

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 22, 2001

ELEVENTH SESSION DAY

FIFTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 22, 2001

The Assembly met at 11 a.m.

Hon. Christine Kehoe, Assistant 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, 11:01 a.m.

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

Quorum Present

At 11:15 a.m., Assistant Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

PRAYER

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

We live in a fast paced world, offering a constant barrage of challenges. H.G. Wells, the noted British author and social commentator, advised: “Adapt or perish, now as ever, is Nature’s inexorable imperative.”

“Adapt” does not mean that we need to create something completely anew, rather it means that we can revisit past decisions while we address the future with daring new ideas.

“Adapt or perish”—What is demanded of us is action. Nature requires us to respond to the world that confronts us with creative thinking, and at times the physical stamina to endure the long hours of work that are often required until a solution is found.

May the Holy One of Blessing grant us the ability to see our challenges as opportunities, and to look at old situations with fresh eyes and new ideas.

May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Bates 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 Leonard.

COMMUNICATIONS

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

January 22, 2001

E. Dotson Wilson

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

Dear Dotson: This is to advise you that I have created the Select Committee on School Safety and have appointed the following members:

Assemblymember Sally Havice, Chair
Assemblymember Lou Correa
Assemblymember Dean Florez
Assemblymember Tom Harman
Assemblymember Lynne Leach
Assemblymember Gloria Negrete McLeod
Assemblymember Robert Pacheco

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

Monitoring Summary Report

Above transmitted report, together with letter of transmittal from Frank Grimes, Executive Director, Office of Criminal Justice Planning, dated December 29, 2000, referred by the Speaker to the Committee on Public Safety.

**Interagency Agreements
(Pursuant to Education Code Section 56475.1 (a-c))**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Department of Education, dated January 3, 2001, referred by the Speaker to the Committee on Education.

**The Drug Endangered Children
Response Team Development Program Evaluation Report**

Above transmitted report, together with letter of transmittal from Frank Grimes, Executive Director, Office of Criminal Justice Planning, dated December 29, 2000, referred by the Speaker to the Committee on Public Safety.

**Cost Impact of CAL/OSHA Regulations
To Be Considered at Public Hearing February 22, 2001 in Oakland
(Pursuant to the State Administrative Manual Section 6050)**

Above transmitted report, together with letter of transmittal from John D. MacLeod, Executive Officer, Occupational Safety and Health Standards Board, dated December 29, 2000, referred by the Speaker to the Committee on Labor and Employment.

**Board of Vocational Nursing and Psychiatric Technicians Report
(Pursuant to Business and Professions Code Sections 800 and 806)**

Above transmitted report, together with letter of transmittal from Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer, Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, dated December 29, 2000, referred by the Speaker to the Committee on Business and Professions.

**Electronic Payment of License Fees
for the California Department of Insurance
(Pursuant to Insurance Code Section 1751.8)**

Above transmitted report, together with letter of transmittal from Harry W. Low, Insurance Commissioner, Department of Insurance, dated January 5, 2001, referred by the Speaker to the Committee on Insurance.

**Annual Report of the California Department of Veterans Affairs
(Pursuant to Military and Veterans Code
Sections 972.1(c) and 974(a))**

Above transmitted report, together with letter of transmittal from Bruce Thiesen, Interim Secretary, Department of Veterans Affairs, dated December 22, 2000, referred by the Speaker to the Committee on Governmental Organization.

**Information Technology Oversight Policy
(Pursuant to Item 0505-001-0001 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Elias S. Cortez, Chief Information Officer, Department of Information Technology, dated January 4, 2001, referred by the Speaker to the Committee on Budget.

**Notice of Demonstration Project
(Pursuant to Government Code Section 19600)**

Above transmitted report, together with letter of transmittal from Walter Vaughn, Executive Officer, California State Personnel Board, dated December 22, 2000, referred by the Speaker to the Committee on Labor and Employment.

**Report on Disabled Veteran Business Enterprise Participation in
Contracts and Professional Bond Services
(Pursuant to Public Contract Code Section 10115.5,
Government Code Section 16855,
and Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Theresa A. Parker, Executive Director, California Housing Finance Agency, dated December 21, 2000, referred by the Speaker to the Committee on Utilities and Commerce.

**2001-02 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 22, 2000, referred by the Speaker to the Committee on Utilities and Commerce.

**California Integrated Waste Management Board
Legislative Preliminary Report on the Facility Compliance Loan Program
(Pursuant to Budget Act of 1999 Control Language)**

Above transmitted report, together with letter of transmittal from Linda Moulton-Patterson, Chair, California Integrated Waste Management Board, dated December 21, 2000, referred by the Speaker to the Committee on Budget.

