

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Wednesday, January 16, 2002**

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

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

Corrected 1-17-02

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, January 16, 2002

The Assembly met at 7 a.m.  
Hon. Hannah-Beth Jackson, Assembly Member, 35th 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—69:

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

Quorum present.

**At 1:04 p.m., Hon. Patricia Wiggins, 7th 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 Aroner, Bill Campbell, Chan, Corbett, and Matthews.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Members Runner, Wright, and Wyland.*

*Because of illness in their families: Assembly Members Cedillo and Florez.*

**EXPLANATIONS OF ABSENCE**

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

January 10, 2002

*Speaker Robert Hertzberg  
California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: Please excuse me from Check-in Session on January 16–17, 2002 for legislative business in my district.

Sincerely,

DION ARONER, Assembly Member  
Fourteenth District

January 10, 2002

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

Dear Mr. Speaker: I respectfully request permission to travel from Sacramento to my District Office to conduct legislative business on Tuesday, January 15, 2002, returning to Sacramento for Session on Friday, January 18, 2002. I am also requesting permission to be excused from Check-in Session on Wednesday, January 16, and Thursday, January 17, 2002, waiving per diem.

Thank you for your consideration of this request.

Sincerely,

TONY CARDENAS, Assembly Member  
Thirty-ninth District

January 14, 2002

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

Dear Speaker Hertzberg: I am requesting to be excused from Check-In Session on Wednesday, January 16, 2002 due to a legislative meeting that will be taking place in my district office.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

January 11, 2002

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

Dear Mr. Speaker: I would like to request permission to be excused from check-in session on Wednesday, January 16, 2002. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns, please feel free to call me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member  
Eighteenth District

January 10, 2002

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

Dear Speaker Hertzberg: I would like to request to be excused from Check-in Session on Wednesday, January 16, 2002. I will be attending a UC Board of Regents meeting in Los Angeles.

Your consideration of this request appreciated.

Sincerely,

BARBARA MATTHEWS, Assembly Member  
Seventeenth District

#### COMMUNICATIONS

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

The following communication was presented by the Chief Clerk from:

Chris D Janzen, Director, Administrative Services Division, for Attorney General Bill Lockyer, Department of Justice, relative to request for extension in submitting report entitled: California Department of Justice Report to the Legislature. Pursuant to Welfare and Institutions Code Section 660.1, Sexually Violent Predators.

Referred by the Speaker to the Committee on Judiciary.

#### REPORTS

The following reports were presented by the Chief Clerk:

**Annual Staff Report on  
the Management of State Schools Lands  
Fiscal Year 2000-01  
(Pursuant to Public Resources Code Section 6477)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated December 28, 2001, 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 Shamim Kahn, Deputy Director, Department of Motor Vehicles, dated December 19, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

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

Above transmitted report, together with letter of transmittal from Anthony F. Majewski, Acting Director, Office of Real Estate Appraisers, dated December 20, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

**Status of Cost-Shifting Strategies for  
the Biomass-to-Energy Industry  
(Pursuant to Public Utilities Code Section 389(b))**

Above transmitted report, together with letter of transmittal from Winston H. Hickox, Agency Secretary, California Environmental Protection Agency, dated December 18, 2001, referred by the Speaker to the Committee on Utilities and Commerce.

**Investigation of Complaints  
Against Certified Family Homes and Foster Family Agencies  
(Pursuant to Chapter 52, Statutes of 2000, Item 5180-001-0001, Provision 6)**

Above transmitted report, together with letter of transmittal from Rita Saenz, Director, Department of Social Services, dated July 17, 2001, referred by the Speaker to the Committee on Human Services.

**Meeting California's Earthquake Engineering Research Needs:  
A Review of the  
Pacific Earthquake Engineering Research Center  
(Pursuant to Government Code Section 8876.7)**

Above transmitted report, together with letter of transmittal from Richard J. McCarthy, Executive Director, Seismic Safety Commission, dated December 10, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Annual Railroad Safety Activity Report  
(Pursuant to Public Utilities Code Sections 309.7 and 765.6)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Commission on Public Utilities, dated December 7, 2001, referred by the Speaker to the Committee on Transportation.

