

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 28, 2001

**ONE HUNDRED EIGHTEENTH SESSION DAY
TWO HUNDRED SIXTY-EIGHTH 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

(Corrected: 8-29-01)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, August 28, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—78:

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

Quorum present.

At 12:29 p.m., Hon. Rod Pacheco, 64th 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:

On legislative business: Assembly Member La Suer.

Because of illness: Assembly Member Shelley.

EXPLANATIONS OF ABSENCE

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

August 2, 2001

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

Dear Mr. Speaker: This letter is to request that I be excused from check-in session for Tuesday, August 28 and Wednesday, August 29, 2001 on legislative business.

I will be presenting a resolution at a Senior Olympics luncheon on Tuesday and attending a critical meeting that evening in my district. I have also been asked to be the keynote speaker at a luncheon on Wednesday. I will return to Sacramento Wednesday on a late afternoon/early evening flight.

Thank you in advance for your consideration.

Sincerely,

JAY LA SUER, Assembly Member
Seventy-seventh District

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 28, 2001

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(11) as it relates to the Joint Legislative Audit Committee.

FRED KEELEY

Above request ordered transmitted to the Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 108—Pavley (Principal coauthor: Chavez). Relative to Veterans Day, 2001.

ASSEMBLY CONCURRENT RESOLUTION NO. 109—Pavley. Relative to Coastal Cleanup Day.

ASSEMBLY JOINT RESOLUTION NO. 27—Oropeza. Relative to social health maintenance organizations.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 28, 2001

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

Assembly Concurrent Resolution No. 97

Assembly Concurrent Resolution No. 99

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

AUTHOR'S AMENDMENTS
Committee on Transportation

August 28, 2001

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

Senate Bill No. 787

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

DUTRA, Chairman

SENATE BILL NO. 787—An act to add and repeal Section 14057 of the Government Code, relating to transportation, 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.

AUTHOR'S AMENDMENTS
Committee on Rules

August 28, 2001

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

Senate Concurrent Resolution No. 34

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

CARDOZA, Chairman

SENATE CONCURRENT RESOLUTION NO. 34—Relative to Muslim holidays.

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 Revenue and Taxation

Date of Hearing: August 27, 2001

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

Senate Bill No. 73

Senate Bill No. 685

Senate Bill No. 198

Senate Bill No. 1114

Senate Bill No. 306

Senate Bill No. 1185

Senate Bill No. 409

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

CORBETT, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing: August 21, 2001

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 397

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

THOMSON, Chairwoman

Above bill ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: August 28, 2001

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 12

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

LONGVILLE, Chairman

Above resolution re-referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

August 27, 2001

*Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: The Senate this day by a two-thirds vote suspended Joint Rule 29.5(a) on Senate Bill 844, Assembly Bills 12, 14, 16, 1072, 1430, and 1580.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

August 27, 2001

*Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: The Senate this day by a two-thirds vote suspended Joint Rule 28.1 on Assembly Bill 16.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

Senate Chamber, August 27, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 162
Senate Bill No. 163
Senate Bill No. 281

Senate Bill No. 282
Senate Bill No. 298
Senate Bill No. 738

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, August 27, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 92	Assembly Bill No. 809
Assembly Bill No. 110	Assembly Bill No. 842
Assembly Bill No. 148	Assembly Bill No. 871
Assembly Bill No. 160	Assembly Bill No. 891
Assembly Bill No. 185	Assembly Bill No. 931
Assembly Bill No. 280	Assembly Bill No. 967
Assembly Bill No. 341	Assembly Bill No. 1023
Assembly Bill No. 378	Assembly Bill No. 1142
Assembly Bill No. 446	Assembly Bill No. 1149
Assembly Bill No. 453	Assembly Bill No. 1187
Assembly Bill No. 538	Assembly Bill No. 1261
Assembly Bill No. 584	Assembly Bill No. 1263
Assembly Bill No. 586	Assembly Bill No. 1347
Assembly Bill No. 677	Assembly Bill No. 1402
Assembly Bill No. 734	Assembly Bill No. 1412
Assembly Bill No. 743	Assembly Bill No. 1452
Assembly Bill No. 761	Assembly Bill No. 1511
Assembly Bill No. 783	Assembly Bill No. 1643

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, August 27, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 2	Assembly Bill No. 701
Assembly Bill No. 20	Assembly Bill No. 800
Assembly Bill No. 153	Assembly Bill No. 1025
Assembly Bill No. 161	Assembly Bill No. 1031
Assembly Bill No. 206	Assembly Bill No. 1088
Assembly Bill No. 254	Assembly Bill No. 1262
Assembly Bill No. 272	Assembly Bill No. 1318
Assembly Bill No. 316	Assembly Bill No. 1325
Assembly Bill No. 319	Assembly Bill No. 1334
Assembly Bill No. 459	Assembly Bill No. 1367
Assembly Bill No. 469	Assembly Bill No. 1550
Assembly Bill No. 484	Assembly Bill No. 1724
Assembly Bill No. 521	

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, August 27, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 276	Assembly Bill No. 1560
Assembly Bill No. 416	Assembly Bill No. 1692
Assembly Bill No. 559	

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, August 27, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 120
Assembly Bill No. 795
Assembly Bill No. 854
Assembly Bill No. 898

Assembly Bill No. 1376
Assembly Bill No. 1545
Assembly Bill No. 1549

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, August 27, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 29
Assembly Concurrent Resolution No. 59
Assembly Joint Resolution No. 9

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above resolutions ordered enrolled.

Senate Chamber, August 27, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 1229

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, August 27, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 15

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 1229—An act to add Section 17072.31 to the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 15—Relative to Public Employees' Retirement.

