

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 21, 2001

FORTY-SECOND SESSION DAY

ONE HUNDRED EIGHTH 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 21, 2001

The Assembly met at 3:20 p.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—75:

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

QUORUM PRESENT

At 4:13 p.m., Speaker Hertzberg declared a quorum of the Assembly present.

PRAYER

Upon invitation of Speaker Hertzberg, the following prayer was offered by Assembly Member Sarah Reyes, of the 31st Assembly District:

Let us pray . . . Almighty God, we ask You to bless this Chamber and all who come together today for this very special moment in time.

It is through Your guidance that we as two countries join for the betterment of our people.

We ask You, Almighty God, for Your blessing today for all our leaders. We ask that You give our Governor, Gray Davis the knowledge and compassion to serve the state of California and Your people.

We ask a special blessing for Mexican President Vicente Fox. Through Your wisdom and love we ask that You guide him as he leads a nation.

We thank You, Our God, for bringing us together. Let us always remember to listen with our hearts, have compassion in our minds, and never forget to serve Your people with the simple wisdom You have given to us.

Que Dios bendiga a todos aqui presentes . . . para compartir este momento.

Te lo pedimos, Señor, por tu bondad. Gracias a Dios por este dia.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Hertzberg, Assembly Member Oropeza 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 Cardoza, Longville, and Nation.

EXPLANATIONS OF ABSENCE

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

March 21, 2001

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

Dear Bob: Please excuse me from the March 21, 2001, Special Session. I was delayed in legislative meetings in my office.

Sincerely,

DENNIS CARDOZA, Assembly Member
Twenty-sixth District

March 21, 2001

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

Dear Mr. Speaker: Please excuse my absence from Special Session today due to legislative business.

Thank you for your consideration of this request. If you should have any further questions or require further information, please feel free to have staff contact Traci Holt at 319-2062.

Sincerely,

JOHN LONGVILLE, Assembly Member
Sixty-second District

March 21, 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 the today's Special Session for Mexican President, Vincente Fox Quesada.

I have a long-scheduled and much-important meeting with California Correctional and Police Officers Association, Chapter President, Tony Jones, in my district office this afternoon to discuss safety concerns at San Quentin Prison and to discuss my bill AB 1460, the moving of death row inmates from San Quentin. As you know, there is an execution scheduled for next week and security is a paramount concern. In addition, I am also participating in an energy forum open to the community this evening.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

COMMUNICATIONS

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

March 21, 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 Assemblymembers Fred Keeley and Sarah Reyes to replace Assemblymembers Ellen Corbett and Helen Thomson on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 20, 2001

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

RE: Appointment of Jackie Goldberg
to School Building Finance Committee

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Jackie Goldberg to the School Building Finance Committee. This is a pleasure appointment starting March 20, 2001.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 20, 2001

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

RE: Appointment of Phil Wyman
to Milton Marks "Little Hoover" Commission on
California State Government Organization and Economy

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Phil Wyman to the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy. This is a pleasure appointment starting March 20, 2001. Assemblymember Wyman will be replacing Assemblymember Bill Campbell.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 20, 2001

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

RE: Appointment of Hannah-Beth Jackson
to Wildlife Conservation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Hannah-Beth Jackson to the Wildlife Conservation Board. This is a pleasure appointment starting March 20, 2001.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Budget, on March 29, 2001, upon adjournment of session, in Room 4202;

Subcommittee on Veterans Affairs, on March 28, 2001, at 1 p.m., in Room 4202;

Education, on March 22, 2001, off the Floor during session, in the Tom Bane Rules Committee Room;

Select Committee on School Safety, on April 3, 2001, at 4 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 21, 2001

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

Assembly Bill No. 146

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, March 21, 2001

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

Assembly Bill No. 29

Assembly Bill No. 44

Assembly Bill No. 104

Assembly Bill No. 196

Assembly Bill No. 226

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 21, 2001

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

Assembly Concurrent Resolution No. 18

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 21, 2001

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

Assembly Bill No. 10

And reports the same correctly enrolled, and presented to the Governor on the 21st day of March, 2001, at 1:30 p.m.

E. DOTSON WILSON, Chief Clerk

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 37—Zettel. Relative to child abuse and neglect.

ASSEMBLY CONCURRENT RESOLUTION NO. 38—Reyes. Relative to Cesar E. Chavez.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly

Bill No.

Committee

185 ----- L. Gov. and B. & P.

290 ----- Rev. & Tax.

297 ----- Ed.

348	-----	Ed. and Higher Ed.
371	-----	B. & F. and B. & P.
419	-----	Trans. and B. & P.
458	-----	Higher Ed.
463	-----	Ed.
466	-----	Ed.
488	-----	B. & F. and B. & P.
500	-----	Ed.
521	-----	B. & F. and Higher Ed.
562	-----	L. Gov.
571	-----	Hum. S.
576	-----	Pub. S.
577	-----	Pub. S.
601	-----	B. & F.
620	-----	Ed. and J., E.D. & E.
628	-----	H. & C.D. and Aging & L.T.C.
647	-----	P.E.,R. & S.S.
649	-----	P.E.,R. & S.S.
697	-----	Hum. S.
698	-----	Hum. S.
700	-----	Jud.
780	-----	Agri. and E.S. & T.M.
786	-----	Agri. and Nat. Res.
788	-----	Pub. S.
820	-----	H. & C.D.
832	-----	Health
834	-----	Trans.
855	-----	Ed.
912	-----	Ed.
966	-----	Nat. Res.
971	-----	Health and Ed.
973	-----	Hum. S.
983	-----	J., E.D. & E.
999	-----	H. & C.D.
1006	-----	Jud.
1017	-----	Pub. S.
1022	-----	L. Gov.
1029	-----	Trans.
1096	-----	Ed.
1117	-----	Rev. & Tax.
1157	-----	Higher Ed. and J., E.D. & E.
1159	-----	J., E.D. & E.
1178	-----	Ins. and Health
1212	-----	Health
1236	-----	E.,R. & C.A.
1253	-----	Health
1296	-----	W.,P. & W.
1301	-----	E.S. & T.M.
1315	-----	U. & C.
1336	-----	B. & P.
1347	-----	Health and Aging & L.T.C.
1600	-----	Health and Jud.
1601	-----	Rev. & Tax.
1602	-----	Nat. Res.

1603	-----	Higher Ed.
1604	-----	L. Gov. and Trans.
1605	-----	Ed. and U. & C.
1607	-----	Jud.
1608	-----	Agri.
1610	-----	E.,R. & C.A.
1612	-----	Agri.
1614	-----	P.E.,R. & S.S.
1615	-----	Ed.
1616	-----	Health
1617	-----	Ed.
1618	-----	Agri.
1619	-----	W.,P. & W.
1620	-----	Pub. S.
1622	-----	Health
1623	-----	Ed.
1625	-----	Rev. & Tax.
1626	-----	Ed. and Pub. S.
1627	-----	Ed.
1628	-----	Agri.
1630	-----	P.E.,R. & S.S.
1632	-----	Ed.
1635	-----	L. & E.
1638	-----	J., E.D. & E.
1642	-----	Rev. & Tax.
1644	-----	B. & F.
1646	-----	E.S. & T.M.
1647	-----	Pub. S.
1648	-----	H. & C.D. and Jud.
1649	-----	L. & E.
1650	-----	U. & C.
1651	-----	E.,R. & C.A.
1652	-----	Pub. S.
1653	-----	H. & C.D.
1654	-----	Agri.
1655	-----	Health
1656	-----	B. & P.
1657	-----	Health
1659	-----	Ed.
1660	-----	Jud.
1661	-----	U. & C.
1662	-----	Ed.
1663	-----	Nat. Res.
1665	-----	P.E.,R. & S.S.
1666	-----	Hum. S.
1667	-----	E.,R. & C.A.
1668	-----	W.,P. & W.
1669	-----	W.,P. & W. and E.S. & T.M.
1670	-----	W.,P. & W.
1671	-----	W.,P. & W.
1672	-----	W.,P. & W.
1673	-----	W.,P. & W.
1674	-----	L. & E.
1675	-----	L. & E.