**National Family Caregiver Support Program  
Status Report  
(Pursuant to Budget Act 2001, Chapter 106, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Lynda Terry, Director, Department of Aging, dated December 13, 2001, referred by the Speaker to the Committee on Budget.

**California Department of Consumer Affairs  
Annual Report 2000–2001  
(Pursuant to Business and Professions Code  
Sections 312, 327, and 336)**

Above transmitted report, together with letter of transmittal from Kathleen Hamilton, Director, Department of Consumer Affairs, dated December 31, 2001, referred by the Speaker to the Committee on Business and Professions.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Water, Parks and Wildlife, on Tuesday, January 22, 2002, upon adjournment.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 16, 2002

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

Assembly Bill No. 421

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 16, 2002

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

Assembly Concurrent Resolution No. 127

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, January 16, 2002

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

Assembly Joint Resolution No. 2

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1802—Nation.** An act to amend Sections 45196 and 88196 of the Education Code, relating to public school employees.

**ASSEMBLY BILL NO. 1803—Harman.** An act to amend Sections 19403.5, 19410.8, 19415.8, and 19533.5 of the Business and Professions Code, relating to horse racing.

**ASSEMBLY BILL NO. 1804—John Campbell.** An act to amend Section 48901.5 of the Education Code, relating to school districts.

**ASSEMBLY BILL NO. 1805—Kehoe.** An act to amend Section 1785.33 of the Civil Code, relating to consumer information.

**ASSEMBLY BILL NO. 1806—Richman.** An act to add Section 14005.301 to the Welfare and Institutions Code, relating to Medi-Cal.

**ASSEMBLY BILL NO. 1807—Richman.** An act to add Sections 100133 and 100134 to the Health and Safety Code, relating to health services.

**ASSEMBLY BILL NO. 1808—Richman.** An act to add Sections 139.7, 139.71, and 139.72 to the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1809—Richman.** An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1810—Richman.** An act to add Section 1871.25 to the Insurance Code, and to amend Sections 62.5, 75, 78, 129, 129.5, 138.4, 139.6, 3550, 3551, 4061, 4628, 5401, and 5432 of, to add Sections 4600.1, 4600.2, and 5307.2 to, and to repeal Sections 3552 and 4065 of, the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1811—Richman.** An act to add Article 3 (commencing with Section 5360) to Chapter 5 of Part 1 of Division 4 of the Food and Agricultural Code, relating to agriculture.

**ASSEMBLY BILL NO. 1812—Frommer and Firebaugh.** An act relating to criminal information, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1813—Reyes.** An act to amend Sections 12101.5 and 12102 of the Public Contract Code, relating to information technology contracts.

**ASSEMBLY BILL NO. 1814—Reyes.** An act to add Chapter 22 (commencing with Section 22520) to Division 8 of the Business and Professions Code, relating to Internet service providers.

#### **REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, January 16, 2002

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(1) as it relates to Assembly Bills Nos. 954 and 1306.

DEAN FLOREZ

Above request ordered transmitted to the Committee on Rules.

#### **AUTHOR'S AMENDMENTS Committee on Appropriations**

January 16, 2002

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 1454

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

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1454—**An act to amend Section 5777 of, and to add Section 5405 to, the Welfare and Institutions Code, relating to mental health.

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 Revenue and Taxation**

January 16, 2002

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 64

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

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 64—**An act to amend Section 17072 of, and to add Section 17205 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 Public Safety**

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 352

With the recommendation: Do pass.

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.

WASHINGTON, Chairman

Above bill ordered to second reading.

**Committee on Public Employees, Retirement and Social Security**

Date of Hearing: January 16, 2002

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1190

Assembly Bill No. 1357

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

HAVICE, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 16, 2002

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 418

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

HAVICE, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: January 15, 2002

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

Assembly Bill No. 400

With the recommendation: Do pass.