**Annual Report to the Legislature:
Disabled Veteran Business Participation in Contracts Awarded by
the Office of Environmental Health Hazard Assessment
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Joan E. Denton, Ph.D., Director, Office of Environmental Health Hazard Assessment, dated December 22, 2000, referred by the Speaker to the Committee on Utilities and Commerce.

**Department of General Services'
Accounts Receivable Management Act Report
(Pursuant to Government Code Section 16582)**

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated December 18, 2000, referred by the Speaker to the Committee on Business and Professions.

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

Above transmitted report, together with letter of transmittal from Lynne S. Coffin, State Public Defender, Office of the State Public Defender, dated December 19, 2000, referred by the Speaker to the Committee on Utilities and Commerce.

**Legislative Report on the Three Strikes Program
and the Civil Delay Reduction Program
(Pursuant to Chapter 162 of the Statutes of 1996 and
Chapter 850 of the Statutes of 1997)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated December 15, 2000, referred by the Speaker to the Committee on Judiciary.

**California Beach Closure Report 1999
(Pursuant to Health and Safety Code 115910)**

Above transmitted report, together with letter of transmittal from Edward C. Anton, Acting Executive Director, State Water Resources Control Board, dated December 15, 2000, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Annual Program Report: Major Capitol Outlay Projects
(Pursuant to Item 1760-001-0666 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated December 26, 2000, referred by the Speaker to the Committee on Business and Professions.

**Pre-Internship Teaching Program:
A Progress Report to the Legislature
(Pursuant to Education Code Section 44306)**

Above transmitted report, together with letter of transmittal from Sam W. Swofford, Ed.D., Executive Director, Commission on Teacher Credentialing, dated December 21, 2000, referred by the Speaker to the Committee on Education.

**Report to the Legislature:
Soto Parent/Teacher Involvement Program,
Hughes Family-School Partnership Award and Grant Program,
Hayden Community-Based Parent Involvement Grant Program
(Pursuant to Chapter 734 of the Statutes of 1999)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated December 27, 2000, referred by the Speaker to the Committee on Education.

**California Earthquake Authority Independent Auditors' Report
(Pursuant to Insurance Code Section 10089.13(d))**

Above transmitted report, together with letter of transmittal from Norris W. Clark, Deputy Commissioner, Department of Insurance, dated December 21, 2000, referred by the Speaker to the Committee on Insurance.

**Annual Report to the Governor and Legislature:
Disabled Veteran Business Enterprise Program;
Minority and Women Business Enterprise Program
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Steven Cambra, Jr., Acting Director, Department of Corrections, dated December 22, 2000, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Staff Report on the Management of
State School Lands Fiscal Year 1999–2000
(Pursuant to Public Resources Code Section 6477)**

Above transmitted report, together with letter of transmittal from Paul Thayer, Executive Officer, California State Lands Commission, dated December 27, 2000, referred by the Speaker to the Committee on Natural Resources.

**2000 Annual Report to the California Legislature
(Pursuant to Government Code Sections 14535–14536)**

Above transmitted report, together with letter of transmittal from James W. Kellogg, Outgoing Chairman for 2000, California Transportation Commission, dated December 22, 2000, referred by the Speaker to the Committee on Transportation.

**Governor's Office of Criminal Justice Planning
Program Evaluation Branch Quarterly Progress Report
October 1, 2000 through December 31, 2000
(Pursuant to Item 8100-001-001 of the Budget Act of 1998)**

Above transmitted report, together with letter of transmittal from Frank Grimes, Executive Director, Office of Criminal Justice Planning, dated December 29, 2000, referred by the Speaker to the Committee on Budget.

**Target Business Enterprise Program
1999–2000 Annual Report
(Pursuant to Government Code Section 16855)**

Above transmitted report, together with letter of transmittal from Philip Angelides, State Treasurer, dated December 29, 2000, referred by the Speaker to the Committee on Utilities and Commerce.

California Department of Consumer Affairs Annual Report 2000

Above transmitted report, together with letter of transmittal from Kathleen Hamilton, Director, Department of Consumer Affairs, dated December 29, 2000, referred by the Speaker to the Committee on Business and Professions.

**Calculation of the Adjustment to
the Limited Liability Company Fees for 2001
(Pursuant to Revenue and Taxation Code Section 17943)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated December 22, 2000, referred by the Speaker to the Committee on Revenue and Taxation.

**Agreement with the Twenty-One State Employee Bargaining Units
Regarding the Cesar Chavez Holiday**

Above transmitted report, together with letter of transmittal from Marty Morgenstern, Office of the Director, Department of Personnel Administration, dated December 21, 2000, referred by the Speaker to the Committee on Labor and Employment.

**Capitol Area East End Complex
Cumulative Quarterly Report to the Joint Rules Committee
(Pursuant to Government Code Section 8169.5)**

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated November 21, 2000, referred by the Speaker to the Committee on Business and Professions.

