

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, June 12, 2001**

**EIGHTY-SIXTH SESSION DAY**

**ONE HUNDRED NINETY-FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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, June 12, 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—75:

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

Quorum present.

**At 11:53 a.m., Hon. Bill Leonard, 63rd 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 Ashburn, Calderon, Bill Campbell, and Washington.*

*Because of illness in his family: Assembly Member Cedillo.*

**EXPLANATIONS OF ABSENCE**

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

June 7, 2001

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

Dear Mr. Speaker: I respectfully request that I be excused from check-in on Tuesday and Wednesday, June 12 and June 13, 2001. I will be away from Sacramento and in my district on legislative business.

Thank you for your immediate attention to this matter. If you have any questions, please feel free to contact me at 319-2032.

Best regards,

ROY ASHBURN, Assembly Member  
Thirty-second District

June 8, 2001

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

Dear Mr. Speaker: I am writing to request to be excused from check in session on Tuesday, June 12, 2001 to attend legislative business in my district. I will return on Wednesday, June 13, 2001.

Sincerely,

THOMAS M. CALDERON, Assembly Member  
Fifty-eighth District

June 12, 2001

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

Dear Mr. Speaker: I respectfully ask to be excused from Check in Session on Tuesday, June 12th to attend to Legislative business in my district. I will be back in the Capitol on Wednesday June 13th.

If you have any questions regarding this matter, please feel free to call my office at 319-2071.

Thank you for your consideration in this matter.

Sincerely,

BILL CAMPBELL, Assembly Member  
Seventy-first District

June 11th, 2001

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

Dear Speaker Hertzberg: I would like to request to be excused from Assembly Check-in Session Tuesday June 12th, 2001 and Wednesday June 13th, 2001. I will be in my district on legislative business.

Your consideration of this request is appreciated.

Sincerely,

CARL WASHINGTON, Assembly Member  
Fifty-second District

#### COMMUNICATIONS

The following letter of transmittal was presented by the Chief Clerk, and ordered printed in the Journal:

California State Auditor

2001-008  
June 7, 2001

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by the California Government Code, Section 13299.1, the Bureau of State Audits presents its audit report concerning the State Treasurer's Office statement of securities accountability as of December 31, 2000. This report concludes that the statement presents fairly the securities accountability of the State Treasurer's Office as of December 31, 2000.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Banking and Finance.

#### REPORTS

The following reports were presented by the Chief Clerk:

**International Trade and Investment Division  
the Year in Review 1999-2000  
(Pursuant to Government Code Section 15363.6)**

Above transmitted report, together with letter of transmittal from Lon S. Hatamiya, Secretary, California Technology, Trade and Commerce Agency, dated June 6, 2001, referred by the Speaker to the Committee on Jobs, Economic Development and the Economy.

**Annual Report for the Agricultural Labor Relations Board  
(Pursuant to Agricultural Labor Relations Act of 1975  
Section 1143)**

Above transmitted report, together with letter of transmittal from J. Antonio Barbosa, Executive Secretary, Agricultural Labor Relations Board, dated June 7, 2001, referred by the Speaker to the Committee on Agriculture.

**Audits of Workers' Compensation Insurers  
Self-Insured Employers and Third-Party Administrators  
(Pursuant to Labor Code Section 129(e))**

Above transmitted report, together with letter of transmittal from Stephen J. Smith, Director, Department of Industrial Relations, dated June 7, 2001, referred by the Speaker to the Committee on Insurance.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 12, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 10  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, June 12, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 76  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, June 12, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 115  
And reports the same correctly enrolled, and presented to the Governor on the 12th day of June, 2001, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS**

**Committee on Business and Professions**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Senate Bill No. 1033  
With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORREA, Chairman

**SENATE BILL NO. 1033**—An act to amend Sections 14837 and 14838 of the Government Code, to amend Section 999.1 of the Military and Veterans Code, and to amend Section 10115 of the Public Contract Code, relating to public contracts.

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 Transportation**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Senate Bill No. 42  
Senate Bill No. 759  
With author's amendments with the recommendation: Amend, and re-refer to the committee.

DUTRA, Chairman

**SENATE BILL NO. 42**—An act to amend Sections 27363 and 27365 of, and to repeal and add Section 27360.5 of, the Vehicle Code, relating to vehicles, 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. 759**—An act to amend Section 14556.26 of the Government Code, and to amend Sections 182.6, 182.7, and 182.8 of the Streets and Highways Code, relating to transportation.

