

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 20, 2001

FORTY-FIRST SESSION DAY

ONE HUNDRED SEVENTH 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 20, 2001

The Assembly met at 4:30 p.m.

Hon. Christine Kehoe, Assistant 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 Briggs moved a quorum call of the Assembly.

Motion carried. Time, 4:31 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

At 4:40 p.m., Speaker Robert M. Hertzberg, 40th District, presiding

Quorum Present

At 4:40 p.m., Speaker Hertzberg declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—71:

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

PRAYER

Upon invitation of Speaker Hertzberg, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

Lord, Guide us with Your strengthening hand as we continue to serve our communities and this great state. Help us remain steadfast in our desire to love our neighbor as ourselves and to love You with all our heart. We send up joyful praise to You, Lord, and we thank You for blessing us with the freedom to worship You freely and openly. Grant us lasting oneness with You, O God, and be beside us always.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Hertzberg, Assembly Member Migden 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 Cardenas, Chavez, Corbett, Firebaugh, Horton, Maldonado, and Oropeza.

EXPLANATIONS OF ABSENCE

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

March 14, 2001

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

Dear Mr. Speaker: I would like to respectfully request permission to be excused from session on Tuesday, March 20, 2001, so that I may address the Los Angeles County Board of Supervisors at their regularly scheduled meeting. I will be there to discuss the Los Angeles County Juvenile Justice Coordinating Council Plan, which has derived \$35 million from my AB1913.

Sincerely,

TONY CÁRDENAS, Assembly Member
Thirty-ninth District

March 14, 2001

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

Dear Mr. Speaker: This letter is to request travel expenses to the district on Tuesday, March 20 and return the afternoon on Wednesday, March 21 for legislative business.

Thank you for your attention regarding this matter.

Sincerely,

ED CHAVEZ, Assembly Member
Fifty-seventh District

March 19, 2001

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

Dear Mr. Speaker: I would like to request permission to be excused from Session and the State of the Judiciary Address on Tuesday, March 20, 2001. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions, please feel free to contact me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member
Eighteenth District

March 20, 2001

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

Dear Mr. Speaker: This letter is a request to be excused today for Legislative Business in my District.

Thank you in advance for your consideration. Should you have any questions or comments, I can be reached at (916) 319-2050.

Sincerely,

MARCO ANTONIO FIREBAUGH, Assembly Member
Fiftieth District

March 19, 2001

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

Dear Mr. Speaker: I respectfully request permission to travel to my district on legislative business on Tuesday, March 20th, leaving at 4:47 p.m. and returning on Wednesday, March 21st, on United Flight #2502, which returns to Sacramento at 8:32 a.m. I will return in time for the Assembly Floor Session. Please call me at 916/207-5100 or 310/748-5568, if the need arises.

Thank you in advance for your consideration of this request.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

March 20, 2001

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

Dear Mr. Speaker: I am writing to request that I be excused from Floor Session on March 20, 2001 on legislative business.

Thanking you in advance for your consideration of my request.

Sincerely,

ABEL MALDONADO, Assembly Member
Thirty-third District

March 16, 2001

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

Dear Mr. Speaker: I am writing to request to be excused from Session for legislative business on March 20, 2001. I will be swearing in Jim Dear, newly elected on March 6th to the Carson City Council.

Thank you for your consideration of this request. Please contact my Chief of Staff, Beverly Hunter, if you have any further questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth District

COMMUNICATIONS

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

March 20, 2001

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

Re: Assembly Health Committee

Dear Dotson: This is to advised you that I have appointed Assemblymember Dion Aroner to the Assembly Health Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
 Speaker of the Assembly

March 20, 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 that I have appointed Assemblymember Paul Koretz as the Chair and Assemblymember Gloria Negrete McLeod as Vice Chair of the Assembly Labor and Employment Committee for the 2001–02 Regular Session.

Sincerely,

ROBERT M. HERTZBERG
 Speaker of the Assembly

March 20, 2001

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

Re: Select Committee on the Los Angeles
 County Metropolitan Transportation Authority

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on the Los Angeles County Metropolitan Transportation Authority:

Assemblymember John Dutra
 Assemblymember Marco Firebaugh
 Assemblymember Dennis Mountjoy
 Assemblymember George Nakano
 Assemblymember Robert Pacheco

Sincerely,

ROBERT M. HERTZBERG
 Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

**Core Regulatory Programs' Needs Analysis
(Pursuant to the Supplemental Report of the Budget Act of 1999)**

Above transmitted report, together with letter of transmittal from Edward C. Anton, Acting Executive Director, State Water Resources Control Board, dated March 14, 2001, referred by the Speaker to the Committee on Budget.

