CALIFORNIA LEGISLATURE 2001–02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, May 16, 2001

SEVENTY-FIRST SESSION DAY ONE HUNDRED SIXTY-FOURTH 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, May 16, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th 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—76:

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

Quorum present.

At 1:37 p.m., Hon. Joe Canciamilla, 11th 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 Rod Pacheco and Washington.

Because of illness: Assembly Member Cardoza.

(NOTE: For letters explaining the absences of Assembly Members Rod Pacheco and Washington on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 15, 2001.)

COMMUNICATIONS

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

May 16, 2001

E. Dotson Wilson

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

Re: Assembly Appropriations Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Alan Lowenthal, Hannah-Beth Jackson and Virginia Strom-Martin to the Assembly Appropriations Committee, replacing Assemblymembers Elaine Alquist, Dion Aroner and Jackie Goldberg, for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

May 15, 2001

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

RE: Appointment of Carole Migden

to San Francisco Bay Conservation and

Development Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Carole Migden to the San Francisco Bay Conservation and Development Commission. This is a pleasure appointment starting May 15, 2001. Assemblymember Migden will be replacing Assemblymember Wilma Chan.

Very truly yours,

ROBERT M. HERTZBERG Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Higher Education, on May 22, 2001;

Joint Legislative Audit Committee, on May 22, 2001, at 9 a.m., in Room 444.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 16, 2001

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

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 16, 2001

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

Assembly Bill No. 51 Assembly Bill No. 399

Assembly Bill No. 1225

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REQUEST TO SUSPEND JOINT RULES

The following requests were received, and read:

Assembly Chamber, May 16, 2001

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(2) as it relates to Assembly Bill No. 1302.

VIRGINIA STROM-MARTIN

Assembly Chamber, May 16, 2001

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(2) as it relates to Assembly Bill No. 1287.

ELAINE ALQUIST

Above requests ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS Committee on Revenue and Taxation

May 16, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 149
Assembly Bill No. 224
Assembly Bill No. 224
Assembly Bill No. 1151
Assembly Bill No. 904
Assembly Bill No. 1223

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 149—An act to amend Section 17052.2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 224—An act to amend Sections 30123 and 30131.2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 904—An act to add Section 6358.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 998—An act to add and repeal Sections 17053.98 and 23612.4 of the Revenue and Taxation Code, relating to air pollution, to take effect immediately, tax levy.

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. 1151—An act to amend Section 23712 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 1223—An act to repeal Sections 13301, 13302, 13303, and 13304 of, and to repeal Chapter 2 (commencing with Section 13401) of, Chapter 3 (commencing with Section 13501) of, Chapter 4 (commencing with Section 13516) of, Chapter 5 (commencing with Section 13530) of, Chapter 6 (commencing with Section 13560) of, Chapter 7 (commencing with Section 13601) of, Chapter 8 (commencing with Section 14000) of, Chapter 9 (commencing with Section 14101) of, and Chapter 10 (commencing with Section 14301) of Part 8 of Division 2 of the Revenue and Taxation Code, relating to taxation, and calling a special election to be consolidated with the primary election of March 5, 2002, to take effect immediately, tax levy.

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 Appropriations

May 16, 2001

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

Assembly Bill No. 55

Assembly Bill No. 1229 Assembly Bill No. 112 Assembly Bill No. 1374

Assembly Bill No. 865

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 55—An act to amend Sections 2224, 19205, and 19340 of, to add Section 14228 to, to add Chapter 5 (commencing with Section 2300) to Division 2 of, to add Division 4.5 (commencing with Section 4500) to, to add Chapter 5 (commencing with Section 12500) to Division 12 of, and to add Chapter 5 (commencing with Section 14500) to Division 14 of, 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.

ASSEMBLY BILL NO. 112—An act to amend Sections 63010 and 63050 of the Government Code, relating to infrastructure finance.

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. 865—An act to add Section 1748.13 to the Civil Code, relating to consumer credit.

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. 1229—An act to add Section 330d to the Penal Code, relating to gambling.

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. 1374—An act to amend Section 22821.1 of the Government Code, relating to public employee health benefits.

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

May 16, 2001

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Constitutional Amendment No. 8

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

WAYNE, Chairman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XC thereto, relating to the environment.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS Committee on Revenue and Taxation

May 16, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Assembly Bill No. 1383

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 1383—An act to amend Section 17054 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 Insurance

Date of Hearing: May 16, 2001

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 1180

With the recommendation: Do pass.

CALDERON, Chairman

Above bill ordered to second reading.

Committee on Public Employees, Retirement and Social Security

Date of Hearing: May 16, 2001

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 399

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.

HAVICE, Chairwoman

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: May 8, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1421

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

STEINBERG, 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 bills were this day on the second reading file:

Assembly Bills Nos. 1455, 910, 810, 572, 1186, 1437, 4, 966, 1602, 1045, 330, 613, 1021, 1579, 1595, 1293, 602, 661, 1217, 623, 655, and 1717, ordered to third reading;

Assembly Bill No. 1178, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1517—An act to amend Sections 2620, 2901, 2952, and 2953 of, and to add Section 2920.5 to, the Probate Code, relating to public guardians.

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 BILL NO. 1534—An act to add Section 3110.5 to the Civil Code, relating to works of improvement.

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 BILL NO. 267—An act to repeal and add Section 1375 of, and to add Section 1375.05 to, the Civil Code, relating to construction defects.

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 BILL NO. 1506—An act to amend Section 1582 of the Code of Civil Procedure, relating to unclaimed property.

