

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 15, 2002

**ONE HUNDRED THIRTY-FOURTH SESSION DAY
FOUR HUNDRED 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 15, 2002

The Assembly met at 7 a.m.

Hon. Dean Florez, Assembly Member, 30th 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	Daucher	Leonard	Richman
Alquist	Diaz	Leslie	Runner
Aroner	Dickerson	Liu	Salinas
Ashburn	Dutra	Longville	Shelley
Bates	Firebaugh	Lowenthal	Simitian
Bogh	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Mountjoy	Thomson
Cardenas	Havice	Nakano	Vargas
Cardoza	Hollingsworth	Nation	Washington
Chan	Horton	Negrete McLeod	Wayne
Chavez	Jackson	Oropeza	Wesson
Chu	Keeley	Pacheco, Robert	Wiggins
Cogdill	Kehoe	Pacheco, Rod	Wright
Cohn	Kelley	Papan	Wyland
Corbett	Koretz	Pavley	Wyman
Correa	La Suer	Pescetti	Zettel
Cox	Leach	Reyes	Mr. Speaker

Quorum present.

At 1:51 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 Members were granted leaves of absence for the day:

On legislative business: Assembly Members Briggs and Bill Campbell.

On personal business, and waiving per diem: Assembly Member Migden.

Because of illness in his family: Assembly Member Cedillo.

EXPLANATIONS OF ABSENCE

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

January 14, 2002

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

Dear Mr. Speaker: I am respectfully requesting to be excused from check-in session on Tuesday, January 15, 2002. I will be attending legislative business in my district.

Thank you for your assistance with this matter. Please feel free to contact Amy Krause in my Capitol Office if you have any questions.

Sincerely,

MIKE BRIGGS, Assembly Member
Twenty-ninth District

January 9, 2002

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

Dear Mr. Speaker: I respectfully request your authorization to travel to my District on Monday, January 14th in the late afternoon to deal with constituent concerns because I have no committee hearings scheduled for Tuesday or Wednesday. I plan on returning to the Capitol on Thursday, January 17th to attend Friday's Session.

Thank you so much for your consideration of this request. If you have any questions regarding this matter, please contact Char Booth at 319-2071.

Sincerely,

BILL CAMPBELL, Assembly Member
Seventy-first District

COMMUNICATIONS

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

January 14, 2002

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Wilma Chan to replace Assemblymember Gil Cedillo on the Assembly Public Safety Committee for the January 15th hearing only.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

January 15, 2002

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

Re: Assembly Elections, Reapportionment and
Constitutional Amendments Committee

Dear Dotson: This is to advise you that I have appointed Assemblymembers Joe Canciamilla and Dave Cogdill to replace Assemblymembers Dennis Cardoza and Bill Campbell on the Assembly Elections, Reapportionment and Constitutional Amendments Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

January 15, 2002

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

Re: Assembly Jobs, Economic Development and
the Economy Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Charlene Zettel to replace Assemblymember Dave Cogdill as Vice Chair of the Assembly Jobs, Economic Development and the Economy. I have also removed Mr. Cogdill as a member of the committee.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

January 15, 2002

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

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Phil Wyman to replace Assemblymember John Campbell as Vice Chair of the Assembly Business and Professions Committee. I have also removed Mr. Campbell as a member of the committee.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

January 15, 2002

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

Dear Mr. Wilson,

At the request of Speaker-elect Herb Wesson, and in furtherance of a smooth transition in the Assembly leadership, I am hereby designating Assemblymember Marco Firebaugh as Majority Floor Leader effective February 6, 2002. Assemblymember Kevin Shelley will continue to serve as Majority Leader.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

COMMUNICATIONS

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

January 9, 2002

The Honorable John Vasconcellos, Co-Chair
Joint Committee on Preparing California
for the 21st Century
State Capitol, Room 5108
Sacramento, California

Dear Senator Vasconcellos: The Senate Rules Committee has accepted the resignation of Senator Alpert from the Joint Committee on Preparing California for the 21st Century.

Sincerely,

JOHN L. BURTON
Chairman

Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

Local Governments. State Reimbursements.
Initiative Constitutional Amendment.
SA 2001RF0038, Amdt. #2-S

Referred by the Speaker to the Committee on Local Government.

Statewide Casino-Type Gambling. Legalized.
Initiative Constitutional Amendment and Statute.
SA 2001RS0034, Amdt. #3-S

Referred by the Speaker to the Committee on Governmental Organization.

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Three Strikes Law.
Limitation To Violent and Serious Felonies.
Initiative Statute. SA 2001RF0043**

Referred by the Speaker to the Committee on Judiciary.

**Old-Growth Tree Preservation.
Initiative Statute. SA 2001RF0040, Amdt. #1-S**

Referred by the Speaker to the Committee on Water, Parks and Wildlife.

