CALIFORNIA LEGISLATURE 2001–02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 14, 2002

ONE HUNDRED THIRTY-THIRD SESSION DAY FOUR HUNDRED SEVENTH 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 Monday, January 14, 2002

The Assembly met at 11:10 a.m.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Pescetti moved a quorum call of the Assembly. Motion carried. Time, 11:11 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 11:13 a.m., Speaker pro Tempore Keeley declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Asĥburn	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	Mountjoy	Vargas
Canciamilla	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cardoza	Hollingsworth	Negrete McLeod	Wesson
Cedillo	Horton	Oropeza	Wiggins
Chan	Jackson	Pacheco, Robert	Wright
Chavez	Keeley	Pacheco, Rod	Wyland
Chu	Kehoe	Papan	Wyman
Cogdill	Kelley	Pavley	Mr. Speaker
Cohn	Koretz	Pescetti	•
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

The New Year is a time for self-reflection, a time to reexamine our goals and the nature of how we live. Walt Whitman offered this question and advice, he asked:

Will you seek far off? You surely come back at last, in things best known to you, finding the best, or as good as the best-happiness, knowledge, not in another place, but in this place—not for another hour, but this hour.

While the New Year asks us to examine our desires for the future, we must not forget to live in this place, in this hour. Joy, knowledge, and perhaps even wisdom, is often within our grasp. Even the most pedestrian moment is a place in which our deepest happiness might reside.

May the Holy One of Blessing grant us the ability to discern the beauty around and within us, in this time, in this hour. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Strickland then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Shelley, seconded by Assembly Member Cox.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On personal business, and waiving per diem: Assembly Members Aroner, Migden, and Zettel.

COMMUNICATIONS

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

January 9, 2002

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

RE: Appointment of Coby A. King to California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Mr. Coby A. King to the California Council on Criminal Justice as one of my two private citizens. This is a pleasure appointment starting January 9, 2002. Mr. King will be replacing Ms. Betty Wyman.

Very truly yours,

ROBERT M. HERTZBERG Speaker of the Assembly

January 10, 2002

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

Sacramento, California

Re: Assembly Utilities and Commerce Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Darrell Steinberg to replace Assemblymember Herb Wesson on the Assembly Utilities and Commerce Committee for the Monday, January 14 hearing.

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

January 11, 2002

E. Dotson Wilson

Chief Clerk of the Assembly State Capitol, Room 3196 Sacramento, California

Re: Assembly Health Committee

Dear Dotson: Please be advised that I have appointed Assemblymember Rebecca Cohn to replace Assemblymember Herb Wesson on the Assembly Health Committee, for the hearing on Tuesday, January 15.

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

January 11, 2002

E. Dotson Wilson

Chief Clerk of the Assembly State Capitol, Room 3196 Sacramento, California

Re: Assembly Natural Resources Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Joe Nation to the Assembly Natural Resources Committee, replacing Assemblymember Carole Migden, for the Monday, January 14 hearing only.

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

January 14, 2002

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

Re: Assembly Revenue and Taxation Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Darrell Steinberg to replace Assemblymember Dion Aroner on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

January 14, 2002

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

Re: Assembly Public Employees, Retirement and Social Security Committee

Dear Dotson: Please be advised that I have Assemblymember Lou Correa to replace Assemblymember Wilma Chan on the Assembly Public Employees, Retirement and Social Security Committee for the January 16 hearing only.

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

January 11, 2002

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

Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Lou Papan to replace Assemblymember Herb Wesson on the Assembly Business and Professions Committee for the January 15th hearing.

Sincerely,

ROBERT M. HERTZBERG Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

California Beach Closure Report 2000 (Pursuant to Health and Safety Code Section 115910)

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, State Water Resources Control Board, dated December 1, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

California Department of Justice Report to the Legislature: Firearms Possession by Felon (Pursuant to Penal Code Sections 12021 and 12021.1)

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

2000 Annual Report of Integrated Waste Management Board (Pursuant to Public Resources Code Section 40507)

Above transmitted report, together with letter of transmittal from Linda Moulton-Patterson, Chair, California Integrated Waste Management Board, dated December 18, 2001, referred by the Speaker to the Committee on Natural Resources.