1676	-----	L. & E.
1677	-----	L. & E.
1678	-----	L. & E.
1679	-----	L. & E.
1680	-----	L. & E.
1681	-----	L. & E.
1682	-----	P.E.,R. & S.S.
1683	-----	P.E.,R. & S.S.
1684	-----	P.E.,R. & S.S.
1685	-----	G.O.
1686	-----	Agri.
1688	-----	E.,R. & C.A.
1692	-----	Hum. S.
1697	-----	Jud.
1698	-----	Jud.
1700	-----	Jud.
1702	-----	Jud.
1704	-----	Jud.
1705	-----	Trans.
1707	-----	Trans.
1708	-----	Trans.
1709	-----	Pub. S.
1710	-----	E.,R. & C.A.
1711	-----	E.,R. & C.A.
1712	-----	E.,R. & C.A.
1713	-----	E.,R. & C.A.
1714	-----	E.,R. & C.A.
1717	-----	Jud.
1718	-----	Higher Ed.
1720	-----	Higher Ed.
1721	-----	Higher Ed.
1722	-----	Higher Ed.

Assembly Constitutional

<i>Amendment No.</i>	<i>Committee</i>
3	----- E.,R. & C.A.
4	----- E.,R. & C.A.
5	----- Health and Jud.
6	----- E.,R. & C.A. and Jud.
7	----- U. & C.
8	----- W.,P. & W. and Nat. Res.
9	----- Trans.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
23	----- J., E.D. & E.
30	----- Health and U. & C.
34	----- Rls.
35	----- Rls.
36	----- Rls.

AUTHOR'S AMENDMENTS
Committee on Education

March 21, 2001

Mr. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 259

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

STROM-MARTIN, Chairwoman

ASSEMBLY BILL NO. 259—An act to amend Section 52616.16 of the Education Code, relating to adult 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.

AUTHOR'S AMENDMENTS
Committee on Health

March 21, 2001

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 187

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

THOMSON, Chairwoman

ASSEMBLY BILL NO. 187—An act to add Section 113995.5 to, and to add Article 14 (commencing with Section 11122) to Chapter 5 of Part 5 of Division 104 of, the Health and Safety Code, relating to food labeling and 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.

AUTHOR'S AMENDMENTS
Committee on Local Government

March 21, 2001

Mr. Speaker: The Chair of your Committee on Local Government reports:
Assembly Bill No. 151

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

WIGGINS, Chairwoman

ASSEMBLY BILL NO. 151—An act to add Section 18034 to the Education Code, relating to public libraries.

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 Health

Date of Hearing: March 20, 2001

Mr. Speaker: Your Committee on Health reports:
Assembly Bill No. 124
Assembly Bill No. 194

With the recommendation: Do pass.

THOMSON, Chairwoman

Above bills ordered to second reading.

Committee on Transportation

Date of Hearing: March 19, 2001

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 19

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

DUTRA, Chairman

Above bill ordered to second reading.

REQUEST FOR PHOTOGRAPHER

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

RECESS FOR A STATE ADDRESS

By

HONORABLE VICENTE FOX

PRESIDENT OF THE UNITED STATES OF MEXICO

By unanimous consent, Speaker Hertzberg declared the Assembly recessed.

