

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 21, 2001

**ONE HUNDRED FOURTEENTH SESSION DAY
TWO HUNDRED SIXTY-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
Tuesday, August 21, 2001

The Assembly met at 7 a.m.

Hon. Howard Wayne, Assembly Member, 78th 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—79:

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leonard	Richman
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
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	

Quorum present.

At 1:47 p.m., Hon. Dean Florez, 30th 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 Member was granted leave of absence for the day:

Because of illness: Assembly Member Runner.

COMMUNICATIONS

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

August 21, 2001

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

Re: Assembly Human Services Committee

Dear Dotson: This is to advise you that I have removed Assemblymember Judy Chu from the Assembly Human Services Committee for the 2001–02 Regular Session, creating a vacancy on the committee.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

August 21, 2001

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

Re: Assembly Transportation Committee

Dear Dotson: Please be advised that I have appointed Assemblymember Judy Chu to replace Assemblymember Dean Florez on the Assembly Transportation Committee for the 2001–02 Regular Session.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

REPORTS

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

California State Auditor

2001-118
August 20, 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 requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning our review of the California Energy Commission's (energy commission) process for siting new and repowered energy generation facilities.

This report concludes that the energy commission missed the 12-month standard for approving Applications for Certification (applications) by more than 30 days for 10 of the 23 applications it has approved since 1990. However, while the energy commission is responsible for coordinating the efforts of all parties involved in the application process, the delays were generally due to factors outside its control. For example, applicants and local, state, and federal agencies were major contributors to the delays we identified.

Additionally, while the energy commission did not always approve applications promptly, its process appears reasonable and is comparable to four of five states we surveyed. However, on average, the energy commission takes longer to approve applications than three of the states with comparable processes. This is due, in part, to the inclusion of three projects that required more than two years to approve.

Finally, the energy commission has implemented three expedited siting processes with the intent to accelerate the construction of power plants in the short term. In fact, the energy commission has approved 10 projects with a total generating capacity of 850 megawatts under its new 21-day process. We were unable to evaluate the other two expedited processes because only one application has been approved under either of these processes.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Utilities and Commerce.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 21, 2001

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

Assembly Bill No. 359

Assembly Bill No. 881

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, August 21, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Joint Resolution No. 7
Assembly Joint Resolution No. 21

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

JOINT RULE 62(a) WAIVED

Unanimous consent was granted that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 961 for hearing in the Committee on Health today.

SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit, on August 28, 2001, at 9 a.m., in Room 437 and on September 11, 2001, at 8 a.m., in Room 444;

Water, Parks and Wildlife on August 23, 2001, on adjournment of session.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 102—Florez. Relative to the Kirk J. Schafer Memorial Highway.

ASSEMBLY JOINT RESOLUTION NO. 25—Firebaugh and Frommer. Relative to forest resources.

ASSEMBLY JOINT RESOLUTION NO. 26—Havice. Relative to military reserve personnel.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
97 -----	Rls.
99 -----	Rls.
100 -----	Rls.

Senate

<i>Bill No.</i>	<i>Committee</i>
196 -----	W.,P. & W.
196 -----	Nat. Res.

Senate Concurrent

<i>Resolution No.</i>	<i>Committee</i>
34 -----	Rls.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

August 21, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 1061

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

MIGDEN, Chairwoman

SENATE BILL NO. 1061—An act to add Section 3572.4 to the Government Code, relating to higher education labor relations.

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

August 21, 2001

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Senate Bill No. 196

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

FLOREZ, Chairman

SENATE BILL NO. 196—An act relating to park, coastal, and historic resources.

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

August 21, 2001

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

Senate Bill No. 682

Senate Bill No. 1018

Senate Bill No. 864

Senate Bill No. 780

Senate Bill No. 951

Senate Bill No. 511

Senate Bill No. 986

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

MIGDEN, Chairwoman

SENATE BILL NO. 682—An act to amend Section 11106 of the Penal Code, relating to firearms.

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. 864—An act to amend Section 52522 of, and to add Chapter 3.2 (commencing with Section 8540), Chapter 3.3 (commencing with Section 8550), and Chapter 3.4 (commencing with Section 8554), to Part 6 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.

