

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Tuesday, January 22, 2002**

**ONE HUNDRED THIRTY-EIGHTH SESSION DAY  
FOUR HUNDRED FIFTEENTH 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 22, 2002

The Assembly met at 11 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 Bill Campbell moved a quorum call of the Assembly.

Motion carried. Time, 11:01 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 11:09 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—75:

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

**PRAYER**

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

Talking about the difficulty of governing, Corazon Aquino once remarked that: "The government cannot do everything all at once. It can't wave a magic wand and meet everyone's demands simultaneously."

As you well know, it is true that there is no magic wand. The power of a democratic government comes not from its ability to change everything instantly, but rather, through persistence and diligence.

Those who serve in government must possess a special quality of fortitude. They must be able to withstand the difficulties of their labors while trying to maintain their desire to hold onto a sense of idealism.

Good government demands that we balance passion with patience, letting neither fall to the wayside.

May the Holy One of Blessing grant us inner strength and enduring optimism so that we may continue to find joy in our daily labor. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Cogdill 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 Vargas, 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 legislative business: Assembly Members Bates, Harman, and Richman.*

*Because of illness: Assembly Members Cohn and Horton.*

**EXPLANATIONS OF ABSENCE**

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

January 8, 2002

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

Dear Mr. Speaker: I am writing to request that I be excused from session on Tuesday, January 22nd, 2002 due to legislative business in the district. If you have any questions, please contact Martha Nicholas in my office at (916) 319-2073.

Sincerely,

PATRICIA BATES, Assembly Member  
Seventy-third District

January 15, 2002

*Hon. Robert M. Hertzberg, Speaker  
California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker,

I respectfully request to be excused on Tuesday, January 22nd for legislative business in the district.

Feel free to call me if you have questions. Thank you for your consideration of this request.

Sincerely,

TOM HARMAN, Assembly Member  
Sixty-seventh District

December 12, 2001

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Tuesday, January 22nd. I will be attending an event in my district that day, where I will be the guest of honor at the Planned Parenthood luncheon.

Thank you for your prompt attention to this matter. If you have any questions please contact Karen Archer within my office at 319-2038.

Sincerely,

KEITH RICHMAN, M.D., Assembly Member  
Thirty-eighth District

#### COMMUNICATIONS

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

January 18, 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 Lou Papan to replace Assemblymember Herb Wesson on the Assembly Business and Professions Committee for the January 22 hearing.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

January 18, 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 Darrell Steinberg to replace Assemblymember Herb Wesson on the Assembly Utilities and Commerce Committee for the January 22 hearing.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

---

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

January 18, 2002

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

Dear Dotson: Please be advised that on October 29, 2001, the Joint Committee on Rules met and approved the following item:

Press Credentials for the 2001–02 Legislative Session (22–0)

Please ensure that this action is printed in the Assembly Journal.

Sincerely,

DENNIS CARDOZA  
Chair, Joint Rules Committee

**Capitol Correspondents Association of California**

July 25, 2001

*The Honorable Dennis Cardoza*  
*Chairman, Joint Rules Committee*  
*California State Capitol*  
*Room 3016*  
*Sacramento, California*

Dear Assemblyman Cardoza: This individual has applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds him qualified under Joint Rule 32 of the Temporary Rules. We recommend his accreditation.

Noam Levey—*San Jose Mercury News*

Sincerely,

CARL INGRAM  
President  
January 18, 2002

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

Dear Dotson: Please be advised that on January 17, 2002, the Joint Committee on Rules met and approved the following item:

Press Credentials for the 2001–02 Legislative Session (14–0)

Please ensure that this action is printed in the Assembly Journal.

Sincerely,

DENNIS CARDOZA  
Chair, Joint Rules Committee

**Capitol Correspondents Association of California**

November 7, 2001

*The Honorable Dennis Cardoza*  
*Chairman, Joint Rules Committee*  
*California State Capitol*  
*Room 3016*  
*Sacramento, California*

Dear Assemblyman Cardoza: This individual has applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds her qualified under Joint Rule 32 of the Temporary Rules. We recommend her accreditation.