COMMITTEE SCHEDULE CHANGE

The following schedule change was received from the Speaker and noted in the Journal:

Subcommittee on International Trade to now convene on the 2nd and 4th Tuesdays of the month, at 4 p.m.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 117—Migden. An act to add Section 13105 to the Government Code, relating to state infrastructure.

ASSEMBLY BILL NO. 118—Migden. An act to amend Section 20677 of the Government Code, relating to the Public Employees' Retirement System.

ASSEMBLY BILL NO. 119—Chavez. An act to add Section 25221 to the Corporations Code, relating to securities.

ASSEMBLY BILL NO. 120—Havice. An act to amend Section 394 of Military and Veterans Code, relating to discrimination.

ASSEMBLY BILL NO. 121—Leslie. An act to amend Section 20585 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 122—Leslie. An act to add Article 16.5 (commencing with Section 41965) to Chapter 5 of Part 24 of the Education Code, relating to school finance.

ASSEMBLY BILL NO. 123—Washington. An act to act Chapter 9 (commencing with Section 17999) to Part 1.5 of Division 13 of the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 124—Cedillo. An act to amend Section 114145 of, and to add Section 113856 to, the Health and Safety Code, relating to environmental health, and declaring the urgency thereof, to take effect immediately as an urgency statute.

ASSEMBLY BILL NO. 125—Leach. An act to amend Sections 12815 and 13000 of the Vehicle Code, relating to the Department of Motor Vehicles.

ASSEMBLY BILL NO. 126—Firebaugh (Principal coauthor: Runner). An act to add and repeal Title 6.7 (commencing with Section 13940) of Part 4 of, and to add a title heading immediately preceding Section 13980 of Part 4 of, the Penal Code, relating to crime prevention, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 127—Firebaugh. An act to add Chapter 3.8 (commencing with Section 13829) to Title 6 of Part 4 of the Penal Code, relating to police sponsored youth programs, and making an appropriation therefor.

ASSEMBLY BILL NO. 128—Shelley. An act to add Article 14 (commencing with Section 44410) of Chapter 2 of Part 25 of the Education Code, relating to public school employees.

ASSEMBLY BILL NO. 129—Rod Pacheco. An act to add Section 3821 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 130—Cardenas. An act to amend Sections 24000, 24001, 24007, 24011, 24013, and 24021 of, to amend the heading of Division 24 (commencing with Section 24000) of, and to add Section 24028 to, the Welfare and Institutions Code, relating to health.

ASSEMBLY BILL NO. 131—Corbett. An act to amend Section 14133 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 132—Horton. An act to amend Section 3502.5 of the Government Code, relating to the Meyers-Milias-Brown Act.

ADJOURN IN HONOR

Assembly Member Negrete McLeod was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of her grandchild Brian Paul McLeod, born on January 22, 2001. (Assembly Rule 45.5 suspended.)

RECESS

By unanimous consent, at 11:16 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 11:20 a.m., the Assembly reconvened.
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

ADJOURN IN MEMORY

Assembly Members Bill Campbell, John Campbell, Bates and Daucher were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Peter A. Hartman, of San Juan Capistrano, Superintendent of Saddleback Valley Unified School District.

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 Ruth Ford Forrest, of Augusta, GA.

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 Trudie Cherness, of Culver City.

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 Gertrude Fleming, of Los Angeles.

Assembly Member John Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Max Jack, of Newport Beach.

CAUCUS ANNOUNCEMENTS

Assembly Member Aroner announced that the Democratic Caucus would meet today, upon adjournment of Floor session, in the Assembly Lounge.

MOTION TO ADJOURN

At 11:21 a.m., Assembly Member La Suer moved that the Assembly do now adjourn.

Assembly Member Keeley seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:21 a.m., Assistant Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

INTRODUCTION OF GUESTS

Speaker pro Tempore Keeley introduced the following guests from the California Student Association of Community Colleges: Donald Terry, President of the Regional Executive Board; Uriah Langmeyer, Vice President of the Regional Executive Board; and Fernanda Castelo, Policy Board representative and Student Trustee for Foothill De Anza Community College District.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member La Suer, the Assembly adjourned until 8:30 a.m., Thursday, January 25, 2001, or upon Call of the Speaker, out of respect to the memory of Dr. Peter A. Hartman, on motion of Assembly Members Bill Campbell, John Campbell, Bates, and Daucher; out of respect to the memory of Ruth Ford Forrest, on motion of Assembly Member Migden; out of respect to the memory of Trudie Cherness and Gertrude Fleming, on motion of Assembly Member Wesson; out of respect to the memory of Max Jack, on motion of Assembly Member John Campbell; and in honor of the birth of Brian Paul McLeod, on motion of Assembly Member Negrete McLeod.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk