

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 19, 2002

**ONE HUNDRED SIXTY-SEVENTH SESSION DAY
FOUR HUNDRED SEVENTY-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
Tuesday, March 19, 2002

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—73:

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

Quorum present.

At 12:10 p.m., Hon. Howard Wayne, 78th 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, Nakano, Shelley, and Zettel.

On legislative business, and waiving per diem: Assembly Member Cardenas.

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

Because of illness: Assembly Member Wiggins.

EXPLANATIONS OF ABSENCE

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

March 18, 2002

*The Honorable Herb Wesson
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from Check-In Session on Tuesday and Wednesday, March 19 and 20, 2002, waiving per diem, in order to conduct legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

TONY CÁRDENAS, Assembly Member
Thirty-ninth District

March 18, 2002

*The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Wesson: Please accept this request to be excused from Check-In Session on Tuesday, March 19, 2002. I will be on legislative business in my District. Should you have any questions, please feel free to have your staff contact Diane Griffiths, my Chief of Staff.

Thank you in advance for your consideration of this request.

Sincerely,

ROBERT M. HERTZBERG, Assembly Member
Fortieth District

March 18, 2002

*The Honorable Herb Wesson Jr.
Speaker, California State Assembly
State Capitol—Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from check-in on Tuesday, March 19, 2002 for legislative business.

Thank you for your consideration of this request. Should you have any questions please contact Sheri Pemberton of my staff at 319-2053.

Sincerely,

GEORGE NAKANO, Assembly Member
Fifty-third District

March 19, 2002

*The Honorable Herb Wesson
Speaker, California State Assembly
State Capitol Building, Room 219
Sacramento, California*

Dear Speaker Wesson,

I respectfully request permission to be excused from Session on Tuesday, March 19, 2002, as I will be participating in a ribbon cutting ceremony in my district.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

KEVIN SHELLEY, Assembly Member
Twelfth District

March 18, 2002

*The Honorable Herb J. Wesson
Speaker of the Assembly
California State Assembly
State Capitol
Sacramento, California*

Dear Mr. Speaker: Please excuse me from check-in session on March 19, 2002. I will be in San Diego conducting legislative business. Thank you for your assistance.

Sincerely,

CHARLENE ZETTEL, Assembly Member
Seventy-fifth District

COMMUNICATIONS

The following communications were presented by the Chief Clerk from:

Chris D. Janzen, Director of Administrative Services Division, Department of Justice, dated March 3, 2002, regarding the delay of submitting the Asset Forfeiture 2001 Report (Pursuant to Health and Safety Code Section 11495)

Referred by the Speaker to the Committee on Public Safety.

Lynda Terry, Director, Department of Aging, dated February 26, 2002, transmitting information relative to the Legislature's request for a report from the Department of Aging, pursuant to language in the (Supplemental Report of the 2001–2002 Budget Act).

Referred by the Speaker to the Committee on Budget.

REPORTS

The following reports were presented by the Chief Clerk:

**Youth and Adult Correctional Agency
Internal Control Certification for the Biennial Period
(Pursuant to Government Code Sections 13400 through 13407)**

Above transmitted report, together with letter of transmittal from Robert Presley, Secretary, Youth and Adult Correctional Agency, dated March 6, 2002, referred by the Speaker to the Committee on Public Safety.

**Senate Bill 5X1
Funded Energy Efficiency and Low Income Assistance Programs
First Quarterly Report
(Pursuant to Senate Bill 5, Chapter 7, Statutes of 2001–02
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from Lorretta M. Lynch, President, Public Utilities Commission, dated March 4, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Audit Report on Vacant State Positions
(Pursuant to a request by the Joint Legislative Audit Committee)**

Above transmitted report, together with letter of transmittal from Elaine M. Howle, State Auditor, Bureau of State Audits, dated March 12, 2002, referred by the Speaker to the Committee on Business and Professions.