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**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
Senate Bill No. 909

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

WAYNE, Chairman

**SENATE BILL NO. 909**—An act to amend Section 4582.7 of the Public Resources Code, relating to timber harvesting plans.

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**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Local Government reports:  
Senate Bill No. 784

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

WIGGINS, Chairwoman

**SENATE BILL NO. 784**—An act to amend Section 50544 of the Health and Safety Code, relating to balancing jobs and housing.

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**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:  
Senate Bill No. 125  
Senate Bill No. 364

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

PAPAN, Chairman

**SENATE BILL NO. 125**—An act to add Section 1748.13 to the Civil Code, to add Section 4002 to, and to add Article 6 (commencing with Section 22470) to Chapter 2 of Division 9 of the Financial Code, and to add Section 530.8 to the Penal Code, relating to identity theft.

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. 364**—An act to amend Section 2948.5 of the Civil Code, relating to mortgages and deeds of trust.

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 Education**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Education reports:  
Senate Bill No. 514

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

STROM-MARTIN, Chairwoman

**SENATE BILL NO. 514**—An act to amend Sections 35710, 35710.5, 35710.51, 35732, and 35756 of the Education Code, relating to school districts.

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 Budget**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Budget reports:  
Senate Bill No. 347

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

CARDENAS, Chairman

**SENATE BILL NO. 347**—An act to make an appropriation in augmentation of Items 9840-001-0001, 9840-001-0494, 9840-001-0988, and 9840-011-0001 of Section 2.00 of the Budget Act of 2000, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

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**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Health reports:  
Senate Bill No. 30

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

THOMSON, Chairwoman

**SENATE BILL NO. 30**—An act relating to mental health.

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 Water, Parks and Wildlife**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Assembly Joint Resolution No. 14

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

FLOREZ, Chairman

**ASSEMBLY JOINT RESOLUTION NO. 14**—Relative to the Klamath Project.

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

**REPORTS OF STANDING COMMITTEES****Committee on Transportation**

Date of Hearing: June 11, 2001

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1002

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

DUTRA, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 11, 2001

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 106

Senate Bill No. 313

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

DUTRA, Chairman

Above bills re-referred to the Committee on Appropriations.

**Committee on Business and Professions**

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 329

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.

CORREA, Chairman

Above bill ordered to second reading.

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 543

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

CORREA, Chairman

Above bill re-referred to the Committee on Appropriations.



**Committee on Transportation**

Date of Hearing: June 11, 2001

Mr. Speaker: Your Committee on Transportation reports:

Senate Concurrent Resolution No. 12

Senate Concurrent Resolution No. 14

Senate Concurrent Resolution No. 18

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

DUTRA, Chairman

Above resolutions re-referred to the Committee on Appropriations.

**Committee on Utilities and Commerce**

Date of Hearing: June 11, 2001

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

Senate Bill No. 896

With the recommendation: Do pass, and be re-referred to the Committee on Revenue and Taxation with recommendation: To Consent Calendar.

WRIGHT, Chairman

Above bill re-referred to the Committee on Revenue and Taxation.

**Committee on Judiciary**

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 479

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

STEINBERG, Chairman

Above bill ordered to second reading.

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Senate Joint Resolution No. 1

With the recommendation: Be adopted.

STEINBERG, Chairman

Above resolution ordered to second reading.

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 99

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

STEINBERG, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1041

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

STEINBERG, Chairman

Above bill re-referred to the Committee on Health.

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 562

Senate Bill No. 669

Senate Bill No. 662

Senate Bill No. 716

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 bills be placed on the Consent Calendar.

STEINBERG, Chairman

Above bills ordered to second reading.

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 238

Senate Bill No. 352

Senate Bill No. 448

With the recommendation: Do pass.

STEINBERG, Chairman

Above bills ordered to second reading.

#### **Committee on Health**

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 288

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

THOMSON, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 26

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

THOMSON, Chairwoman

Above bill re-referred to the Committee on Appropriations.

#### **ADJOURNMENT**

At 4:45 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 13, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 12, 2001**

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

**AJR RN**  
14 0115532

**SB RN**  
30 0115449  
42 0115506  
125 0115325  
347 0115387  
364 0115140  
514 0115469  
759 0115518  
784 0115456  
909 0115302  
1033 0115500

**Daily Total: 11**  
**Cumulative Total: 2094**

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