SENATE BILL NO. 951—An act to amend Section 11011.21 of the Government Code, to amend Section 4 of Chapter 870 of, and to repeal Section 6 of Chapter 870 of, the Statutes of 1999, to amend Section 12 of Chapter 784 of the Statutes of 1997, and to repeal Section 2 of Chapter 417 of the Statutes of 1996, relating to state property.

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. 986—An act to amend the heading of Chapter 2 (commencing with Section 7300) of Part 2 of Division 5 of, to amend Sections 7301, 7301.5, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7318, 7320, 7321, 7321.5, and 7322 of, to add Sections 7300.1, 7300.2, 7300.3, 7300.4, 7301.1, 7302.1, 7302.2, 7309.1, 7311.1, 7311.2, 7311.3, 7311.4, 7323, 7324, 7324.1, and 7324.2 to, to repeal Section 7317 of, and to repeal and add Sections 7300 and 7302 of, the Labor Code, relating to equipment 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.

SENATE BILL NO. 1018—An act to amend Section 31470.2 of, and to add Sections 20423.5, 22013.99, 31469.2, 45311, and 53217.6 to, the Government Code, relating to public employees' retirement, 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.

SENATE BILL NO. 780—An act to add Title 11.7 (commencing with Section 423) to Part 1 of, and to add and repeal Title 5.7 (commencing with Section 13775) of Part 4 of, the Penal Code, relating to the protection of constitutional rights.

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. 511—An act to add Chapter 4.3 (commencing with Section 56400) to Part 30 of the Education Code, relating to children with disabilities.

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**

August 21, 2001

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

Assembly Concurrent Resolution No. 95

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

DUTRA, Chairman

ASSEMBLY CONCURRENT RESOLUTION NO. 95—Relative to the Randy Bolt Memorial Highway.

Resolution read; 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 Insurance**

August 21, 2001

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

Senate Bill No. 71

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

CALDERON, Chairman

SENATE BILL NO. 71—An act to amend Sections 4453, 4658, 4659, and 4702 of the Labor Code, relating to workers' compensation.

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 Higher Education**

Date of Hearing: August 21, 2001

Mr. Speaker: Your Committee on Higher Education reports:

Senate Bill No. 844

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

ALQUIST, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Committee on Business and Professions

Date of Hearing: August 21, 2001

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

Senate Bill No. 717

Senate Bill No. 771

Senate Bill No. 901

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

CORREA, Chairman

Above bills re-referred to the Committee on Appropriations.

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

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 2.5 to Article II thereof, relating to suffrage.

Bill read second time, and ordered to third reading.

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file.

Senate Bill No. 791, ordered to third reading;**Senate Bill No. 1178**, ordered to the Consent Calendar.**SECOND READING OF SENATE BILLS**

SENATE BILL NO. 1051—An act to amend Section 51228 of, and to add Section 51226.1 to, the Education Code, relating to career technical education.

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.

SENATE BILL NO. 961—An act to amend Section 11167.5 of, and to add Section 13732 to, the Penal Code, relating to domestic violence.

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 Health.

SENATE BILL NO. 246—An act to amend Section 42238 of, and to add Section 35735.3 to, the Education Code, relating to 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.

SENATE BILL NO. 985—An act to amend Sections 1954.52, 1962, 1962.5, and 1962.7 of, and to add and repeal Section 1946.1 of, the Civil Code, and to amend Section 1161 of the Code of Civil Procedure, relating to real property.

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.

SENATE BILL NO. 670—An act relating to highways.

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.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

Senate Bills Nos. 974 and 313, on request of Assembly Member Shelley;

Senate Bill No. 462, on request of Assembly Member Longville;

Senate Bill No. 208, on request of Assembly Member Chan.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 22, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 21, 2001

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

ACR RN

95 0119399

SB RN

71 0119874
196 0118549
246 0118307
511 0119700
670 0118802
682 0119510
780 0119677
864 0119609
951 0119657
961 0118822
985 0118952
986 0119210
1018 0118953
1051 0118305
1061 0119330

Daily Total: 16

Cumulative Total: 2766

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