Vicky Keith—*La Opinion*

Sincerely,

CARL INGRAM  
President

**Capitol Correspondents Association of California**

January 9, 2002

*The Honorable Dennis Cardoza  
Chairman, Joint Rules Committee  
California State Capitol  
Room 3016  
Sacramento, California*

Dear Assemblyman Cardoza: This individual has applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds him qualified under Joint Rule 32 of the Temporary Rules. We recommend his accreditation.

Ross Bell—*The Capitol Pulse, Inc.*

Sincerely,

CARL INGRAM  
President

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 22, 2002

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

Assembly Bill No. 269  
Assembly Bill No. 693

Assembly Bill No. 878  
Assembly Bill No. 1379

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 22, 2002

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

Assembly Bill No. 275  
Assembly Bill No. 410  
Assembly Bill No. 498  
Assembly Bill No. 516  
Assembly Bill No. 610  
Assembly Bill No. 625  
Assembly Bill No. 626  
Assembly Bill No. 979  
Assembly Bill No. 1248

Assembly Bill No. 1454  
Assembly Bill No. 1458  
Assembly Bill No. 1462  
Assembly Bill No. 1599  
Assembly Bill No. 1698  
Assembly Bill No. 1701  
Assembly Bill No. 1703  
Assembly Bill No. 1742  
Assembly Bill No. 1759

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 22, 2002

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

Assembly Concurrent Resolution No. 134

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, January 22, 2002

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

Assembly Joint Resolution No. 28

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

**SPECIAL COMMITTEE MEETINGS**

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

Joint Legislative Audit Committee, on February 19, 2002, at 3 p.m., in Room 126.

**AUTHOR'S AMENDMENTS**

**Committee on Rules**

January 22, 2002

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

Assembly Concurrent Resolution No. 132

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

CARDOZA, Chairman

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

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**ADJOURN IN MEMORY**

**Moment of Silence**

Assembly Member Strom-Martin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marine Staff Sgt. Dwight Morgan, of Willits.

(Assembly Rule 45.5 suspended.)

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Reyes was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**RECESS**

By unanimous consent, at 11:14 a.m., Speaker pro Tempore Keeley declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Reyes introduced Marlen Kanagui and presented a resolution congratulating her selection as "Miss Dinuba 2001-02", and commending her outstanding record of volunteer service, peer leadership, and community spirit.

Ms. Kanagui was accompanied by her parents Ana and Juan Kanagui.

**RECONVENED**

At 11:16 a.m., the Assembly reconvened

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

**ADJOURN IN MEMORY**

Assembly Member Kehoe was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marine Staff Sgt. Walter F. Cohee, of San Diego.

(Assembly Rule 45.5 suspended.)

**PRIVILEGES OF THE FLOOR**

Assembly Member Chan was granted unanimous consent that the privileges of the Floor be granted to her daughter, Jennifer Chan.



**ADJOURN IN MEMORY**

Assembly Member Cardenas was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Efren “Shorty” Olvera, of Pacoima.

(Assembly Rule 45.5 suspended.)

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anneliese Christine Lorenzen Schmidt, of Sacramento.

(Assembly Rule 45.5 suspended.)

**JOINT RULE 62(a) WAIVED**

Assembly Member Vargas was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 728 for hearing in the Committee on Public Employees, Retirement and Social Security upon adjournment of Floor session today.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Upon request of Assembly Member Vargas, pursuant to Assembly Rule 78, Assembly Member Jackson announced her intention to request that Assembly Bills Nos. 640 and 556 be removed from the inactive file.

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

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 693, 878, 269, and 1379**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1282**—An act to add Section 1366.1 to the Health and Safety Code, relating to health care service plans.

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

**ASSEMBLY BILL NO. 1344**—An act to amend Section 594.1 of the Penal Code, relating to etching cream.

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

**ASSEMBLY BILL NO. 1416**—An act to amend Sections 11054 and 11550 of the Health and Safety Code, relating to controlled substances.

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

**ASSEMBLY BILL NO. 1358**—An act to amend Section 1596.853 of, and to add Section 1596.8535 to, the Health and Safety Code, relating to child care facilities.

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

**ASSEMBLY BILL NO. 907**—An act to amend Sections 87482.5, 87482.6, and 87482.9 of the Education Code, relating to community colleges.