**Sexually Violent Predator Act
(Pursuant to Welfare and Institutions Code Section 6601.1)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated March 5, 2002, referred by the Speaker to the Committee on Public Safety.

**Source Investigations
of Storm Drain Discharges Causing Exceedances of
Bacteriological Standards
(Pursuant to Assembly Bill 538, Chapter 488, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated March 6, 2002, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 19, 2002

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

Assembly Bill No. 1758	Assembly Bill No. 1926
Assembly Bill No. 1766	Assembly Bill No. 1933
Assembly Bill No. 1786	Assembly Bill No. 1965
Assembly Bill No. 1884	Assembly Bill No. 1966
Assembly Bill No. 1901	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 19, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1814

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, March 19, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1813
Assembly Bill No. 1822
Assembly Bill No. 1846

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 19, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 165

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 bill was introduced and read the first time:

ASSEMBLY BILL NO. 3050—Committee on Health (Thomson (Chair), Chan, Cohn, Frommer, Goldberg, Koretz, Negrete McLeod, Runner, Salinas, Strom-Martin, Washington, and Wayne). An act to amend Sections 127280, 128736, 128737, 129075, 129085, 129174, 129680, 129725, 129785, and 129905 of, and to repeal Section 129845 of, the Health and Safety Code, relating to health facilities.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 174—Wayne. Relative to Women's Health Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 175—Nation (Coauthors: Strom-Martin and Wiggins) (Coauthor: Senator Chesbro). Relative to the Day of the Horse.

ASSEMBLY CONCURRENT RESOLUTION NO. 176—Daucher. Relative to breast cancer awareness.

AUTHOR'S AMENDMENTS Committee on Education

March 19, 2002

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

Assembly Bill No. 2995
Assembly Bill No. 3005

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

STROM-MARTIN, Chairwoman

ASSEMBLY BILL NO. 2995—An act relating to education, 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.

ASSEMBLY BILL NO. 3005—An act relating to education, 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 AMENDMENTS
Committee on Local Government

March 19, 2002

Mr. Speaker: The Chair of your Committee on Local Government reports:
Assembly Bill No. 1823

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

WIGGINS, Chairwoman

ASSEMBLY BILL NO. 1823—An act to add Division 20.5 (commencing with Section 73500) to the Water Code, relating to regional water systems.

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 19, 2002

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 1754

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

WASHINGTON, Chairman

ASSEMBLY BILL NO. 1754—An act to add Section 530.3 to the Penal Code, relating to fraudulent documents.

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 19, 2002

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 1857

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

CORREA, Chairman

ASSEMBLY BILL NO. 1857—An act to amend Section 202 of the Fish and Game Code, and to amend Sections 11340.85, 11343, 11346.2, 11346.5, and 11347.6 of the Government Code, relating to administrative rulemaking.

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 Judiciary

March 19, 2002

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Assembly Bill No. 1909

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 1909—An act to add Section 6219 to the Family Code, relating to domestic violence.

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 Judiciary

March 19, 2002

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Senate Bill No. 805

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

CORBETT, Chairwoman

SENATE BILL NO. 805—An act to amend Section 2025 of the Code of Civil Procedure relating to court reporters.

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 Transportation

Date of Hearing: March 18, 2002

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 1780
Assembly Bill No. 1923

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

DUTRA, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 18, 2002

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 1765

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.

DUTRA, Chairman

Above bill ordered to second reading.

Date of Hearing: March 18, 2002

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 1912

With the recommendation: Do pass.

DUTRA, Chairman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: March 12, 2002

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1773

With amendments with the recommendation: Amend, and do pass, as amended.

WASHINGTON, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 1814, ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 20, 2002.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 19, 2002**

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

AB	RN
1754	0206343
1823	0206229
1857	0206453
1909	0205993
1909	0206159
2995	0206445
3005	0206448

SB	RN
805	0205405

Daily Total:	7
Cumulative Total:	3526

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