

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 23, 2002

**ONE HUNDRED THIRTY-NINTH SESSION DAY
FOUR HUNDRED SIXTEENTH 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
Wednesday, January 23, 2002

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th 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—74:

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

Quorum present.

At 1:27 p.m., Hon. Rebecca Cohn, 24th 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 Calderon, Hollingsworth, and Migden.

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

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

Because of illness: Assembly Member Shelley.

EXPLANATIONS OF ABSENCE

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

January 22, 2002

The Honorable Robert M. Hertzberg
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker: I am writing to request to be excused from check in session on Wednesday, January 23, 2002 to attend legislative business in my district office. I will return on Wednesday, January 23, 2002 at 5:25 p.m.

Sincerely,

THOMAS M. CALDERON, Assembly Member
Fifty-eighth District

January 22, 2002

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

Dear Mr. Speaker: I am requesting permission to be excused from Check-in Session on Wednesday, January 23, 2002, on legislative business, waiving per diem.

Thank you for your consideration of this request.

Sincerely,

TONY CÁRDENAS, Assembly Member
Thirty-ninth District

January 17, 2002

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

Dear Mr. Speaker: I would like to request to be excused from check-in on Wednesday, January 23, as I have Legislative business in my District.

Thank you for your consideration.

Sincerely,

DENNIS HOLLINGSWORTH, Assembly Member
Sixty-sixth District

January 22, 2002

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

Dear Mr. Speaker: I am respectfully requesting to be excused from check-in session January 23, 2002 for legislative business in district. Thank you for your consideration in this matter.

Sincerely,

CAROLE MIGDEN, Assembly Member
 Thirteenth District

COMMUNICATIONS

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

January 22, 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 Assemblymembers Darrell Steinberg and Mark Wyland to replace Assemblymembers Herb Wesson and Charlene Zettel on the Assembly Appropriations Committee for the January 24 hearing.

Sincerely,

ROBERT M. HERTZBERG
 Speaker of the Assembly

January 23, 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 Assemblymembers Wilma Chan and Roy Ashburn to replace Assemblymembers Kevin Shelley and Patricia Bates on the Assembly Judiciary Committee for today's hearing.

Sincerely,

ROBERT M. HERTZBERG
 Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 23, 2002

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

Assembly Bill No. 299

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, January 23, 2002

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

Assembly Bill No. 907
 Assembly Bill No. 1059
 Assembly Bill No. 1170
 Assembly Bill No. 1282
 Assembly Bill No. 1344

Assembly Bill No. 1358
 Assembly Bill No. 1381
 Assembly Bill No. 1416
 Assembly Bill No. 1584
 Assembly Bill No. 1699

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 23, 2002

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

Assembly Concurrent Resolution No. 132

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. 1832—Robert Pacheco. An act to amend Section 317 of the Welfare and Institutions Code, relating to juveniles.

ASSEMBLY BILL NO. 1833—Nakano. An act to amend Sections 1797.98c and 1797.98e of the Health and Safety Code, relating to health services funding.

ASSEMBLY BILL NO. 1834—Wyland. An act to amend Sections 17276 and 24416 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 137—Chan and Thomson. Relative to school health.

ASSEMBLY CONCURRENT RESOLUTION NO. 138—Papan and Alquist (Coauthor: Senator Poochigian). Relative to Greek Independence Day.

HOUSE RESOLUTION NO. 35—Havice. Relative to concealed weapons: off-duty policy officers and deputy sheriffs.

SPECIAL COMMITTEE MEETINGS

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

Business and Professions, on Tuesday, February 19, 2002;

Joint Committee on Preparing California for the 21st Century, on February 19, 2002.

AUTHOR'S AMENDMENTS Committee on Appropriations

January 23, 2002

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

Assembly Bill No. 1462

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 1462—An act to add Article 15 (commencing with Section 44406) to Chapter 2 of Part 25 of the Education Code, relating to teachers.

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 Housing and Community Development

Date of Hearing: January 23, 2002

Mr. Speaker: Your Committee on Housing and Community Development reports:
Assembly Bill No. 643

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.

LOWENTHAL, Chairman

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: January 23, 2002

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 746

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.

STEINBERG, Chairman

Above bill ordered to second reading.

Date of Hearing: January 23, 2002

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1317

Assembly Bill No. 1699

Assembly Bill No. 1701

Assembly Bill No. 1703

With the recommendation: Do pass.

STEINBERG, Chairman

Above bills ordered to second reading.

Committee on Education

Date of Hearing: January 16, 2002

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 520

Assembly Bill No. 662

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

STROM-MARTIN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 16, 2002

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 615

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

STROM-MARTIN, Chairwoman

Above bill ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: January 23, 2002

Mr. Speaker: Your Committee on Housing and Community Development reports:
Senate Bill No. 1227

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

LOWENTHAL, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Education

Date of Hearing: January 16, 2002

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 325

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

STROM-MARTIN, Chairwoman

Above bill ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: January 22, 2002

Mr. Speaker: Your Committee on Utilities and Commerce reports:
Assembly Bill No. 1248

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

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

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 Bills Nos. 640 and 556, on request of Assembly Member Jackson.

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 Bill No. 299, ordered to third reading.

ASSEMBLY BILL NO. 1425—An act to amend Section 1505 of the Health and Safety Code, and to add Section 5677 to the Welfare and Institutions Code, relating to mental health.

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. 1349—An act to amend Sections 102680 and 102685 of, and to add Section 102706 to, the Health and Safety Code, relating to adoption.

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

ASSEMBLY BILL NO. 74—An act to amend Sections 629.50, 629.51, 629.52, 629.54, 629.56, 629.58, 629.62, 629.64, 629.68, 629.70, 629.72, 629.74, 629.76, 629.78, 629.80, 629.82, 629.86, 629.88, 629.89, 629.90, 629.94, and 629.98 of, and to add Section 629.55 to, the Penal Code, relating to interception of communications.

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. 1106—An act to add Section 1060 to the Civil Code, relating to notaries public.

Bill read second time, and ordered to Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, January 24, 2002.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 23, 2002**

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

| AB | RN | |
|--------------------------|-----------|-------------|
| 74 | 0201010 | |
| 1349 | 0201424 | |
| 1425 | 0200880 | |
| 1462 | 0201454 | |
| Daily Total: | | 4 |
| Cumulative Total: | | 3372 |

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