2002–2006 California Natural Gas Infrastructure Outlook (Pursuant to Public Utilities Section Code 3368)

Above transmitted report, together with letter of transmittal from Lorretta M. Lynch, California Public Utilities Commission, dated December 21, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

Report of Examination of the California Insurance Guarantee Association (Pursuant to California Insurance Code Section 1063(j))

Above transmitted report, together with letter of transmittal from Harry W. Low, Insurance Commissioner, California Department of Insurance, dated December 28, 2001, referred by the Speaker to the Committee on Insurance.

System of Care Redesign/ California Treatment Outcome Project (Pursuant to Chapter 389, Statutes of 1998)

Above transmitted report, together with letter of transmittal from Kathryn P. Jett, Director, Department of Alcohol and Drug Programs, referred by the Speaker to the Committee on Health.

Contracting Report: Disabled Veteran Business Enterprise Participation (Pursuant to Public Contract Code Section 10115.5)

Above transmitted report, together with letter of transmittal from Lynne S. Coffin, State Public Defender, Office of State Public Defender, dated December 5, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

Personal Alarm Systems Report (Pursuant to Supplemental Report of the 2001 Budget Act, Item 4440-001-0001)

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, California Department of Mental Health, dated December 10, 2001, referred by the Speaker to the Committee on Budget.

Semi-Annual Process Report—January–June 2000 Semi-Annual Process Report—July–December 2000

Clean Water Act Section 319(h)
Nonpoint Source Implementation Workplan—Fiscal Year 2001–02

State Water Resources Control Board

Regional Water Quality Control Boards

California Coastal Commission—June 2001

Annual Assessment Report—July 1999–June 2000

Pursuant to the Requirements of California Water Code Section 13369(b) and the Federal Clean Water Act Sections 303, 305(b), and 319 and the Federal Coastal Zone Act
Reauthorization Amendments of 1990 Section 6217, and CWC Section 13369(b)

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, State Water Resources Control Board, dated December 13, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

California State University Compensation Increase Report (Pursuant to Supplemental Report of the 2001 Budget Act, Item 6610-001-0001)

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, The California State University, dated December 14, 2001, referred by the Speaker to the Committee on Budget.

California State Lottery Fund: Financial Statements (Pursuant to Government Code Section 8880.22)

Above transmitted report, together with letter of transmittal from Dennis Sequeira, Chief Deputy Director, California Lottery, dated December 20, 2001, referred by the Speaker to the Committee on Governmental Organization.

2002–2003 Railroad Corporation Fees Budget (Pursuant to Public Utilities Code Section 421)

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, dated December 21, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

The California Public Utilities Commission 2001 Energy Efficiency and Conservation Programs (Pursuant to Supplemental Report of the 1999 Budget Act)

Above transmitted report, together with letter of transmittal from Lorretta M. Lynch, President, Commission on Public Utilities, dated December 21, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

Interim Statewide Automated Welfare System Maintenance and Operation Plan (Pursuant to Supplemental Report of the 2001 Budget Act)

Above transmitted report, together with letter of transmittal from Robert Dell' Agostino, Director, Department of California Health and Human Services Agency Data Center, dated December 27, 2001, referred by the Speaker to the Committee on Human Services.

Contracting Report: Disabled Veteran Business Enterprise Participation (Pursuant to Public Contract Code Section 10115.5)

Above transmitted report, together with letter of transmittal from Janice Lumsden, Assistant Commissioner, Office of Management and Budget, Business, Transportation, and Housing Agency, dated December 27, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

Special Education Compliance Monitoring System Report (Pursuant to the Supplemental Report of the 2001–2002 Budget Act)

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent Government Affairs Branch, California Department of Education, dated December 28, 2001, referred by the Speaker to the Committee on Budget.

Review of Statewide Uniform Child Support Guideline 2001 (Pursuant to Family Code Section 4054)

Above transmitted report, together with letter of transmittal from William C. Vickrey Administrative Director of the Courts, Judicial Council of California, dated December 28, 2001, referred by the Speaker to the Committee on Judiciary.

