

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, March 23, 2001

**FORTY-FOURTH SESSION DAY
ONE HUNDRED TENTH 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
Friday, March 23, 2001

The Assembly met at 10 a.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.

Quorum Call of the Assembly

Assembly Member Alquist moved a quorum call of the Assembly.

Motion carried. Time, 10:01 a.m.

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

At 10:30 a.m., Speaker pro Tempore Keeley, 27th District, presiding

Quorum Present

At 10:30 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—75:

Aanestad	Daucher	Leonard	Runner
Alquist	Diaz	Leslie	Salinas
Aroner	Dickerson	Liu	Shelley
Ashburn	Dutra	Longville	Simitian
Bates	Firebaugh	Lowenthal	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	Nation	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Chan	Jackson	Oropeza	Wiggins
Chavez	Keeley	Pacheco, Robert	Wright
Cogdill	Kehoe	Pacheco, Rod	Wyland
Cohn	Kelley	Papan	Wyman
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker
Cox	Leach	Reyes	

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Father, Help us to welcome each day as if it were our first, so that we may have enthusiasm in our souls, excitement in our hearts, and warmth in our dispositions. Help us to welcome each day as if it were our last, so that we may have an urgency in our efforts, a deep concern for the world in our minds and the peace and love of God in our hearts.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Simitian 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 Bill Campbell.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

Because of illness: Assembly Member Maddox.

Because of illness in his family: Assembly Member Cedillo.

The following Assembly Member was excused for the day, and his per diem was waived: Richman.

COMMUNICATIONS**Proposed Initiatives**

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Compensation of State Officers.
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Rules.

**Beginning of Life. Definition.
Initiative Statute.**

Referred by the Speaker to the Committees on Health and Judiciary.

ENGROSSMENT AND ENROLLMENT REPORTS

	Assembly Chamber, March 23, 2001
Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:	
Assembly Bill No. 19	Assembly Bill No. 278
Assembly Bill No. 135	Assembly Bill No. 314
Assembly Bill No. 249	Assembly Bill No. 345

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 23, 2001

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

Assembly Concurrent Resolution No. 37

Assembly Concurrent Resolution No. 38

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Revenue and Taxation, on March 28, 2001.

AUTHOR'S AMENDMENTS

Committee on Housing and Community Development

March 23, 2001

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 210

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

LOWENTHAL, Chairman

ASSEMBLY BILL NO. 210—An act to amend Section 798.39 of the Civil Code, relating to mobilehomes.

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 Environmental Safety and Toxic Materials

March 23, 2001

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 358

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

JACKSON, Chairwoman

ASSEMBLY BILL NO. 358—An act to add Section 13263.4 to the Water Code, relating to water quality.

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 Elections, Reapportionment and Constitutional Amendments

March 23, 2001

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 397

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

LONGVILLE, Chairman

ASSEMBLY BILL NO. 397—An act to amend Section 14216 of, and to add Section 2107.5 to, the Elections Code, relating to elections.

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 23, 2001

Mr. Speaker: The Chair of your Committee on Local Government reports:

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

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

WIGGINS, Chairwoman

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.

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.

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.

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.

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.

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 23, 2001

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 372

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

CORREA, Chairman

ASSEMBLY BILL NO. 372—An act to amend Sections 9801, 9855, 9855.5, 9855.9, and 9873 of the Business and Professions Code, to amend Section 1791 of the Civil Code, and to amend Sections 12740 and 12741 of the Insurance Code, relating to service contracts, 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 Utilities and Commerce

March 23, 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 Sections 96.08, 97.08, and 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 Banking and Finance

March 23, 2001

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:
Assembly Bill No. 119

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

PAPAN, Chairman

ASSEMBLY BILL NO. 119—An act to add Section 25221 to the Corporations Code, relating to securities.

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 Employees, Retirement and Social Security

March 23, 2001

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

Assembly Bill No. 111

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

HAVICE, Chairwoman

ASSEMBLY BILL NO. 111—An act to add Sections 31693 and 31694.5 to the Government Code, relating to county employees.

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 23, 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 Transportation

Date of Hearing: March 19, 2001

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 107

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.

Committee on Local Government

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 88

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

WIGGINS, Chairwoman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: March 20, 2001

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 102

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.

WASHINGTON, Chairman

Above bill ordered to second reading.

Date of Hearing: March 20, 2001

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 126

Assembly Bill No. 153

Assembly Bill No. 141

Assembly Bill No. 155

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

WASHINGTON, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 20, 2001

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 239

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

WASHINGTON, Chairman

Above bill ordered to second reading.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 11:11 a.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room.

CAUCUS ANNOUNCEMENTS

At 11:55 a.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:55 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 3 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

JOINT RULE 62(a) WAIVED

Assembly Member Shelley was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 7, 294, 402, 1115, 1116, 1117, 1122, 1123, 1126, and 1127 for hearing in the Committee on Revenue and Taxation on Wednesday, March 28, 2001.

MOTION TO ADJOURN

At 3:02 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Migden seconded the motion.

REMARKS ON CONDITION OF THE FILE

Speaker Hertzberg arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Washington that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 3:05 p.m., Assistant Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

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

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

ASSEMBLY BILL NO. 236—An act to amend Section 75030 of the Food and Agricultural Code, relating to agriculture.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 68—An act to amend Sections 1569.725 and 100445 of, and to add Chapter 8.3 (commencing with Section 1743) to Division 2 of, the Health and Safety Code, and to amend Section 9016 of, and to add Section 14105.13 to, the Welfare and Institutions Code, relating to health care.

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

ASSEMBLY BILL NO. 142—An act to amend Section 1375.5 of, and to add Section 1375.7 to, the Health and Safety Code, relating to health care service plans.

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

ASSEMBLY BILL NO. 209—An act to amend Section 24011 of the Government Code, relating to county government.

Bill read second time, and ordered to Consent Calendar.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 23, 2001

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

Assembly Bill No. 209

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

Assembly Chamber, March 23, 2001

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

Assembly Bill No. 8

And reports the same correctly enrolled, and presented to the Governor on the 23rd day of March, 2001, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3:30 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 11 a.m., Monday, March 26, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 23, 2001

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

AB	RN
11	0109621
68	0109553
111	0109268
119	0109688
142	0109552
151	0109748
210	0109598
226	0109686
358	0108952
372	0108864
397	0109524

SB	RN
161	0108930
162	0108925
163	0108929

Daily Total:	14
Cumulative Total:	89

O