

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 29, 2001

**ONE HUNDRED NINETEENTH SESSION DAY
TWO HUNDRED SIXTY-NINTH 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, August 29, 2001

The Assembly met at 7 a.m.

Hon. Russ Bogh, Assembly Member, 65th 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	Corbett	Koretz	Pescetti
Alquist	Correa	Leach	Reyes
Aroner	Cox	Leonard	Richman
Ashburn	Daucher	Leslie	Runner
Bates	Diaz	Liu	Salinas
Bogh	Dickerson	Longville	Simitian
Briggs	Dutra	Lowenthal	Steinberg
Calderon	Firebaugh	Maddox	Strom-Martin
Campbell, Bill	Florez	Maldonado	Thomson
Campbell, John	Frommer	Matthews	Vargas
Canciamilla	Goldberg	Migden	Washington
Cardenas	Harman	Mountjoy	Wayne
Cardoza	Havice	Nakano	Wesson
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker

Quorum present.

At 1:52 p.m., Hon. Mark Wyland, 74th 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 La Suer, Nation and Strickland.

Because of illness: Assembly Member Shelley.

EXPLANATIONS OF ABSENCE

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

August 28, 2001

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Wednesday, August 29 due to legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

August 27, 2001

*The Honorable Robert Hertzberg, Speaker
State Capitol
Sacramento, California*

Dear Speaker Hertzberg: I respectfully request approval to travel from Sacramento to Burbank on Tuesday, August 28, 2001 and return on Thursday, August 30, 2001 to attend legislative meetings in the district. I also respectfully request to be excused from check-in session Wednesday and Thursday.

Should you have any questions, please feel free to contact Sarah Sprouse at 319-2037.

Thank you for your attention to this matter.

Sincerely,

TONY STRICKLAND, Assembly Member
Thirty-seventh District

(NOTE: For letter explaining the absence of Assembly Member La Suer on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for August 28, 2001.)

COMMUNICATIONS

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

August 27, 2001

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

RE: Reappointment of Lee Wallach
to State Bar Examining Committee

Dear Mr. Wilson: Please be advised I am reappointing Mr. Lee H. Wallach to the State Bar Examining Committee. This is a term appointment starting October 1, 2001 and the expiration date is October 1, 2005.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

August 29, 2001

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

Dear Dotson: Please be advised that I have appointed Assemblymember Dion Aroner to replace Assemblymember Dario Frommer on the Assembly Health Committee, for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
 Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Judiciary, on August 30, 2001, upon adjournment of Floor session, in Room 4202.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 110—Wayne. Relative to breast cancer.

ASSEMBLY JOINT RESOLUTION NO. 28—Robert Pacheco. Relative to pancreatic cancer.

HOUSE RESOLUTION NO. 25—Briggs. Relative to Shaver Lake.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 29, 2001

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

Assembly Bill No. 359

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, August 29, 2001

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

Assembly Joint Resolution No. 21

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 29, 2001

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(10) and (a)(11) as it relates to Assembly Bill No. 895; Assembly Constitutional Amendment No. 10; Senate Bills Nos. 1, 2, 6, 10, 21, 25, 29, 33, 39, 40, 41, 52, 66, 74, 83, 90, 92, 93, 94, 100, 101, 108, 117, 120, 124, 132, 183, 185, 187, 193, 194, 199, 202, 211, 212, 213, 222, 227, 233, 240, 246, 248, 253, 257, 258, 273, 277, 284, 287, 307, 320, 321, 323, 327, 331, 334, 339, 353, 359, 360, 370, 374, 379, 396, 398, 404, 406, 413, 424, 426, 442, 445, 446, 451, 452, 456, 460, 473, 483, 484, 493, 498, 499, 502, 505, 511, 515, 520, 523, 528, 533, 543, 551, 554, 574, 575, 593, 606, 609, 613, 631, 633, 646, 652, 663, 673, 676, 680, 688, 689, 692, 694, 695, 696, 699, 702, 708, 717, 732, 736, 760, 766, 771, 772, 773, 776, 780, 783, 786, 788, 789, 790, 799, 800, 801, 809, 810, 824, 833, 837, 857, 859, 864, 865, 891, 894, 908, 919, 929, 935, 950, 955, 961, 963, 972, 999, 1000, 1010, 1016, 1018, 1027, 1031, 1038, 1051, 1058, 1059, 1078, 1085, 1093, 1112, 1118, 1134, 1143, 1154, 1159, 1160, 1161, 1170, 1176, 1193, 1196, 1207, 1209, and 1212.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS
Committee on Judiciary

August 29, 2001

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

Senate Bill No. 940

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

STEINBERG, Chairman

SENATE BILL NO. 940—An act to amend Section 40513 of the Vehicle Code, and to amend Sections 202, 241.1, 257, 727.3, and 828 of, and to add Sections 727.32 and 827.9 to, the Welfare and Institutions Code, relating to juveniles.

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 Appropriations

Date of Hearing: August 29, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Concurrent Resolution No. 38

With the recommendation: Be adopted.

MIGDEN, Chairwoman

Above resolution ordered on file.

Committee on Revenue and Taxation

Date of Hearing: August 27, 2001

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

Senate Bill No. 366

Senate Bill No. 415

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

CORBETT, Chairwoman

Above bills ordered to second reading.

Committee on Transportation

August 27, 2001

Mr. Speaker: Your Committee on Transportation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 636

DUTRA, Chairman

Above bill ordered filed with the Chief Clerk.

MESSAGES FROM THE SENATE

Senate Chamber, August 28, 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. 78

Senate Bill No. 813

Senate Bill No. 313

Senate Bill No. 866

Senate Bill No. 462

Senate Bill No. 871

Senate Bill No. 521

Senate Bill No. 1186

Senate Bill No. 624

Senate Bill No. 1221

Senate Bill No. 655

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

Senate Chamber, August 28, 2001

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

Assembly Bill No. 1297

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

Above bill ordered enrolled.

Senate Chamber, August 28, 2001

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

Assembly Concurrent Resolution No. 20

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

Above resolution ordered enrolled.

Senate Chamber, August 28, 2001

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

Assembly Bill No. 184

Assembly Bill No. 661

Assembly Bill No. 197

Assembly Bill No. 1183

Assembly Bill No. 220

Assembly Bill No. 1259

Assembly Bill No. 451

Assembly Bill No. 1311

Assembly Bill No. 564

Assembly Bill No. 1359

Assembly Bill No. 590

Assembly Bill No. 1681

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

BILLS PLACED ON SPECIAL CONSENT CALENDAR

The following bills were placed upon the Special Consent Calendar:

Assembly Bills Nos. 184, 457, and 1359.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 359, 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 Bills Nos. 225, 470, 590, 639, 664, 819, 1044, 1194, and 1098, ordered to third reading;

Senate Bills Nos. 30, 290, 432, 667, and 768, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 397—An act to add Article 4 (commencing with Section 110423) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to public 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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, August 30, 2001.

ROBERT M. HERTZBERG, Speaker

S. RICHARD TIMMINS, Assistant Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 29, 2001**

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

SB RN

397 0120540

940 0120721

Daily Total: 2

Cumulative Total: 2862

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