BILLS PLACED ON SPECIAL CONSENT CALENDAR

The following bills were placed upon the Special Consent Calendar: Assembly Bills Nos. 92, 148, 160, 185, 280, 341, 446, 453, 538, 584, 586, 677, 734, 743, 761, 783, 809, 842, 871, 891, 931, 967, 1023, 1142, 1149, 1187, 1263, 1347, 1402, 1412, 1452, 1511, 1643, and 206.

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

ASSEMBLY JOINT RESOLUTION NO. 21—Relative to International Literacy Day.

Resolution read; amendments proposed by the Committee on Rules read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

ASSEMBLY BILL NO. 359—An act to add Section 115928 to, and to add and repeal Section 115928.1 of, the Health and Safety Code, relating to water safety, and declaring the urgency thereof, to take effect immediately.

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 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 Bills Nos. 380, 581, 610, 647, 722, 769, and 964 ordered to third reading;

Senate Bills Nos. 178, 325, 501, and 649, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1111—An act to add Chapter 10 (commencing with Section 11850) to Part 1 of Division 3 of Title 2 of the Government Code, relating to international trade.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 225—An act to amend Sections 33353, 33354, and 35179 of the Education Code, relating to educational programs and activities.

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.

SENATE BILL NO. 470—An act to amend Sections 25112.5, 25116.5, 25143.12, 25150.6, 25159, 25159.5, 25159.6, 25159.7, 25159.8, 25159.9, 25163.3, and 25201.6 of, to add Sections 25200.4 and 25250.28 to, and to repeal Section 25169.1 of, the Health and Safety Code, relating to hazardous waste.

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.

SENATE BILL NO. 590—An act to amend Sections 19596.2 and 19605.61 of, and to add Section 19596.4 to, the Business and Professions Code, relating to horse racing.

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.

SENATE BILL NO. 639—An act to add and repeal Chapter 7 (commencing with Section 4099) to Part 1 of Division 4 of the Welfare and Institutions Code, relating to mental health, and making an appropriation therefor.

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.

SENATE BILL NO. 664—An act to add and repeal Section 66903.5 of the Education Code, relating to community colleges, and making an appropriation therefor.

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.

SENATE BILL NO. 819—An act to add Section 1596.8866 to the Health and Safety Code, relating to child care.

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.

SENATE BILL NO. 1044—An act relating to labor.

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.

SENATE BILL NO. 1194—An act to amend Sections 22443.1 and 22447 of, and to add Sections 6126.5 and 22443.3 to, the Business and Professions Code, relating to legal services.

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.

SENATE BILL NO. 32—An act to add Section 57008 to, and to add Chapter 6.10 (commencing with Section 25401) to Division 20 of, the Health and Safety Code, relating to hazardous materials.

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

SENATE BILL NO. 72—An act to add Section 13383.5 to the Water Code, relating to water.

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

SENATE BILL NO. 537—An act to add and repeal Chapter 10.5 (commencing with Section 4700) of Division 2 of the Business and Professions Code, relating to alcohol and drug abuse counselors.

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.

SENATE BILL NO. 599—An act to amend Section 1367.2 of the Health and Safety Code, and to amend Section 10123.6 of the Insurance Code, relating to health care coverage.

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.

SENATE JOINT RESOLUTION NO. 3—Relative to reproductive rights.

Resolution read; amendments proposed by the Committee on Judiciary read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

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

SENATE BILL NO. 290—An act to amend Section 5440 of, and to add Section 5442.11 to, the Business and Professions Code, to amend Section 11011.18 of, and to repeal Section 14529.3 of, the Government Code, to amend Sections 302 and 325 of the Streets and Highways Code, and to amend Sections 6700.2, 9410, 9862.5, 12509, 16020, 16028, 20002, and 34672 of, and to add Section 24612 to, the Vehicle Code, relating to transportation.

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.

SENATE BILL NO. 432—An act to amend Section 3058.65 of the Penal Code, and to amend Section 16507 of the Welfare and Institutions Code, relating to parole.

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.

SENATE BILL NO. 667—An act to amend Section 21455.5 of, and to add Section 21455.7 to, the Vehicle Code, relating to traffic devices.

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.

SENATE BILL NO. 768—An act to add Section 1732.8 to the Welfare and Institutions Code, relating to prisons.

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.

SENATE BILL NO. 293—An act to amend Section 4123 of, and to add Article 7.5 (commencing with Section 4127) to Chapter 9 of Division 2 of, the Business and Professions Code, relating to pharmacies, and making an appropriation therefor.

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.

SENATE BILL NO. 468—An act to amend Sections 25395.20 and 25395.25 of, and to add Article 8.7 (commencing with Section 25395.40) to Chapter 6.8 of Division 20 of, the Health and Safety Code, relating to environmental protection, and making an appropriation therefor.

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

SENATE BILL NO. 1098—An act to amend Section 65858 and 65913.1 of the Government Code, relating to housing.

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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 29, 2001 or upon Call of the Speaker.

ROBERT M. HERTZBERG, Speaker

S. RICHARD TIMMINS, Assistant Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 28, 2001

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

AB RN
359 0120411

AJR RN
21 0120210

SB RN
30 0120257
32 0120274
72 0120156
225 0120283
290 0120260
293 0120171
432 0120259
468 0120326
470 0120160
537 0120169
590 0120083
599 0120280
639 0120253
664 0120293
667 0120246
768 0120249
787 0120535
819 0120199
1044 0120262
1098 0120309
1194 0120188

SCR RN
34 0120566

SJR RN
3 0120235

Daily Total:	25
Cumulative Total:	2860