California Consumer Power and Conservation Financing Authority 2001 Annual Report (Pursuant to Public Utilities Code Section 3346)

Above transmitted report, together with letter of transmittal from Laura R. Doll, Chief Executive Officer, State of California Consumer Power Conservation Financing Authority, dated December 31, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

Target Business Enterprise Program (Pursuant to Government Code Section 16855)

Above transmitted report, together with letter of transmittal from Philip Angelides, State Treasurer, dated December 31, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

Internal Control Review Report to Department of Finance for the Biennial Period Ended December 31, 2001 (Pursuant to Government Code Section 13405)

Above transmitted report, together with letter of transmittal from Catherine Campisi, Ph.D., Director, Department of Rehabilitation, dated December 31, 2001, referred by the Speaker to the Committee on Budget.

Kapiloff Land Bank Report (Pursuant to Public Resources Code Section 861)

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated January 1, 2002, referred by the Speaker to the Committee on Natural Resources.

Contracting Report: Disabled Veteran Business Enterprise Participation (Pursuant to Public Contract Code Section 10115.5)

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated January 2, 2002, referred by the Speaker to the Committee on Housing and Community Development.

2000 San Joaquin Valley Regional Facilities Plan (Pursuant to Government Code Section 14669.7)

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated January 3, 2002, referred by the Speaker to the Committee on Business and Professions.

Minimum Safety Requirements For Playgrounds at Child Care Centers (Pursuant to Chapter 550, Statutes of 2000)

Above transmitted report, together with letter of transmittal from Rita Saenz, Director, Department of Social Services, dated October 12, 2001, referred by the Speaker to the Committee on Human Services.

Disabled Veterans Business Enterprise Report 2000–01 (Pursuant to Public Contract Code Section 10115.5)

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated November 26, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

Disabled Veterans Business Enterprise Report 2000–01 (Pursuant to Public Contract Code Section 10115.5)

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated December 1, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

Native American Graves Protection and Repatriation Act Compliance Report (Pursuant to Supplemental Report for the 2001 Budget Act, Item 1760-001-0666, #2)

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated December 7, 2001, referred by the Speaker to the Committee on Budget.

Plan for Ensuring the External and Internal Security of Patton State Hospital During Construction (Pursuant to Welfare and Institutions Code Section 4107(b))

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg Ph.D., Director, Department of Mental Health, dated December 11, 2001, referred by the Speaker to the Committee on Health.

An Analysis of NAFTA-TAA and the Employment Impacts of NAFTA in California (Pursuant to Item 5100-001-0870, Chapter 52, Statutes of 2000)

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Department of Employment Development, dated December 13, 2001, referred by the Speaker to the Committee on Budget.

A Report on Legislation Enacted in 2001 with State-Mandated Local Program Implications (Pursuant to Government Code Section 17562(b)3)

Above transmitted report, together with letter of transmittal from Betty T. Yee, Chief Deputy Director, Department of Finance, dated December 27, 2001, referred by the Speaker to the Committee on Revenue and Taxation.

Report of Specific Information Relevant to State of California Salaries of Female-Dominated Classifications (Pursuant to Government Code Section 19827.2)

Above transmitted report, together with letter of transmittal from Bob Painter, Chief, Policy Development Office, Department of Personnel Administration, dated December 28, 2001, referred by the Speaker to the Committee on Labor and Employment.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 14, 2002

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

Assembly Bill No. 269	Assembly Bill No. 1000
Assembly Bill No. 400	Assembly Bill No. 1026
Assembly Bill No. 575	Assembly Bill No. 1140
Assembly Bill No. 710	Assembly Bill No. 1315
Assembly Bill No. 814	Assembly Bill No. 1379
Assembly Bill No. 954	Assembly Bill No. 1529

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

SPECIAL COMMITTEE MEETINGS

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

Select Committee on the Future of California's Film Industry, on February 1, 2002, at 10 a.m.

Natural Resources and Local Government to meet jointly on Tuesday, January 22, 2002, upon adjournment of session, or at 1:30 p.m.

Judiciary, on January 22, 2002, at 9 a.m.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1783—Firebaugh and Rod Pacheco. An act to add Section 23101 to the Vehicle Code, relating to driving.

