

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 25, 2001
FOURTEENTH SESSION DAY
FIFTY-THIRD CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 25, 2001

The Assembly met at 8:30 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 Wayne moved a quorum call of the Assembly.

Motion carried. Time, 8:30 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 8:42 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:

William James, a pioneer of American psychology and a respected philosopher, taught that “The great use of a life is to spend it for something that outlasts it.”

Each day we are given the opportunity to affect the world around us, to truly spend our lives in a way where we can create a legacy of meaning. This is the ultimate inheritance we will leave to future generations. While it might lack the tangibility of property or possession left in a will, it gives us a chance to allow our short time here to be felt throughout eternity.

May the Holy One view our work with favor and grant us the blessing of living a life rich in meaning and filled with purpose. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Pescetti then led the Assembly in the pledge of allegiance to the Flag.

ASSEMBLY RULE 118 SUSPENDED

Assembly Member Hollingsworth was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor to his 5 week-old son Kenneth Hunter Hollingsworth, and permitting him to sit at his desk in the Assembly Chamber.

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 Wayne, seconded by Assembly Member Leonard.

COMMUNICATIONS

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

January 25, 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 replaced Assemblymember Christine Kehoe on the Environmental Safety and Toxic Materials Committee with Assemblymember John Longville for the 2001–02 Regular Session.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

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

January 10, 2001

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

Dear Mr. Wilson: Please be advised that on January 9, 2001, the Committee on Rules approved the following items:

1. 2001 Holiday Schedule (8-0);
2. Appointment of Jon Waldie as C.A.O. (8-0).

Very truly yours,

DENNIS CARDOZA
 Chairman, Assembly Rules Committee

REPORTS

The following reports were presented by the Chief Clerk:

California Office of Traffic Safety Annual Progress Report 2000

Above transmitted report, together with letter of transmittal from Teresa Becher, Interim Director, Office of Traffic Safety, dated January 8, 2001, referred by the Speaker to the Committee on Transportation.

Performance Management Report Fiscal Year 1999-2000

(Pursuant to Item 3790-001-0001 of the Budget Act of 2000)

Above transmitted report, together with letter of transmittal from Rusty Areias, Director, Department of Parks and Recreation, dated January 2, 2001, referred by the Speaker to the Committee on Budget.

Use of Harbors and Watercraft Revolving Fund (Pursuant to Harbors and Navigation Code Section 85.2(b)(2))

Above transmitted report, together with letter of transmittal from Rusty Areias, Director, Department of Parks and Recreation, dated January 2, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

Threatened and Endangered Species (Pursuant to the Supplemental Report of the Budget Act of 2000)

Above transmitted report, together with letter of transmittal from Mary D. Nichols, Agency Secretary, The Resources Agency of California, dated January 10, 2001, referred by the Speaker to the Committee on Budget.

State Hospital Budget Marginal Cost Methodology (Pursuant to Item 4440-011-0001 of the Budget Act of 2000)

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated January 10, 2001, referred by the Speaker to the Committee on Budget.

**Disabled Veteran Business Enterprise Annual Contract Report
Fiscal Year 1999–2000
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Bruce Thiesen, Interim Secretary, Department of Veterans Affairs, dated December 20, 2000, referred by the Speaker to the Committee on Governmental Organization.

**Department of Information Technology
2000 Annual Report
(Pursuant to Government Code Sections 11711(c) and 11725(b))**

Above transmitted report, together with letter of transmittal from Elias S. Cortez, Chief Information Officer, Department of Information Technology, dated December 1, 2000, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Summary Report of Transition to Outcomes-Based Evaluation:
Domestic Violence Feasibility Study and Phases I, II, III**

Above transmitted report, together with letter of transmittal from Frank Grimes, Executive Director, Office of Criminal Justice Planning, dated November 30, 2000, referred by the Speaker to the Committee on Public Safety.

**Implementation of Resident Representation and Communication Efforts
at Continuing Care Retirement Communities
(Pursuant to Health and Safety Code Section 1771.9)**

Above transmitted report, together with letter of transmittal from Rita Saenz, Director, Department of Social Services, dated January 1, 2001, referred by the Speaker to the Committee on Human Services.