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

ASSEMBLY BILL NO. 36—An act to add Section 188 to the Code of Civil Procedure, relating to confidentiality.

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 BILL NO. 530—An act to amend Sections 13302 and 13303 of the Penal Code, relating to elder abuse.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

 $\textbf{ASSEMBLY BILL NO. 1023} \\ \textbf{—} An act to amend Section 12002 of the Penal Code, relating to peace officers.$

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

 $\textbf{ASSEMBLY BILL NO. 1312} \color{red} \textbf{An act relating to hate crimes, and making an appropriation therefor.} \\$

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

ASSEMBLY BILL NO. 160—An act to amend Sections 6380 and 6383 of the Family Code, and to amend Section 136.2 of the Penal Code, relating to victim and witness intimidation.

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

ASSEMBLY BILL NO. 653—An act to amend Section 48900 of the Education Code, and to amend Sections 241.2, 243.2, and 246.3 of, and to add Section 245.4 to, the Penal Code, and to add Section 729.6 to the Welfare and Institutions Code, relating to crime.

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

 $\textbf{ASSEMBLY BILL NO. 1090} \\ -- \text{An act to amend Sections 2941 and 2943 of the Civil Code, relating to real property.}$

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 BILL NO. 380—An act to amend Section 1108 of the Evidence Code, relating to evidence of prior sexual offenses.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be returned to the second reading file. **ASSEMBLY BILL NO. 1461**—An act to add and repeal Section 1157.8 of the Evidence Code, and to add and repeal Part 5.5 (commencing with Section 128850) of Division 107 of the Health and Safety Code, relating to health.

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. 139—An act to amend Sections 1240, 1241.5, and 42638 of the Education Code, relating to public school finance.

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

ASSEMBLY BILL NO. 494—An act to amend Section 1011.7 of the Military and Veterans Code, relating to veterans.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 1049—An act to amend Section 14087.9655 of, and to add Section 14087.9657 to, the Welfare and Institutions Code, relating to health.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 1402—An act to add and repeal Chapter 2.5 (commencing with Section 17250.10) of Part 10.5 of the Education Code, relating to public works.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 1316—An act to amend Section 19540, 19605.51, and 19701 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1537—An act to amend Sections 125.4, 135, 605, 634.5, 709, 710, 802, 803, 1086, 1128.1, 1253.3, and 1735.1 of, and to add Sections 710.6, 804, 1119, and 1141.1 to, the Unemployment Insurance Code, relating to unemployment insurance.

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

ASSEMBLY BILL NO. 1202—An act to amend Sections 798.24 and 798.51 of the Civil Code, relating to mobilehomes.

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

ASSEMBLY BILL NO. 404—An act to add Chapter 18.5 (commencing with Section 50898.10) to Part 2 of Division 31 of the Health Safety Code, relating to housing, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Housing and Community Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations. **ASSEMBLY BILL NO. 720**—An act to amend Sections 56123, 56331, 56333, 56661, 56751, and 56895 of, to amend and renumber Sections 56852.7 and 56888 of, and to repeal Section 57079.3 of, the Government Code, relating to local agency formation.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 858—An act to amend Sections 65351, 65352, 65919, 65919.1, 65919.2, 65919.3, 65919.4, 65919.6, and 65919.9 of, and to repeal Section 65919.11 of, the Government Code, relating to local planning.

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

ASSEMBLY BILL NO. 1142—An act to amend Section 6603 of the Welfare and Institutions Code, relating to sexually violent predators, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 1060—An act relating to veterans.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 1436—An act to add Sections 20176 and 20688.5 to the Public Contract Code, relating to military base reuse.

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

ASSEMBLY BILL NO. 934—An act to amend Section 5170 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 415—An act to amend Sections 53153 and 53158 of, and to add Section 53152.3 to, the Government Code, relating to emergency services.

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 BILL NO. 483—An act to amend Sections 17052.12 and 23609 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

ASSEMBLY BILL NO. 485—An act to amend Sections 17053.36, 17053.37, 23636, and 23637 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. **ASSEMBLY BILL NO. 660**—An act to amend Sections 17052.12 and 23609 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

ASSEMBLY BILL NO. 665—An act to add and repeal Section 17052.3 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

ASSEMBLY BILL NO. 1118—An act to add and repeal Sections 17059 and 23643 of the Revenue and Taxation Code, and to amend Section 3 of Chapter 899 of the Statutes of 1995, relating to seismic activity, and making an appropriation therefor.

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.

ASSEMBLY BILL NO. 1353—An act to add Section 17053.15 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 16, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 934

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, May 17, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MAY 16, 2001

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

AB	RN	AB	RN
36	0113838	1049	0113559
55	0113938	1060	0113624
112	0113935	1090	0113848
139	0113692	1118	0113815
149	0113577	1142	0113898
160	0113528	1151	0113664
224	0113673	1202	0113685
267	0113897	1223	0113665
380	0113540	1229	0113953
404	0113667	1312	0113506
415	0113831	1353	0113868
483	0113789	1374	0113875
485	0113628	1383	0113994
494	0113612	1402	0113600
530	0113483	1436	0113722
653	0113529	1461	0113562
660	0113788	1506	0113824
665	0113571	1517	0113828
720	0113896	1534	0113827
858	0113701	1537	0113905
865	0114020		
904	0113731	ACA	RN
998	0113543	8	0114043
1023	0113492		

Daily Total: 45 Cumulative Total: 1666