ASSEMBLY BILL NO. 1784—Harman. An act to repeal Sections 1071 and 1073 of the Civil Code, to amend Sections 221, 230, 250, 6130, 6205, 6409, 11640, 21101, 21102, 21103, 21104, 21105, 21107, 21108, 21109, 21110, 21111, 21112, 21114, 21115, 21117, 21118, 21120, 21121, 21122, 21131, 21133, 21134, 21135, 21139, and 21140 of to repeal Sections 21106, 21113, 21116, 21136, 21137, and 21138 of, and to repeal and add Section 21132 to, the Probate Code, relating to construction of instruments.

ASSEMBLY BILL NO. 1785—Reyes. An act to add Section 6523.4 to the Government Code, relating to health facilities.

ASSEMBLY BILL NO. 1786—Reyes. An act to add Section 1367.58 to the Health and Safety Code, and to add Section 10123.78 to the Insurance Code, relating to health care.

ASSEMBLY BILL NO. 1787—Reyes. An act relating to health.

ASSEMBLY BILL NO. 1788—Reyes. An act to add Section 4200.3 to the Business and Professions Code, relating to pharmacists.

ASSEMBLY BILL NO. 1789—Reyes. An act to add Section 42283.5 to the Education Code, relating to the Cutler-Orosi Joint Unified School District.

ASSEMBLY BILL NO. 1790—Goldberg (Principal coauthor: Washington) (Principal coauthor: Senator Vasconcellos) (Coauthors: Aroner, Longville, and Wright) (Coauthors: Senators Alarcon, Kuehl, and Perata). An act to amend Sections 667 and 1170.12 of the Penal Code, relating to sentencing.

ASSEMBLY BILL NO. 1791—Runner. An act to amend Section 87302 of, and to add Sections 87300.5 and 87302.5 to, the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 1792—Wyland. An act to amend Section 35756.5 of the Education Code, relating to school district reorganization.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 128—Horton. Relative to Dr. Martin Luther King, Jr. Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 129—Havice. Relative to Crime Victims' Rights Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 130—Havice. Relative to Gold Star Mothers Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 131—Havice. Relative to California Peace Officers' Memorial Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 132—Havice. Relative to Law Enforcement Appreciation Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 133—Havice. Relative to Merchant Marine Remembrance Week.

HOUSE RESOLUTION NO. 31—Havice. Relative to pedestrian safety.

HOUSE RESOLUTION NO. 32—Havice. Relative to the American flag.

AUTHOR'S AMENDMENTS Committee on Transportation

January 14, 2002

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

Assembly Bill No. 537

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

DUTRA, Chairman

ASSEMBLY BILL NO. 537—An act to add Chapter 5 (commencing with Section 160) to Division 1.5 of the Harbors and Navigation Code, relating to navigable waters.

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

January 14, 2002

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

Assembly Bill No. 875

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 875—An act to add Chapter 3.7 (commencing with Section 5700) to Division 3 of the Business and Professions Code, relating to auctioneers, 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.

AUTHOR'S AMENDMENTS Committee on Judiciary

January 14, 2002

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

Assembly Bill No. 1702

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

STEINBERG, Chairman

ASSEMBLY BILL NO. 1702—An act to amend Section 41 of the Code of Civil Procedure, relating to courts.

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 Insurance

January 14, 2002

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

Assembly Bill No. 1729

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

CALDERON, Chairman

ASSEMBLY BILL NO. 1729—An act to amend Sections 305, 320.5, 329, 411, 633, 832, 931.5, 1087, 1177.5, 2739, 3011, 13003, 13021.5, 13028, 13050, and 13101 of, and to repeal Sections 328, 605.5, and 1141.5 of, the Unemployment Insurance Code, relating to unemployment insurance.

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.

REQUEST FOR PHOTOGRAPHER

Assembly Members Hertzberg, Firebaugh, and Diaz were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RE-REFERENCE OF BILLS

Assembly Member Shelley was granted unanimous consent that the following bills be re-referred as noted:

Assembly Bill No. 954 from the Committee on Local Government, to the Committees on Water, Parks and Wildlife and Environmental Safety and Toxic Materials;

Assembly Bill No. 1146 from the Committee on Human Services, to the Committees on Judiciary and Labor and Employment;

Assembly Bill No. 1315 from the Committee on Utilities and Commerce, to the Committee on Revenue and Taxation.