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

**ASSEMBLY BILL NO. 1059**—An act to add Section 69547.10 to the Education Code, relating to pupil records.

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

**ASSEMBLY BILL NO. 1381**—An act to amend Section 69995 of the Education Code, relating to postsecondary education.

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

**ASSEMBLY BILL NO. 299**—An act to amend Section 784.7 of the Penal Code, relating to criminal jurisdiction.

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

#### **SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 585**—An act to amend Section 20200 of the Elections Code, relating to election campaigns.

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

**SENATE BILL NO. 510**—An act to add and repeal Section 12088.15 of the Penal Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

#### **BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Assembly Bill No. 1145**, on request of Assembly Member Jackson;

**Assembly Bill No. 776**, on request of Assembly Member Thomson;

**Assembly Bill No. 1652**, on request of Assembly Member Goldberg.

**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. 1211 and 773 were continued until Thursday, January 24, 2002.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

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

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 352 (Runner)**—An act to amend Section 12001.12 of the Penal Code, relating to undetectable knives.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1486 (Dutra)**—An act to amend Sections 12640.02 and 12640.07 of the Insurance Code, relating to insurance.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

**AYES—73**

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

**NOES—None**

**At 11:26 a.m., Assistant Speaker pro Tempore Kehoe,  
76th District, presiding**

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

**ASSEMBLY BILL NO. 58 (Keeley)**—An act to amend Sections 2827 and 2827.7 of the Public Utilities Code, relating to public utilities.

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

**AYES—69**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**At 11:29 a.m., Speaker pro Tempore Keeley, 27th District, presiding**

**REQUEST TO CONSIDER AND ACT ON BILLS  
WITHIN 30 CALENDAR DAYS**

The following request was submitted:

Assembly Chamber, January 15, 2002

Mr. Speaker: I request permission to introduce a resolution providing that Assembly Bill No. 1743 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

JOHN CAMPBELL

**Recommendation of Rules Committee**

January 22, 2002

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member John Campbell for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 8(a), of the Constitution and suspending Joint Rule 55 as they pertain to Assembly Bill No. 1743 be granted.

CARDOZA, Chair

**Resolution to Dispense with Article IV, Sec. 8(a) of the Constitution  
and Suspend Joint Rule 55**

*Resolved*, That, pursuant to Article IV, Section 8(a) of the Constitution, Assembly Bill No. 1743 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read, and adopted by the following vote:

**AYES—71**

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

**NOES—None**

Article IV, Section 8(a) of the Constitution was declared dispensed with, and Joint Rule 55 suspended.

**REQUEST TO CONSIDER AND ACT ON BILLS  
WITHIN 30 CALENDAR DAYS**

The following request was submitted:

Assembly Chamber, January 17, 2002

Mr. Speaker: I request permission to introduce a resolution providing that Assembly Bill No. 1744 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

ELLEN M. CORBETT

**Recommendation of Rules Committee**

January 22, 2002

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member Corbett for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 8(a), of the Constitution and suspending Joint Rule 55 as they pertain to Assembly Bill No. 1744 be granted.

CARDOZA, Chair

**Resolution to Dispense with Article IV, Sec. 8(a) of the Constitution  
and Suspend Joint Rule 55**

*Resolved*, That, pursuant to Article IV, Section 8(a) of the Constitution, Assembly Bill No. 1744 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read, and adopted by the following vote:

**AYES—71**

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

**NOES—None**

Article IV, Section 8(a) of the Constitution was declared dispensed with, and Joint Rule 55 suspended.

**SPECIAL ORDER OF BUSINESS**

**CEREMONY IN HONOR OF SPEAKER ROBERT M. HERTZBERG  
HOUSE RESOLUTION NO. 33**

The hour of 11:30 having arrived, a special ceremony to honor Speaker Robert M. Hertzberg was convened.

**Special Introduction**

Speaker pro Tempore Keeley introduced Dr. Cynthia Telles, wife of Speaker Robert M. Hertzberg.

**Video Presentations**

The Assembly viewed two video presentations relative to honoring Speaker Hertzberg.

**Remarks by Minority Floor Leader**

Minority Floor Leader Dave Cox offered special remarks in honor of Speaker Robert M. Hertzberg.