**Report to the Legislature: Denied Claims
(Pursuant to Government Code Section 17601)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated January 3, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Report to the Legislature: Approved Mandate Claims
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated January 3, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Progress Report on Tracking System for Maintenance Needs
(Pursuant to Item 3600-002-0001 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated January 9, 2001, referred by the Speaker to the Committee on Budget.

**Department of Fish and Game Enforcement Activities
(Pursuant to Item 3600-002-0001 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated January 9, 2001, referred by the Speaker to the Committee on Budget.

**Board of Registered Nursing
Report Regarding Settled Agreements and Arbitration Awards
(Pursuant to Business and Professions Code Section 806)**

Above transmitted report, together with letter of transmittal from Ruth Ann Terry, MPH, RN, Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, dated January 4, 2001, referred by the Speaker to the Committee on Business and Professions.

**Community Development Block Grant Program
Fiscal Year 1999–2000
(Pursuant to Health and Safety Code Section 50834)**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated December 22, 2000, referred by the Speaker to the Committee on Housing and Community Development.

**Department of Housing and Community Development
Report Regarding Implementation of the Multifamily Housing Program
(Pursuant to Government Code Section 11017.5)**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated December 22, 2000, referred by the Speaker to the Committee on Housing and Community Development.

**Loan and Grant Programs, Annual Report
Fiscal Year 1999–2000
(Pursuant to Health and Safety Code Section 50408)**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated December 22, 2000, referred by the Speaker to the Committee on Housing and Community Development.

**Emergency Housing and Assistance Program
Annual Report 1999–2000
(Pursuant to Health and Safety Code Section 50806)**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated December 22, 2000, referred by the Speaker to the Committee on Housing and Community Development.

**Safe at Home Confidential Address Program
(Pursuant to Government Code Section 6210)**

Above transmitted report, together with letter of transmittal from Bill Jones, Secretary of State, dated January 10, 2001, referred by the Speaker to the Committee on Judiciary.

**A Report on the Assignments of Certificated Employees
by County Offices of Education for Four School Years, 1995–1999
(Pursuant to Education Code Section 44258.9(f))**

Above transmitted report, together with letter of transmittal from Sam W. Swofford, Ed.D., Executive Director, Commission on Teacher Credentialing, dated December 29, 2000, referred by the Speaker to the Committee on Education.

**Annual Program Evaluation Plan and Overview
(Pursuant to the Budget Act of 1998)**

Above transmitted report, together with letter of transmittal from Frank Grimes, Executive Director, Office of Criminal Justice Planning, dated January 12, 2001, referred by the Speaker to the Committee on Budget.

**Congestion Relief Demonstration Program
(Pursuant to the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, dated January 11, 2001, referred by the Speaker to the Committee on Budget.

**Consulting Services Contracts Annual Report
Fiscal Year 1999–2000
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Woody Allshouse, Chief Deputy Director, Department of Forestry and Fire Protection, dated January 10, 2001, referred by the Speaker to the Committee on Natural Resources.

SPECIAL COMMITTEE MEETINGS

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

Education, on January 31, 2001, at 1 p.m., in Room 4202.

ADJOURN IN MEMORY

Assembly Members Goldberg, Cedillo, Havice, and Alquist were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Royal Morales, of Gardena. (Assembly Rule 45.5 suspended.)

REQUEST FOR PHOTOGRAPHER

Assembly Members Chan, Liu, and Nakano were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

SPECIAL RECOGNITION OF CHINESE NEW YEAR

Assembly Members Chan, Liu, Nakano, and Alquist addressed the Body in recognition of Chinese New Year.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 8:56 a.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

RECESS

By unanimous consent, at 9 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Thomson introduced guests representing nurse anesthetists throughout the State of California and presented a resolution in recognition of "Nurse Anesthetists Week".

RECONVENED

At 9:02 a.m., the Assembly reconvened.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

ADJOURN IN MEMORY

Assembly Member Dutra was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carla Virginia Pereira, of Pleasanton and Nikolas Bryant, of Paso Robles.