JOINT RULE 62(a) WAIVED

Assembly Member Shelley was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 811 and 1315 for hearing in the Committee on Revenue and Taxation today; and for the purpose of setting Senate Bill No. 728 in the Committee on Public Employees, Retirement and Social Security, on Wednesday, January 16, 2002.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Joint Resolution No. 22, on request of Assembly Member Shelley.

SUSPEND THE RULES AND WAIVE JOINT RULE 62(a)

Assembly Member Shelley was granted unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended for the purpose of permitting the Committee on Local Government to notice hearing of Assembly Bill No. 1410, on Wednesday, January 16, 2002 in the Assembly Daily File, pending re-referral from the Committee on Transportation.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Upon request of Assembly Member Shelley, pursuant to Assembly Rule 78, Assembly Member Kehoe announced her intention to request that Assembly Bill No. 1531 be removed from the inactive file.

GOVERNOR'S VETO STRICKEN FROM FILE

Assembly Member Dickerson was granted unanimous consent that the Governor's veto of Assembly Bill No. 1061 be stricken from file.

ADJOURN IN MEMORY

Assembly Member Bill Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gunnery Sergeant Stephen Bryson, of Rancho Santa Margarita.

(Assembly Rule 45.5 suspended.)

BILL RETURNED TO SENATE

Upon request of Assembly Member Shelley, Assembly Member Steinberg was granted unanimous consent that Assembly Bill No. 267 be returned to the Senate for further action.

CAUCUS ANNOUNCEMENTS

At 11:25 a.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:25 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 11:44 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

MOTION BY ASSEMBLY MEMBER CEDILLO

Assembly Member Cedillo moved that Assembly Bill No. 60 be withdrawn from Engrossing and Enrolling and placed upon the Inactive File.

Assembly Member Kehoe seconded the motion.

Motion carried by unanimous consent.

ACTION RESCINDED ON SENATE BILL NO. 1156

Upon request of Assembly Member Shelley, Assembly Member Calderon was granted unanimous consent to rescind the action whereby the Assembly, on September 13, 2001 (Assembly Journal, page 3896), passed Senate Bill No. 1156, and whereby the bill was ordered transmitted to the Senate.

RECESS

By unanimous consent, at 11:50 a.m., Speaker pro Tempore Keeley declared the Assembly recessed to permit the introduction of special guests.

Assembly Members Firebaugh and Diaz introduced representatives of Unisys Corporation and presented a resolution to Mr. Bob Johnson, Vice President and General Manager, North American Sales and Services commending the Unisys Corporation on the occasion of its 50th anniversary of the unveiling of the UNIVAC I computer.

Bob Johnson then addressed the assemblage.

RECONVENED

At 11:53 a.m., the Assembly reconvened. Hon. Robert M. Hertzberg, Speaker of the Assembly, presiding.

RECESS FOR ADDRESS BY THE HONORABLE JORDI PUJOL PRESIDENT OF CATALONIA, SPAIN

By unanimous consent, at 11:55 a.m., Speaker Hertzberg declared the Assembly recessed.

Select Committee on Escort Appointed

Speaker Hertzberg appointed Assembly Members Cardoza, Kehoe, Bill Campbell, Oropeza, Vargas, Cox, and Wesson as a Select Committee on Escort to escort the Honorable Jordi Pujol, President of Catalonia, Spain, to the Rostrum.

Introduction of Special Guests

Speaker Hertzberg introduced the First Lady of Catalonia, Mrs. Marta Pujol; the Honorable Andreu Mas, Minister of Universities, Research and Technology; and the Honorable Antoni Subira, Minister of Industry and Commerce, accompanied by his wife, Mrs. Josephine Subira; and acknowledged and welcomed all Members of the President's delegation seated in the rear of the Assembly Chamber.

Address by the President of Catalonia, Spain

The Honorable Jordi Pujol, President of Catalonia, Spain, then addressed the assemblage.