**Consideration of Special Order—House Resolution No. 33**

**HOUSE RESOLUTION NO. 33 (Cardoza)**—Relative to Robert M. Hertzberg.  
Resolution read, and adopted.

**Select Committee on Escort Appointed**

Speaker pro Tempore Keeley appointed Assembly Members Cardoza, Cox, Wesson, Migden, Bill Campbell, Aroner, Leonard, Cardenas, Steinberg, and Thomson as a Select Committee on Escort to escort Speaker Robert M. Hertzberg and his wife, Dr. Cynthia Telles, to the Rostrum.

**Presentation by Assembly Member Cardoza**

Assembly Member Cardoza presented a framed copy of House Resolution No. 33 to Speaker Hertzberg.

**Presentation by Speaker-elect Wesson**

A personalized gavel was presented to Speaker Hertzberg from Speaker-elect Wesson.

**Address by Speaker Hertzberg**

Speaker Hertzberg then addressed the Body.

**At 1:53 p.m., Speaker pro Tempore Keeley, 27th District, presiding**

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

**ASSEMBLY CONCURRENT RESOLUTION NO. 134 (Wesson)**—Relative to the Rosa Parks Freeway.

Resolution read, presented by Assembly Member Pavley, and adopted.

Resolution ordered transmitted to the Senate.

**ADJOURN IN MEMORY**

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sandra Stark, of Berkeley.

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 Thomas McCauley, of North Tustin.

Assembly Member Maldonado was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles Delmartini, of San Luis Obispo County.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sam Sentencich, of Fresno.

**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 Bill No. 1248 for hearing in the Committee on Utilities and Commerce, upon adjournment of Floor session today.

**ANNOUNCEMENTS**

Speaker pro Tempore Keeley announced that Thursday, January 24, 2002 is the last day to notice removal of Assembly bills from the inactive file for purpose of amendments, prior to the January 31st Constitutional deadline.

**MOTION TO ADJOURN**

At 1:59 p.m., Assembly Member Papan moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

**VOTE ADDS**

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

**Consent Calendar:** Bogh, Dickerson, Florez, Maddox, Mountjoy, Rod Pacheco, Washington, and Zettel—Aye.

**Assembly Bill No. 58:** Bogh, Canciamilla, Maddox, Rod Pacheco, Simitian, Washington, and Zettel—Aye.

**Resolution to Invoke Constitution:** Bogh, Maddox, Rod Pacheco, Simitian, and Washington—Aye.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 1:59 p.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1826—Migden.** An act to amend Section 1374.55 of the Health and Safety Code, and to amend Section 10119.6 of the Insurance Code, relating to health coverage.

**ASSEMBLY BILL NO. 1827—Zettel.** An act to amend Section 3041.5 of the Penal Code, relating to parole hearings.

**ASSEMBLY BILL NO. 1828—Bill Campbell.** An act to add Section 383c to the Penal Code, relating to crime.

**ASSEMBLY BILL NO. 1829—Robert Pacheco.** An act to add Section 65583.2 to the Government Code, relating to local planning.

**ASSEMBLY BILL NO. 1830—Frommer and Thomson.** An act to add Section 22963 to the Business and Professions Code, relating to tobacco products.

**ASSEMBLY BILL NO. 1831—Runner.** An act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to limitation of actions.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 22, 2002

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

Assembly Bill No. 217

And reports the same correctly enrolled, and presented to the Governor on the 22nd day of January, 2002, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

January 22, 2002

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

Senate Bill No. 823

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

MIGDEN, Chairwoman



**SENATE BILL NO. 823**—An act to amend Section 30061 of, and to repeal Section 30064.1 of, the Government Code, relating to law enforcement funding.

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 Elections, Reapportionment and Constitutional Amendments**

January 22, 2002

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 1584

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

LONGVILLE, Chairman

**ASSEMBLY BILL NO. 1584**—An act to amend Section 72022 of the Education Code, relating to community colleges.

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 22, 2002

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

Assembly Bill No. 1170

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

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1170**—An act to add Chapter 14.5 (commencing with Section 50860) to Part 2 of Division 31 of the Health and Safety Code, relating to housing, 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.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Human Services**

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1425

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

ARONER, Chairwoman

Above bill ordered to second reading.

##### **Committee on Judiciary**

Date of Hearing: January 15, 2002

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1349

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

STEINBERG, Chairman

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. 74

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

WASHINGTON, Chairman

Above bill ordered to second reading.

