

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, May 23, 2001

SEVENTY-FIFTH SESSION DAY

ONE 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
Wednesday, May 23, 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—77:

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

Quorum present.

At 1:33 p.m., Hon. Phil Wyman, 34th 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 John Campbell and Washington.

Because of illness: Assembly Member Bates.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

May 21, 2001

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

Dear Mr. Speaker: I am requesting to be excused from check-in session on Wednesday, May 23rd, due to legislative business in my district.

Thank you for your immediate attention to this request. If you have any questions please contact Matt Back at 319-2070.

Sincerely,

JOHN CAMPBELL, Assembly Member
Seventieth District

(NOTE: For letter explaining the absence of Assembly Member Washington on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 22, 2001.)

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

May 23, 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 Assemblymember Lynn Daucher to replace Assemblymember Patricia Bates as vice chair and Assemblymember Dick Dickerson to replace Assemblymember Lynn Daucher on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

**COMMUNICATIONS
Proposed Initiatives**

The following communication was 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 initiative, pursuant to Section 9007, Elections Code:

**Welfare Benefits for Children. Eligibility.
Work, Residency Conditions. Service for Childless Adults.
Initiative Statute.**

Referred by the Speaker to the Committee on Human Services.

SPECIAL COMMITTEE MEETINGS

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

Banking and Finance, on May 30, 2001, at 2 p.m., in Room 444.

REPORTS

The following reports were presented by the Chief Clerk:

**Status of the California Faith-Based Initiative
(Pursuant to Chapter 108 of the Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Barry Brewer, Deputy Director, Department of Employment Development, dated May 16, 2001, referred by the Speaker to the Committee on Budget.

**Disabled Veteran Business Enterprise Participation in Contracts
Awarded by the California State Teachers' Retirement System
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, dated May 11, 2001, referred by the Speaker to the Committee on Governmental Organization.

**A Comparison of Compensation
Provided to Supervisory v. Rank and File Employees
for Peace Officer/Fire Fighter Classifications in
the Youth and Adult Correctional Agency
(Pursuant to Government Code Sections 19849.22 and 20687.2)**

Above transmitted report, together with letter of transmittal from Marty Morgenstern, Director, Department of Personnel Administration, dated May 14, 2001, referred by the Speaker to the Committee on Budget.

**Supplemental Seriously Emotionally Disturbed Treatment Services
for Children in the Healthy Families Program
(Pursuant to Chapter 52 of the Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Director, Department of Mental Health, dated May 16, 2001, referred by the Speaker to the Committee on Health.

**Firearms Used in the Commission of Crimes 2000
(Pursuant to Penal Code Section 12039)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Department of Justice, dated May 14, 2001, referred by the Speaker to the Committee on Public Safety.

RESOLUTION

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 76—Corbett. Relative to California Safety Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 77—Cohn. Relative to assisted living for the elderly and disabled.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 23, 2001

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

- Assembly Bill No. 109
- Assembly Bill No. 882
- Assembly Bill No. 1428

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to second reading file.

Assembly Chamber, May 23, 2001

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

- Assembly Concurrent Resolution No. 68

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 23, 2001

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 162 | Assembly Bill No. 1474 |
| Assembly Bill No. 224 | Assembly Bill No. 1513 |
| Assembly Bill No. 978 | Assembly Bill No. 1542 |
| Assembly Bill No. 1171 | Assembly Bill No. 1611 |

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 23, 2001

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(3) and (a)(4) as it relates to Assembly Bills Nos. 21 and 203.

LOUIS J. PAPAN

Assembly Chamber, May 23, 2001

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(4) as it relates to Senate Bill No. 34.

JOHN LONGVILLE

Above requests ordered transmitted to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Higher Education

Date of Hearing: May 22, 2001

Mr. Speaker: Your Committee on Higher Education reports:

- Assembly Bill No. 1287

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

ALQUIST, Chairwoman

Above bill ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: May 21, 2001

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Joint Resolution No. 7

With the recommendation: Be adopted.

WRIGHT, Chairman

Above resolution ordered to third reading.

Committee on Water, Parks and Wildlife

Date of Hearing: May 22, 2001

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 58

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

FLOREZ, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: May 21, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 680

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

CORBETT, Chairwoman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: May 16, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1219

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

MIGDEN, Chairwoman

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. 109, 882, and 1428, ordered to third reading.**SECOND READING OF ASSEMBLY BILLS****ASSEMBLY BILL NO. 955**—An act to amend Sections 9561, 9563, 9564, 9565, 9566, 9567, 9569, 9570, 9571, 9573, 9574, 9592, 9593, 9694, 9695, 9696, 9697, and 10610 of, and to repeal Sections 9568 and 9572 of, the Food and Agricultural Code, relating to agricultural disaster prevention.

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. 1200—An act to add Section 706 to the Public Utilities Code, relating to public utilities.

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. 425—An act relating to general government, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 426—An act relating to the administration of state government, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 427—An act relating to health, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 428—An act relating to local government, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 429—An act relating to health and welfare, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 430—An act relating to health, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 433—An act relating to education, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 434—An act relating to education, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 435—An act relating to resources and environmental protection, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 436—An act relating to education and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 437—An act relating to education, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 438—An act relating to transportation, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 440—An act relating to education and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 441—An act relating to the realignment of funding of state and local health programs, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 442—An act relating to education and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 443—An act relating to water, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 444—An act relating to general government, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 445—An act relating to resources and environmental protection, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 431—An act relating to the payment of claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 439—An act relating to taxation.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 95—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 23, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 439

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 9 a.m., Thursday, May 24, 2001.

ROBERT M. HERTZBERG, Speaker

S. RICHARD TIMMINS, Acting Minute Clerk