RECONVENED

At 12:17 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

PRESIDENT'S ADDRESS PRINTED IN JOURNAL

Without objection, the address by the Honorable Jordi Pujol was printed in the Journal:

Address by the Honorable Jordi Pujol President of Catalonia, Spain

January 14, 2002

First of all let me convey to you the greetings of the people of Catalonia and thank you for your invitation to visit this Chamber.

I must also convey to you the greetings of the Parliament of Catalonia, which made a sister region relationship agreement with the California Senate in 1987. Yet another example of our relations is the 1986 agreement between the Governor of California and the Government of Catalonia on the occasion of the Bicentennial Celebration of Gaspar de Portolà, the discoverer of California, who was Catalan, and a number of activities of the Friends of Gaspar Portolà Foundation.

Let me briefly give you a little information about my country. Catalonia represents 6% of the area of Spain and 15% of its population, that is, 6.2 million inhabitants. The economy represents 19% of the Spain's GDP and 28% of its foreign trade. In comparative terms we could say that Catalonia's GDP 20% greater than that of Portugal and that its exports exceed those of countries such as Turkey or Israel.

It is a predominantly industrial country, but with a very strong service sector. And Catalonia has a very important tourist industry, which receives 12.4 million tourists a year, and contributes 10% of its GDP.

The capital of Catalonia is Barcelona. Barcelona is often mentioned in connection with the artists and architects with links with it (Gaudí, Miró, Dalí, Picasso, Pau Casals, Montserrat Caballé, etc), the success of the 1992 Olympic Games, or as an important center of attraction for hi-tech investments.

Catalonia is a part of Spain with a differentiated personality, based on its own language (Catalan), on a culture connected with this language, and on a collective consciousness and historical memory which are very much its own. The distinct nature of Catalonia within Spain has at various times in history been a source of confrontation.

However, since 1975 Catalonia has been able to play a vital role in the consolidation of democracy in Spain, in the transformation and rationalization of the structure of the state, in economic and technological modernization and its integration into Europe. At the same time it has achieved a considerable degree of recognition of its personality as a people, of its language and of its culture.

It was in 1986, early in this period which transformed Spain and at the same time strengthened the Catalan nation, that is seemed to us it would be very useful to know more about California, a land which is exceptionally dynamic and creative. A land which, like Catalonia, is not an independent nation-state, but does have a sufficient degree of self-government to be in control of its own destiny.

We wanted an answer to this question:

What is it that makes a country progress? Why is it that there are some countries that have abundant resources but do not progress, while others that are not so well endowed enjoy such economic, social and cultural growth and development.

There might be more than one answer to this question, but it seemed to us in Catalonia that California gave us one answer, probably one of the best answers. An answer based on entrepreneurial spirit, with abundant opportunity for initiative emerging from within the society itself, very creative, open to change and innovation. All in all it seemed to us in Catalonia that California was a welcome society, a society able to welcome all manner of people, involve them, integrating them into society itself and into the economy. Able to take in and adopt all sorts of new technologies, and able make new ideas its own, adopting them and improving on them. In short, a land that welcomes people, technologies, and ideas.

Hence, over 15 years ago we initiated what has become a sustained relation with California, with very frequent contacts.

In this time when the phenomenon of immigration is so important around the world, including here in California, in Europe and in Catalonia; in this time of globalization, with all the economic challenges, not to mention cultural challenges and the threat to identity that it implies, and the important role played by the audiovisual and cultural industry; at this time of rapid and radical change, we saw and still see California as a land worthy of study and worth getting to know very well. We see it as an example. This is why we want to renew and strengthen our relations with California.

So we in Catalonia value California as an example. Is there anything we Catalans can offer in return? Is there any way in which we are exemplary? It is difficult for us to offer ourselves as an example to California. We are the first industrial region in Spain and are now one of the fastest-growing regions in Europe. We contributed greatly to the transformation of Spain into a democracy. We are in a position to exercise a degree of Mediterranean leadership. None of this is particularly interesting in the USA. However, we are a country within Spain with a different language and culture, which we have preserved in spite of decades of immigration and centuries of persecution; we are a country that has received many immigrants without losing our identity or our cohesion: That is, we are a country that is faced not only with the challenge of competitiveness and modernity, but also with the challenge of the defense of our national identity, which must not be absorbed by a demographically much stronger language and culture, that of the nation-state of Spain. And the fact that we have always achieved this, peacefully and through dialog, with the complete rejection of violence: this perhaps is worth something in the eyes of the people of the United States and of the world.