**CAL-DNA: Violent Offender Backlog Elimination
Progress Report to the Legislature
(Pursuant to Item 0820-001-0001 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Department of Justice, dated March 13, 2001, referred by the Speaker to the Committee on Budget.

**California Children and Families Commission Annual Report
(Pursuant to Health and Safety Code Section 130150(b))**

Above transmitted report, together with letter of transmittal from Jane I. Henderson, Ph.D., Executive Director, California Children and Families Commission, dated February 13, 2001, referred by the Speaker to the Committee on Health.

**Mandatory Education and Reporting Requirements
(Pursuant to Welfare and Institutions Code Section 304.7)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of the Courts, dated March 12, 2001, referred by the Speaker to the Committee on Judiciary.

**Reallocation Orders Issued in 1997 through 1999 by
the Department of Water Resources
(Pursuant to Water Code Sections 12830 and 12875)**

Above transmitted report, together with letter of transmittal from Thomas M. Hannigan, Director, Department of Water Resources, dated March 13, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Innovation Initiative
Environmental Management System Project Report:
Fifth Quarterly Update
(Pursuant to Public Resources Code Section 71045)**

Above transmitted report, together with letter of transmittal from Winston H. Hickox, Agency Secretary, California Environmental Protection Agency, dated March 7, 2001, referred by the Speaker to the Committee on Natural Resources.

**Farm and Ranch Solid Waste Cleanup and Abatement
Grant Program
(Pursuant to Public Resources Code Section 48104(b))**

Above transmitted report, together with letter of transmittal from Linda Moulton-Patterson, Chair, California Integrated Waste Management Board, dated March 12, 2001, referred by the Speaker to the Committee on Natural Resources.

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

Above transmitted report, together with letter of transmittal from Mieko S. Epps, Chief, Fiscal Services and Business Operations Branch, Department of Pesticide Regulation, dated March 13, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Special Education Compliance Review Plan
(Pursuant to the Supplemental Report 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 16, 2001, referred by the Speaker to the Committee on Education.

**Structure and Effectiveness of the
State's Water Quality Programs:
Section 303(d) of the Federal Clean Water Act
and Total Maximum Daily Loads (TMDLs)
(Pursuant to Water Code Section 13191)**

Above transmitted report, together with letter of transmittal from Edward C. Anton, Acting Executive Director, State Water Resource Control Board, dated March 16, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**California State Lottery Fund Financial Statements
(Prepared from Books without Audit)
(Pursuant to Government Code Section 8880.22)**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Chief, Finance Department, California Lottery, dated March 7, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Report to the Legislature on the Status of
Compliance with the Surface Mining and Reclamation Act
(Pursuant to Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Darryl Young, Director, Department of Conservation, dated March 16, 2001, referred by the Speaker to the Committee on Natural Resources.

**Child Care Facilities Financing Program
(Pursuant to Education Code Section 8277.6(f))**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated March 16, 2001, referred by the Speaker to the Committee on Housing and Community Development.

**Status of Activities and Expenditures of
the Integrated Storage Investigations Program
(Pursuant to the Supplemental Report of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Thomas M. Hannigan, Director, Department of Water Resources, dated March 16, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 20, 2001

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

- Assembly Bill No. 106
- Assembly Bill No. 137
- Assembly Bill No. 200
- Assembly Bill No. 231

- Assembly Bill No. 236
- Assembly Bill No. 238
- Assembly Bill No. 243
- Assembly Bill No. 253

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS

Committee on Public Employees, Retirement and Social Security

March 20, 2001

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 196

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

HAVICE, Chairwoman

ASSEMBLY BILL NO. 196—An act to amend Section 31720.7 of the Government Code, relating to county employees' disability retirement.

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 20, 2001

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Assembly Bill No. 29

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

PAPAN, Chairman

ASSEMBLY BILL NO. 29—An act to amend Section 44559.1 of the Health and Safety Code, relating to financial institutions, 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 Utilities and Commerce

March 20, 2001

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 226

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

WRIGHT, Chairman

ASSEMBLY BILL NO. 226—An act to amend Section 25514 of the Public Resources Code, to add Section 633 to the Public Utilities Code, and to add Section 100.8 to the Revenue and Taxation Code, relating to public utilities.