LONGVILLE, Chairman

Above bill ordered to second reading.

Date of Hearing: January 15, 2002

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

Assembly Bill No. 1713

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

LONGVILLE, Chairman

Above bill re-referred to Committee on Appropriations.

**Committee on Insurance**

Date of Hearing: January 16, 2002

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 1729

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

CALDERON, Chairman

Above bill re-referred to the Committee on Appropriations.



**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:  
Assembly Bill No. 13

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

JACKSON, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**Committee on Higher Education**

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Higher Education reports:  
Assembly Bill No. 1551

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

ALQUIST, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**Committee on Insurance**

Date of Hearing: January 16, 2002

Mr. Speaker: Your Committee on Insurance reports:  
Assembly Bill No. 1486

With the recommendation: Do pass.

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.

CALDERON, 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. 627

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

REYES, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 15, 2002

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

Assembly Bill No. 499

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

REYES, Chairwoman

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 310

Assembly Bill No. 575

Assembly Bill No. 670

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

WASHINGTON, Chairman

Above bills re-referred to the Committee on Appropriations.

**Committee on Health**

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 108

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

THOMSON, Chairwoman

Above bill 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. 1010

With amendments with the recommendation: Do pass, as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

DUTRA, Chairman

Above bill ordered to second reading.

Date of Hearing: January 14, 2002

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1348

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

DUTRA, Chairman

Above bill ordered to second reading.

**Committee on Health**

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1026

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

THOMSON, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 890

Assembly Bill No. 1140

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

THOMSON, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Health reports:

Assembly Joint Resolution No. 27

With the recommendation: Be adopted.

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

THOMSON, Chairwoman

Above resolution ordered to the Consent Calendar.

**Committee on Public Employees, Retirement and Social Security**

Date of Hearing: January 16, 2002

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 711

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

HAVICE, Chairwoman

Above bill re-referred to the Committee on Appropriations.

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

**ASSEMBLY BILL NO. 957**—An act to amend Section 18838 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1257**—An act to amend Sections 17039 and 23036 of, and to add and repeal Sections 17052.19, 23618, and 23619 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

**ASSEMBLY BILL NO. 908**—An act to add Chapter 1 (commencing with Section 1500) to Part 6 of Division 2 of the Labor Code, relating to building maintenance services.

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

**ASSEMBLY BILL NO. 100**—An act to amend Section 41204.1 of the Education Code, and to add Section 97.42 to the Revenue and Taxation Code, relating to local government finance.

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

**ASSEMBLY BILL NO. 1076**—An act to amend Section 41204.1 of the Education Code, and to add Section 97.42 to the Revenue and Taxation Code, relating to local government finance.

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

**ASSEMBLY BILL NO. 1355**—An act to add Article 4.2 (commencing with Section 53738) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and to amend Sections 96.1 and 96.5 of, and to add Section 96.51 to, the Revenue and Taxation Code, relating to local government.

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

**ASSEMBLY BILL NO. 1740**—An act to amend Section 97.3 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

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

**ASSEMBLY CONCURRENT RESOLUTION NO. 128**—Relative to Dr. Martin Luther King, Jr. 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. 58**—An act to amend Sections 2827 and 2827.7 of the Public Utilities Code, relating to public utilities.

Bill read second time; amendments proposed by the Committee on Utilities and Commerce read and adopted, bill ordered reprinted and to be returned to the second reading file.

#### **ADJOURNMENT**

At 5 p.m., the Assembly adjourned until 7 a.m., Thursday, January 17, 2002.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 16, 2002

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

**AB RN**

58	0200681
64	0200251
100	0200498
908	0200598
957	0200366
1076	0200433
1257	0200340
1355	0200428
1454	0200549
1740	0200437

**ACR RN**

128	0200701
-----	---------

<b>Daily Total:</b>	<b>11</b>
<b>Cumulative Total:</b>	<b>3318</b>

O