

CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Wednesday, January 30, 2002**  
**EIGHTH SESSION DAY**  
**TWENTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



---

---

NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

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

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, January 30, 2002

The Assembly met at 1:52 p.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 following were placed upon the morning roll call—77:

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

**PRAYER**

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

The English writer, Dorothy Sayers contemplated that: "Work is not, primarily, a thing one does to live, but the thing one lives to do. It is, or it should be, the full expression of the worker's faculties."

For some, work means nothing more than a job, a way to earn a livelihood before they escape into the weekend, or home at the end of the day.

But for those who invest each day's efforts with their deepest creativity and heart-felt passion, work can be transformed into a calling. A calling that offers far more than a paycheck. It can be a source of spiritual sustenance, satisfaction, and fulfillment. To discover one's calling is to discover one's self.

May the Holy One of Blessing grant us the ability to find meaning in our daily labors, and joy in how we spend our days. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Pavley 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 Cogdill.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

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

*Because of illness: Assembly Member Leslie.*

*Because of illness in her family: Assembly Member Liu.*

**MESSAGES FROM THE SENATE**

Senate Chamber, January 30, 2002

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

Senate Bill No. 1

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

Senate Chamber, January 30, 2002

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

Senate Bill No. 4

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

Senate Chamber, January 30, 2002

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

Senate Bill No. 5

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. 1**—An act to amend Items 1111-011-0582, 2240-115-3006, 0540-101-0001, 3900-001-0001, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942, of Section 2.00 of, to add Items 0505-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2660-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 3900-496, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-116-0470, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Items 6110-133-0001, 6110-134-0001, and 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 4**—An act making an appropriation to amend and supplement the Budget Act of 2001 for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 5**—An act to amend Sections 33050, 42238, 42238.12, 42238.44, 51725, 51727, and 51729 of, and to add Sections 42238.45 and 52055.660 to, the Education Code, to amend Section 1 of Chapter 723 of the Statutes of 2001, and to amend Section 33 of Chapter 891 of the Statutes of 2001, relating to education, making an appropriation therefore, and declaring the urgency thereof, to take effect immediately.

### RESOLUTIONS

The following resolution was offered:

#### **Resolution to Dispense With Constitutional Provision**

By Assembly Member Oropeza.

*Resolved*, That Senate Bills Nos. 1, 4, and 5 present cases of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bills be read on three separate days in each house is hereby dispensed with and it is ordered that the bills be placed upon their passage.

Resolution read, and adopted by the following vote:

**AYES—70**

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

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**Second Reading of Senate Bill No. 1**

**SENATE BILL NO. 1**—An act to amend Items 1111-011-0582, 2240-115-3006, 0540-101-0001, 3900-001-0001, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942, of Section 2.00 of, to add Items 0505-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2660-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 3900-496, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-116-0470, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Items 6110-133-0001, 6110-134-0001, and 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Second Reading of Senate Bill No. 4**

**SENATE BILL NO. 4**—An act making an appropriation to amend and supplement the Budget Act of 2001 for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Second Reading of Senate Bill No. 5**

**SENATE BILL NO. 5**—An act to amend Sections 33050, 42238, 42238.12, 42238.44, 51725, 51727, and 51729 of, and to add Sections 42238.45 and 52055.660 to, the Education Code, to amend Section 1 of Chapter 723 of the Statutes of 2001, and to amend Section 33 of Chapter 891 of the Statutes of 2001, relating to education, making an appropriation therefore, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**CONSIDERATION OF SENATE BILL NO. 1 BY UNANIMOUS CONSENT**

Assembly Member Oropeza was unanimous consent to take up Senate Bill No. 1 without reference to file.

**SENATE BILL NO. 1 (Peace)**—An act to amend Items 1111-011-0582, 2240-115-3006, 0540-101-0001, 3900-001-0001, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942, of Section 2.00 of, to add Items 0505-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2660-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 3900-496, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-116-0470, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Items 6110-133-0001, 6110-134-0001, and 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend by Assembly Member Daucher**

Assembly Member Daucher moved the adoption of amendments.  
Amendments read.