IN JOINT CONVENTION

At 4:16 p.m., the Senate and Assembly met in Joint Convention.
Hon. Robert M. Hertzberg, Speaker of the Assembly, presiding.**APPOINTMENT OF JOINT COMMITTEE ON ESCORT**

Speaker Hertzberg appointed Assembly Members Alquist, Cox, Chavez, Robert Pacheco, Negrete McLeod, Bates, and Firebaugh and Senators Romero, Dunn, Escutia, Poochigian, Ortiz, and Polanco as a Joint Committee on Escort to escort the Honorable Vicente Fox Quesada, the President of the United States of Mexico and the Honorable Gray Davis, Governor of the State of California, to the Rostrum.

INTRODUCTION OF DISTINGUISHED GUESTS

Speaker Hertzberg introduced Ms. Ana Cristina Fox, daughter of President Vicente Fox; Dr. Jorge Castañeda, the Honorable Secretary of Foreign Affairs; General Jose Armando Tamayo, the Honorable Presidential Chief of Staff; Mrs. Marta Sahagun, the Honorable Press Secretary; Ambassador Juan Jose Bremer, Mexican Ambassador to the United States of America; Dr. Juan Hernandez, the Honorable Coordinator for Mexicans Living Abroad; Dr. Ernesto Ruffo, the Honorable Commissioner for Migratory Issues in the North of the Mexican Border; Ambassador Enrique Berruga, the Honorable Undersecretary of Foreign Affairs; Ambassador Enrique Michel, the Honorable Chief of Protocol; Mr. Jose Luis Soberanes, the Honorable Consul General of Mexico in Sacramento; and Mr. Victor Lichtinger, Secretary of State and Minister of the Environment and Natural Resources.

Speaker Hertzberg also welcomed all other members of the President's delegation seated in the rear of the Chamber.

INTRODUCTION OF FIRST LADY OF CALIFORNIA

Speaker Hertzberg introduced the First Lady of California, Mrs. Sharon Davis, to the Joint Convention.

INTRODUCTION OF SPECIAL GUEST

Speaker Hertzberg introduced his wife, Dr. Cynthia Telles-Hertzberg.

INTRODUCTION OF CONSTITUTIONAL OFFICERS

Speaker Hertzberg introduced Governor Gray Davis; Lt. Governor Cruz M. Bustamante; Hon. Bill Jones, Secretary of State; Hon. Kathleen Connell, Controller; Hon. Delaine Eastin, Superintendent of Public Instruction; and Hon. Claude Parrish, Member of the Board of Equalization.

INTRODUCTION OF CHIEF JUSTICE OF CALIFORNIA

Speaker Hertzberg introduced the Honorable Ronald M. George, Chief Justice of California.

PRESENTATION OF SENATE MAJORITY LEADER

Speaker Hertzberg presented the Honorable Richard G. Polanco, Majority Leader of the California State Senate.

PRESENTATION OF LIEUTENANT GOVERNOR

Majority Leader Polanco presented the Honorable Cruz M. Bustamante, Lieutenant Governor and President of the Senate.

PRESENTATION OF GOVERNOR

Lieutenant Governor Bustamante presented the Honorable Gray Davis, Governor of the State of California, to the Joint Convention.

PRESENTATION OF THE HONORABLE VICENTE FOX

Governor Gray Davis then presented the Honorable Vicente Fox, President of the United States of Mexico, to the Joint Convention, whereupon he delivered a State Address.

IN ASSEMBLY

At 5:03 p.m., the Assembly reconvened.

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

STATE ADDRESS PRINTED IN THE JOURNAL

Speaker Hertzberg was granted unanimous consent that the State Address by President Vicente Fox be printed as a separate Appendix to the Assembly Journal.

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. 146, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 28—Relative to the Peter Hillman Memorial Interchange.

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

MOTION TO ADJOURN

At 5:03 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Leonard seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:03 p.m., Speaker Hertzberg declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 5:03 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 8:30 a.m., Thursday, March 22, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 21, 2001**

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

AB RN

151 0109320

187 0109112

259 0108979

ACR RN

28 0109101

Daily Total: 4

Cumulative Total: 69

O