When we saw the terrible terrorist attack on New York on 11 September we realized just how important it is to defend one's values and identity in a peaceful way. Catalonia immediately sided with the American people and gave its support to American policy and that of the Spanish central government, always fully backing US initiatives.

There is nothing special about this; many countries did the same. But not all countries have resolved their internal problems of language and culture, immigration and identity in such a peaceful and cooperative way as have we.

More than once I too have had to lead demonstrations against acts of terrorism which have caused sometimes one death, sometimes two, or three, or over twenty. This terrorism did not originate in Catalonia: its roots were elsewhere. But it manifested itself in Catalonia, it killed citizens of Catalonia and above all it threatened peace and coexistence in Catalonia.

The terrorists sought to make us think that cultural, ethnic, religious or political differences must be resolved through violence; that Catalonia should make itself respected in Spain through violence. Fortunately we have been wise enough to reject such methods. Not only that: we have been able to transform our differences into a positive energy at the service of our country, that is, Catalonia, and at the service of Spain as a whole and of the idea of European unification. That is why, we suppose, that when in 1999 president Clinton accepted the Charlemaigne Prize in the German city of Aachen for his contribution to peace and European unity, he explicitly referred to Catalonia as a healthy example, as an example of the ability to combine pride in one's own identity with peaceful coexistence.

That is something we are proud of.

Ladies and gentlemen of the Assembly, thank you very much for your attention.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 953—An act to amend Sections 5540.5, 5540.6, and 5549 of the Public Resources Code, relating to park and open-space districts.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 716—An act to add Title 7.97 (commencing with Section 67985) to the Government Code, relating to state agencies.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1408—An act to repeal Section 33481 of the Food and Agricultural Code, relating to agriculture.

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

ASSEMBLY BILL NO. 1150—An act to add Section 14666.8 to the Government Code, relating to telecommunications.

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

BILLS PLACED ON INACTIVE FILE

The following resolution was placed upon the inactive file:

Assembly Constitutional Amendment No. 8, on request of Assembly Member Keeley.

CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 1414 (Dickerson)—An act to add Section 1019 to the Fish and Game Code, to add Section 12805.2 to the Government Code, and to add and repeal Section 5096.686 of the Public Resources Code, relating to public land, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES-77

Aanestad	Cox	Leonard	Runner
Alquist	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	Mountjoy	Vargas
Canciamilla	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cardoza	Hollingsworth	Negrete McLeod	Wesson
Cedillo	Horton	Oropeza	Wiggins
Chan	Jackson	Pacĥeco, Robert	Wright
Chavez	Keeley	Pacheco, Rod	Wyland
Chu	Kehoe	Papan	Wyman
Cogdill	Kelley	Pavley	Mr. Speaker
Cohn	Koretz	Pescetti	•
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

NOES-None

Above bill ordered enrolled.

CONSIDERATION OF SENATE BILL NO. 1156 BY UNANIMOUS CONSENT

Assembly Member Calderon was granted unanimous consent to take up Senate Bill No. 1156 without reference to file, for purpose of amendment.

SENATE BILL NO. 1156 (Burton)—An act to add Sections 92060 and 92061 to the Education Code, relating to the University of California.

Bill read third time.

Motion to Amend

Assembly Member Calderon moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO ASSEMBLY RULE 77.2

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Senate Bill No. 1156 to the Committee on Insurance.

CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS (RESUMED) MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 75, 767, 79, 1211, and 773 were continued until Friday, January 18, 2002.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and place upon the third reading file.

Senate Bill No. 510, on request of Assembly Member Shelley.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS (RESUMED)

ASSEMBLY BILL NO. 1509 (Runner)—An act to amend Section 3901 of the Food and Agricultural Code, relating to agricultural districts.