(Assembly Rule 45.5 suspended.)

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: January 25, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 13

With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolution ordered on file.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Concurrent

Resolution No.

Committee

13 ----- Rls.

RECESS

By unanimous consent, at 9:06 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 9:07 a.m., the Assembly reconvened.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

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

The following request was submitted:

Assembly Chamber, January 22, 2001

Mr. Speaker: I request permission to introduce a resolution providing that Assembly Bill No. 115 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

DENNIS CARDOZA

Recommendation of Rules Committee

January 25, 2001

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member Cardoza 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. 115 be granted.

CARDOZA, Chairman

**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. 115 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—74

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

NOES—1

Pacheco, Rod

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

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY CONCURRENT RESOLUTION NO. 11 (Washington)—Relative to Dr. Martin Luther King, Jr. Day.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—74

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

NOES—None

Above resolution ordered enrolled.

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Member Washington on the occasion of his birthday.

SCHEDULE ANNOUNCEMENTS

Assistant Speaker pro Tempore Kehoe announced that the House is to remain upon Call of the Speaker for Floor Session on Friday, January 26, 2001, and that the House will reconvene in Floor session on Monday, January 29, 2001 at 11 a.m.

CAUCUS ANNOUNCEMENTS

Assembly Member Pescetti announced that the Republican Caucus would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

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

ADJOURN IN MEMORY

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 John Masters, of Orange.

Assembly Member Frommer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bella Sussman, of Glendale.

Assembly Member Wiggins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Malcolm Tipp, of Vallejo.

Assembly Member Wyman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harry V. Bailey, Sr., Vice Mayor—Councilman of California City.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items:

Resolution to Invoke Constitution: Cedillo, Dutra, and Runner—Aye.

Assembly Concurrent Resolution No. 11, Concurrence: Runner—Aye.

MOTION TO ADJOURN

At 9:13 a.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:13 a.m., Assistant Speaker pro Tempore Kehoe 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. 143—Washington. An act to amend Section 6980.10 of the Business and Professions Code, relating to locksmiths.

ASSEMBLY BILL NO. 144—Cedillo. An act to amend Section 11155 of, and to add Section 18901.8 to, the Welfare and Institutions Code, relating to human services.

ASSEMBLY BILL NO. 145—Robert Pacheco. An act to amend Section 6159 of the Government Code, relating to local government.

ASSEMBLY BILL NO. 146—Wayne. An act to add Section 19990.6 to the Government Code, relating to state employment.

MESSAGES FROM THE SENATE

Senate Chamber, January 25, 2001

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

Senate Concurrent Resolution No. 4

Senate Concurrent Resolution No. 5

Senate Concurrent Resolution No. 6

Senate Concurrent Resolution No. 7

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolutions were read:

SENATE CONCURRENT RESOLUTION NO. 4—Relative to a sister state relationship with Gujarat State, India.

SENATE CONCURRENT RESOLUTION NO. 5—Relative to California Fitness Month.

SENATE CONCURRENT RESOLUTION NO. 6—Relative to physical education.

SENATE CONCURRENT RESOLUTION NO. 7—Relative to POW Recognition Day.

INTRODUCTION OF GUESTS

Assembly Member Hollingsworth, of the 66th Assembly District, introduced his wife Natalie and son Kenneth Hunter Hollingsworth, of Murrieta.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until 11 a.m., Monday, January 29, 2001, or upon Call of the Speaker, out of respect to the memory of Royal Morales, on motion of Assembly Members Goldberg, Cedillo, Havice, and Alquist; out of respect to the memory of Carla Virginia Pereira and Nikolas Bryant, on motion of Assembly Member Dutra; out of respect to the memory of John Masters, on motion of Assembly Member Bill Campbell; out of respect to the memory of Bella Sussman, on motion of Assembly Member Frommer; out of respect to the memory of Malcolm Tipp, on motion of Assembly Member Wiggins; and out of respect to the memory of Harry V. Bailey, Sr., Vice Mayor—Councilman, on motion of Assembly Member Wyman.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

O