**Committee on Water, Parks and Wildlife**

Date of Hearing: January 22, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 954

With the recommendation: Do pass, and be re-referred to the Committee on Environmental Safety and Toxic Materials.

FLOREZ, Chairman

Above bill re-referred to the Committee on Environmental Safety and Toxic Materials.

**Committee on Business and Professions**

Date of Hearing: January 22, 2002

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

Assembly Bill No. 1106

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.

CORREA, Chairman

Above bill ordered to second reading.

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

Date of Hearing: January 22, 2002

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

Senate Bill No. 728

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.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 22, 2002

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

Assembly Concurrent Resolution No. 128

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, January 22, 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. 107

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

Senate Chamber, January 22, 2002

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

Senate Bill No. 17  
Senate Bill No. 24  
Senate Bill No. 56  
Senate Bill No. 500

Senate Bill No. 577  
Senate Bill No. 595  
Senate Bill No. 836  
Senate Bill No. 1019

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

**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 17**—An act to amend Sections 7085 and 7091 of, to add Section 7122.2 to, and to repeal Section 7085.8 of, the Business and Professions Code, relating to contractors.

**SENATE BILL NO. 24**—An act to amend Section 62.2 of the Revenue and Taxation Code, relating to taxation.

**SENATE BILL NO. 56**—An act to amend Sections 49431, 49433, 49433.7, 49433.9, and 49434 of the Education Code, relating to pupil nutrition.

**SENATE BILL NO. 500**—An act to amend Section 1722 of the Civil Code, relating to utilities.

**SENATE BILL NO. 577**—An act to add Section 2053.5 to the Business and Professions Code, relating to health.

**SENATE BILL NO. 595**—An act to amend Sections 62, 172, 172.1, 181, 194, 197, 441, 480.4, and 482 of, and to amend the heading of Chapter 2.6 (commencing with Section 172) of Part 1 of Division 1 of, the Revenue and Taxation Code, relating to taxation.

**SENATE BILL NO. 836**—An act to amend Section 290 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 1019**—An act to amend Section 5499.4 of the Business and Professions Code, to amend Sections 15148, 15359.1, and 19420 of the Education Code, to amend Sections 6070, 6215, and 8456 of the Food and Agricultural Code, to amend Sections 4005, 25526, 25537, 26922, 27504.1, 29965, 30003, 65009, 66499.22, and 76106 of the Government Code, to amend Sections 5872, 5873, 5874, 6044, and 6045 of the Harbors and Navigation Code, to amend Section 5053 of the Insurance Code, to amend Section 6005 of the Penal Code, to repeal Sections 4876 and 13021 of the Public Resources Code, to amend Sections 909, 1181, 1186, 3111, 3112.5, 3114, 5026, 8653, 9019, 11302, and 27123 of the Streets and Highways Code, and to amend Sections 4117, 4457, 4804, and 5110 of the Welfare and Institutions Code, relating to local government.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Papan, the Assembly adjourned until 7 a.m., Wednesday, January 23, 2002, out of respect to the memory of Marine Staff Sgt. Dwight Morgan, on motion of Assembly Member Strom-Martin; out of respect to the memory of Marine Staff Sgt. Walter F. Cohee, on motion of Assembly Member Kehoe; out of respect to the memory of Efren "Shorty" Olvera, on motion of Assembly Member Cardenas; out of respect to the memory of Anneliese Christine Lorensen Schmidt, on motion of Assembly Member Mountjoy; out of respect to the memory of Sam Sentencich, on motion of Assembly Member Reyes; out of respect to the memory of Charles Delmartini, on motion of Assembly Member Maldonado; out of respect to the memory of Thomas McCauley, on motion of Assembly Member Bill Campbell; and out of respect to the memory of Sandra Stark, on motion of Assembly Member Aroner.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 22, 2002**

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

**AB RN**

299 0200817  
907 0200850  
1059 0200877  
1170 0114180  
1282 0201260  
1344 0200815  
1358 0200887  
1381 0200875  
1416 0200886  
1584 0200539

**ACR RN**

132 0200907

**SB RN**

585 0201169  
823 0200814

**Daily Total: 13**  
**Cumulative Total: 3368**

O