Bill read third time, and passed by the following vote:

AYES-75

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

NOES-None

Bill ordered transmitted to the Senate.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 689, on request of Assembly Member Koretz.

GOVERNOR'S VETO STRICKEN FROM FILE

Assembly Member Thomson was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1686, 1147, and 780 be stricken from file.

ADJOURN IN MEMORY

Assembly Member Leslie was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Calvin Paul Andrews, of Palm Desert.

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patricia Field, of San Francisco.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Maureen Conroy, of San Francisco.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Linda Cass, of Fairfield; Edward W. Day, of Woodland; and Ruth Volman, of Davis.

Assembly Member Wesson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Darrell Brown, of Los Angeles.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Assembly Bill No. 1414, Concurrence: Florez, Horton, Rod Pacheco, Simitian, and Washington—Aye.

Assembly Bill No. 1509: Horton, Jackson, Longville, and Rod Pacheco—Aye.

MOTION TO ADJOURN

At 12:45 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Member Bill Campbell arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Washington that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:45 p.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly	
Bill No.	Committee
421	Jud.
1748	P.E.,R. & S.S.
1760	L. Gov.
1761	Ins.
1763	Health and G.O.

1764	Pub S
1765	
1766	Higher Ed.
1767	Jud.
1768	Rev. & Tax.
1770	Jud.
1771	Health
1772	Jud.
1773	Pub. S.
1774	Jud.
Assembly Concurrent	
Resolution No.	Committee
128	Rls.
Assembly Joint	
Resolution No.	Committee
30	P.E.,R. & S.S.
House	
Resolution No.	Committee
30	Rls.

AUTHOR'S AMENDMENTS Committee on Judiciary

January 14, 2002

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

Assembly Bill No. 1146

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

STEINBERG, Chairman

ASSEMBLY BILL NO. 1146—An act to add Chapter 8.5 (commencing with Section 8975) to Part 6 of the Education Code, relating to school readiness.

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

January 14, 2002

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

Assembly Bill No. 680

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 680—An act to add Article 10 (commencing with Section 65500) to Title 7 of the Government Code, and to add Chapter 1.5 (commencing with Section 7215) to Part 1.5 of Division 2 of the Revenue and Taxation Code, relating to land use.

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 Judiciary

January 14, 2002

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

Assembly Bill No. 1698

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

STEINBERG, Chairman

ASSEMBLY BILL NO. 1698—An act to repeal Section 68083 of the Government Code, relating to courts.

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 Rules

Date of Hearing: January 10, 2002

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 127

With amendments with the recommendation: Amend, and be adopted, as amended.

CARDOZA, Chairman

Above resolution ordered on file.

Date of Hearing: January 14, 2002

Mr. Speaker: Your Committee on Rules reports:

Assembly House Resolution No. 30 With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolution ordered to third reading.

Committee on Transportation

Date of Hearing: January 14, 2002

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1759

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

DUTRA, Chairman

Above bill re-referred to the Committee on Higher Education.

MESSAGES FROM THE SENATE

Senate Chamber, January 14, 2002

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

Assembly Bill No. 217

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, January 14, 2002

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

Senate Bill No. 65 Senate Bill No. 259

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

INTRODUCTION OF GUESTS

Assembly Member Cedillo, of the 46th Assembly District, introduced V. Rev. Fr. John S. Bakas, Dean, Saint Sophia Cathedral.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 7 a.m., Tuesday, January 15, 2002, out of respect to the memory of Gunnery Sergeant Stephen Bryson, on motion of Assembly Member Bill Campbell; out of respect to the memory of Patricia Field, on motion of Assembly Member Migden; out of respect to the memory of Calvin Paul Andrews, on motion of Assembly Member Leslie; out of respect to the memory of Darrell Brown, on motion of Assembly Member Wesson; out of respect to the memory of Linda Cass, Edward W. Day, and Ruth Volman, on motion of Assembly Member Thomson; and out of respect to the memory of Maureen Conroy, on motion of Assembly Member Shelley.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 14, 2002

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

SB RN

1156 0200527

Daily Total: 11 **Cumulative Total:** 3304