PHOTOGRAPHER

Assembly Member Kehoe was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RE-REFERENCE OF BILLS

Assembly Member Shelley was granted unanimous consent that Assembly Bill No. 211 be re-referred from the Committee on Higher Education to the Committee on Governmental Organization.

ADJOURN IN MEMORY

Assembly Members La Suer and Zettel were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Michael "Mickey" Carhart, of San Diego.

(Assembly Rule 45.5 suspended.)

RECESS

By unanimous consent, at 8:48 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 9:12 a.m., the Assembly reconvened.

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

SECOND READING OF SENATE BILLS

SENATE BILL NO. 176—An act to amend Sections 69434, 69435.3, 69436, and 69437.6 of the Education Code, relating to student financial aid, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

CONSIDERATION OF DAILY FILE THIRD READING OF SENATE BILLS

SENATE CONCURRENT RESOLUTION NO. 6 (Chesbro)—Relative to physical education.

Resolution read, and presented by Assembly Member Wiggins.

Members Made Coauthors of Senate Concurrent Resolution No. 6

Assembly Member Wiggins was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Concurrent Resolution No. 6.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Wiggins was granted unanimous consent to take up Senate Concurrent Resolution No. 6, as amended, without reference to print or file.

Consideration of Senate Concurrent Resolution No. 6, as Amended SENATE CONCURRENT RESOLUTION NO. 6—Relative to physical education.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Senate Resolutions

SENATE CONCURRENT RESOLUTION NO. 5 (Torlakson)—Relative to California Fitness Month.

Resolution read, adopted, and ordered transmitted to the Senate.

(For the vote on the above resolution, see this day's Consent Calendar roll call.)

SENATE CONCURRENT RESOLUTION NO. 3 (Burton)—Relative to a friendship state relationship with Punjab State, India.

Resolution read, adopted, and ordered transmitted to the Senate.

(For the vote on the above resolution, see this day's Consent Calendar roll call.)

SENATE CONCURRENT RESOLUTION NO. 4 (Burton)—Relative to a sister state relationship with Gujarat State, India.

Resolution read, adopted, and ordered transmitted to the Senate.

(For the vote on the above resolution, see this day's Consent Calendar roll call.)

Consent Calendar Roll Call

The roll was called, and the above resolutions on the Consent Calendar adopted by the following vote:

AYES-72

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

NOES-None

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following item:

Consent Calendar: Rod Pacheco—Aye.

ADJOURN IN MEMORY

Speaker Hertzberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jody L. Schauer-Guidi, of Ryer Island.

Assembly Member Briggs was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frank Gindick, of Visalia.

Assembly Member Chavez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Aurora "Dora" Mestez Rodriguez, of El Monte.

Assembly Member Frommer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Isaac Gaiten, of Fresno.

Assembly Member Kehoe was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Hansbrough, M.D., of San Diego. Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles "Chuck" Sheehan, of Monrovia.

Assembly Member Wright was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Elaine Wright, of West Sacramento.

MOTION TO ADJOURN

At 9:17 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member John Campbell seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:17 a.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

AUTHOR'S AMENDMENTS Committee on Health

March 15, 2001

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

Assembly Bill No. 207

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

THOMSON, Chairwoman

ASSEMBLY BILL NO. 207—An act to add Section 1363.02 to the Health and Safety Code, and to add Section 10123.194 to the Insurance Code, relating to health insurance.

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 15, 2001

Mr. Speaker: The Chair of your Committee on Public Safety reports: Assembly Bill No. 102

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

WASHINGTON, Chairman

ASSEMBLY BILL NO. 102—An act to amend Sections 11165.5, 11165.7, 11166.5, and 11167 of, and to add Section 11166.05 to, the Penal Code, relating to crime reporting and declaring the urgency thereof, to take effect immediately.

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 AMENDMENTSCommittee on Education

March 15, 2001

Mr. Speaker: The Chair of your Committee on Education reports: Assembly Bill No. 164

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

STROM-MARTIN, Chairwoman

ASSEMBLY BILL NO. 164—An act to amend Section 56502 of the Education Code, relating to special education.

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.

MESSAGES FROM THE SENATE

Senate Chamber, March 15, 2001

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

Assembly Bill No. 10

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, March 15, 2001

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

Assembly Concurrent Resolution No. 16

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

Above resolution ordered enrolled.

Senate Chamber, March 15, 2001

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

Senate Bill No. 53 Senate Bill No. 161 Senate Bill No. 162 Senate Bill No. 163

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 53—An act to repeal Section 34009 of the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 161—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 162—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 163—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 11 a.m., Monday, March 19, 2001 out of respect to the memory of Jody L. Schauer-Guidi, on motion of Speaker Hertzberg; out of respect to the memory of John Michael "Mickey" Carhart, on motion of Assembly Members La Suer and Zettel; out of respect to the memory of Frank Gindick, on motion of Assembly Member Briggs; out of respect to the memory of Aurora "Dora" Mestez Rodriguez, on motion of Assembly Member Chavez; out of respect to the memory of Isaac Gaiten, on motion of Assembly Member Frommer; out of respect to the memory of Charles "Chuck" Sheehan, on motion of Assembly Member Mountjoy; out of respect to the memory of Mary Elaine Wright, on motion of Assembly Member Wright; and out of respect to the memory of John Hansbrough, M.D., on motion of Assembly Member Kehoe.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 15, 2001

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

AB RN

102 0108778

164 0109142

207 0109121

SB RN

176 0109104

Daily Total: 4

Cumulative Total: 50