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 Natural Resources

March 20, 2001

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 104

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

WAYNE, Chairman

ASSEMBLY BILL NO. 104—An act to amend Section 31164 of, and to add Sections 31165, 31166, and 31167 to, the Public Resources Code, and to add Section 9250.20 to the Vehicle Code, relating to the State Coastal Conservancy.

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 19, 2001

Mr. Speaker: Your Committee on Transportation reports:
Assembly Concurrent Resolution No. 28

With amendments with the recommendation: Amend, be adopted as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

DUTRA, Chairman

Above resolution ordered to second reading.

Date of Hearing: March 19, 2001

Mr. Speaker: Your Committee on Transportation reports:
Assembly Concurrent Resolution No. 4

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

DUTRA, Chairman

Above resolution re-referred to the Committee on Appropriations.

Committee on Utilities and Commerce

Date of Hearing: March 19, 2001

Mr. Speaker: Your Committee on Utilities and Commerce reports:
Assembly Bill No. 219

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Business and Professions

Date of Hearing: March 20, 2001

Mr. Speaker: Your Committee on Business and Professions reports:
Assembly Bill No. 113

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

CORREA, Chairman

Above bill re-referred to the Committee on Appropriations.

REQUEST FOR PHOTOGRAPHER

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

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

ASSEMBLY BILL NO. 146—An act to add Section 19990.6 to the Government Code, relating to state employment.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY CONCURRENT RESOLUTION NO. 18—Relative to El Salvador and India earthquake relief.

Resolution read; amendments proposed by the Committee on Governmental Organization read and adopted, resolution ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 44—An act to amend Sections 17207 and 24347.5 of the Revenue and Taxation Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

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

RECESS

By unanimous consent Speaker Hertzberg declared the Assembly recessed.

IN JOINT CONVENTION

At 4:49 p.m., the Senate and Assembly met in Joint Convention. Hon. Robert M. Hertzberg, Speaker of the Assembly, presiding.

ASSOCIATE JUSTICES INVITED TO THE ROSTRUM

Speaker Hertzberg invited the Associate Justices of the Supreme Court of California to be seated at the Dais.

APPOINTMENT OF JOINT COMMITTEE ON ESCORT

Speaker Hertzberg appointed Assembly Members Steinberg, Robert Pacheco, Washington, and La Suer and Senators McPherson, Vasconcellos, Escutia, and Johannessen as a Joint Committee on Escort to escort the Honorable Ronald M. George, Chief Justice of California to the Rostrum.

INTRODUCTION OF SPECIAL GUESTS

Speaker Hertzberg introduced the wife of the Chief Justice, Mrs. Barbara George, and family members of the Associate Justices, Mrs. Jane Baxter, Mrs. Carol Chin and Dr. David Werdeger; and Mr. William Vickrey, Administrative Director of the Courts.

PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE

Speaker Hertzberg then presented the Honorable John Burton, President pro Tempore of the Senate.

INTRODUCTION OF MEMBERS OF THE SUPREME COURT OF CALIFORNIA

President pro Tempore Burton introduced the Associate Justices of the Supreme Court Hon. Stanley J. Mosk, Hon. Marvin R. Baxter, Hon. Kathryn Werdeger, Hon. Ming W. Chin, and Hon. Janice R. Brown.

PRESENTATION OF HONORABLE RONALD M. GEORGE

President pro Tempore Burton then presented the Honorable Ronald M. George, Chief Justice of California, to the Joint Convention.

ADDRESS BY HONORABLE RONALD M. GEORGE

Chief Justice Ronald M. George then delivered the “State of the Judiciary” address to the Joint Convention.

ADJOURNMENT OF JOINT CONVENTION

At 5:28 p.m., there being no further business, Speaker Hertzberg declared the Joint Convention adjourned, *sine die*.

REASSEMBLED

At 5:28 p.m., the Assembly reconvened.

Hon. Robert M. Hertzberg, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Speaker Hertzberg was granted unanimous consent that the “State of the Judiciary” address by Chief Justice Ronald M. George be printed as a separate appendix to the Assembly Journal.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:29 p.m., Speaker Hertzberg declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 5:29 p.m., the Assembly adjourned until 3 p.m., Wednesday, March 21, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 20, 2001**

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

AB RN
29 0109147
44 0109076
104 0109038
146 0109115
196 0109132
226 0109300

ACR RN
18 0109231

Daily Total: 7
Cumulative Total: 65

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