REPORTS

The following reports were presented by the Chief Clerk:

**Evaluation of Internal Controls, for
Fiscal Years 1999-00 and 2001-02
(Pursuant to Government Code Sections 13400-13407)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated December 24, 2001, referred by the Speaker to the Committee on Budget.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 15, 2002

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

Assembly Bill No. 537	Assembly Bill No. 1150
Assembly Bill No. 680	Assembly Bill No. 1408
Assembly Bill No. 716	Assembly Bill No. 1698
Assembly Bill No. 875	Assembly Bill No. 1702
Assembly Bill No. 1146	Assembly Bill No. 1729

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1793—Migden. An act to amend Sections 33352 and 51220 of, to amend and renumber Section 51223.1 of, to add Sections 51210.2 and 60605.2 to, and to repeal Section 51223.5 of, the Education Code, relating to physical education, and making an appropriation therefor.

ASSEMBLY BILL NO. 1794—Chavez. An act to amend Sections 52522, 52523, 52616.17, and 60851 of the Education Code, relating to the high school exit examination.

ASSEMBLY BILL NO. 1795—Reyes. An act to add Section 1367.03 to the Health and Safety Code, and to add Section 10123.146 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 1796—Strickland. An act to add Section 1294.2 to the Labor Code, relating to minors.

ASSEMBLY BILL NO. 1797—Harman. An act to add Section 87105 to the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 1798—Chavez. An act to add Section 6253.6 to the Government Code, relating to public records.

ASSEMBLY BILL NO. 1799—Chavez. An act to amend Section 972.2 of the Military and Veterans Code, relating to veterans.

ASSEMBLY BILL NO. 1800—Kehoe. An act to amend Sections 22507.6 and 22511.5 of the Vehicle Code, relating to motor vehicles.

ASSEMBLY BILL NO. 1801—Robert Pacheco. An act to amend Section 14087.961 of the Welfare and Institutions Code, relating to health care.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 134—Wesson. Relative to the Rosa Parks Exit.

AUTHOR'S AMENDMENTS Committee on Judiciary

January 15, 2002

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

Assembly Bill No. 421

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

STEINBERG, Chairman

ASSEMBLY BILL NO. 421—An act relating to dispute resolution.

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 Utilities and Commerce

January 15, 2002

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Joint Resolution No. 2

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

WRIGHT, Chairman

ASSEMBLY JOINT RESOLUTION NO. 2—Relative to the defense industry.

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 Natural Resources

Date of Hearing: January 14, 2002

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 1173

Assembly Bill No. 1482

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

WAYNE, Chairman

Above bills re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing: January 14, 2002

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 629

Assembly Bill No. 630

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

DUTRA, Chairman

Above bills re-referred to the Committee on Appropriations.

Committee on Business and Professions

Date of Hearing: January 15, 2002

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

Assembly Bill No. 1000

Assembly Bill No. 1362

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.

Committee on Judiciary

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1702

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

STEINBERG, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: January 14, 2002

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

Assembly Bill No. 1458

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

CORBETT, Chairwoman

Above bill re-referred to the Committee on Utilities and Commerce.

Date of Hearing: January 14, 2002

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

Assembly Bill No. 957

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

CORBETT, Chairwoman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 14, 2001

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

Assembly Bill No. 1257

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

CORBETT, Chairwoman

Above bill ordered to second reading.

Committee on Labor and Employment

Date of Hearing: January 9, 2002

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 908

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

KORETZ, Chairman

Above bill ordered to second reading.

Committee on Local Government

Date of Hearing: January 9, 2002

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 100

Assembly Bill No. 1355

Assembly Bill No. 1076

Assembly Bill No. 1740

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

WIGGINS, Chairwoman

Above bills ordered to second reading.

Committee on Rules

Date of Hearing: January 14, 2002

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 128

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

CARDOZA, Chairman

Above resolution ordered on file.

Committee on Utilities and Commerce

Date of Hearing: January 14, 2002

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

Assembly Bill No. 58

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

WRIGHT, Chairman

Above bill ordered to second reading.

Committee on Jobs, Economic Development and the Economy

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Jobs, Economic Development and the Economy reports:

Assembly Bill No. 1470

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

REYES, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Committee on Utilities and Commerce

Date of Hearing: January 14, 2002

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

Assembly Bill No. 1529

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

WRIGHT, Chairman

Above bill re-referred to the Committee on Natural Resources.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 127—Relative to September 11, 2001.

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 16, 2002.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 15, 2002**

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

AB RN

421 0200335

ACR RN

127 0200497

AJR RN

2 0200490

Daily Total: 3

Cumulative Total: 3307

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