**Motion to Table Daucher Amendments  
to Senate Bill No. 1**

Assembly Member Vargas moved that the amendments offered by Assembly Member Daucher to Senate Bill No. 1 be laid upon the table.

Assembly Member Reyes seconded the motion.

Motion carried by the following vote:

**AYES—42**

Alquist	Dutra	Migden	Strom-Martin
Aroner	Firebaugh	Nakano	Thomson
Canciamilla	Frommer	Nation	Vargas
Cardoza	Goldberg	Negrete McLeod	Washington
Cedillo	Horton	Oropeza	Wayne
Chan	Jackson	Papan	Wesson
Chavez	Keeley	Pavley	Wiggins
Chu	Kehoe	Reyes	Wright
Cohn	Koretz	Salinas	Mr. Speaker
Corbett	Longville	Shelley	
Diaz	Lowenthal	Steinberg	

**NOES—26**

Aanestad	Cogdill	La Suer	Runner
Ashburn	Cox	Maddox	Strickland
Bates	Daucher	Maldonado	Wyland
Bogh	Dickerson	Mountjoy	Wyman
Briggs	Harman	Pacheco, Rod	Zettel
Campbell, Bill	Hollingsworth	Pescetti	
Campbell, John	Kelley	Richman	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1, motion to Lay on the Table: Assembly Member Matthews, from "Aye" to "Not Voting".

**Further Consideration of Senate Bill No. 1**

Bill read third time, and presented by Assembly Member Oropeza.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—68**

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

**NOES—7**

Bogh	Maddox	Mountjoy	Pescetti
La Suer	Maldonado	Pacheco, Rod	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—68**

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

**NOES—7**

Bogh	Maddox	Mountjoy	Pescetti
La Suer	Maldonado	Pacheco, Rod	

Bill ordered transmitted to the Senate immediately.

**Objection to Vote Adds and Vote Changes**

Assembly Member Cogdill withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on Senate Bill No. 1.

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

**ASSEMBLY BILL NO. 1**—An act to amend Items 1111-011-0582, 2240-115-3006, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-133-0001, 6110-134-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942 of Section 2.00 of, to add Items 0505-495, 0540-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2260-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6120-495, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Item 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

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

**CONSIDERATION OF SENATE BILL NO. 5 BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 5 without reference to file, for purpose of consideration.

**SENATE BILL NO. 5 (Peace)**—An act to amend Sections 33050, 42238, 42238.12, 42238.44, 51725, 51727, and 51729 of, and to add Sections 42238.45 and 52055.660 to, the Education Code, to amend Section 1 of Chapter 723 of the Statutes of 2001, and to repeal Section 33 of Chapter 891 of the Statutes of 2001, relating to education.

Bill read third time, and presented by Assembly Member Oropeza.

Bill passed by the following vote:

**AYES—66**

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

**NOES—9**

Bogh	Maddox	Pacheco, Rod
Briggs	Maldonado	Pescetti
La Suer	Mountjoy	Wyman

Bill ordered transmitted to the Senate.



**OBJECTION WITHDRAWN**

Assembly Member Cogdill withdrew his objection to any requests for vote adds only on the roll call vote taken on this day on Senate Bill No. 1.

**Objection to Vote Adds and Changes**

Assembly Member Vargas withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 1.

**Objection Withdrawn**

Assembly Member Vargas withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 1.

**Objection to Vote Changes**

Assembly Member Cogdill withheld unanimous consent on any requests for vote changes on the roll call vote taken on this day on Senate Bill No. 1.

**VOTE ADDS**

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

**Resolution to Invoke Constitution:** Aanestad, Bogh, Briggs, Cardenas, Maddox, Rod Pacheco, Wyland, Wyman, and Zettel—Aye.

**Senate Bill No. 1, Daucher Amendments, Motion to Lay on the Table:** Briggs and Zettel—No.

**Senate Bill No. 1 and Urgency:** Briggs and Zettel—Aye; La Suer—No.

**Senate Bill No. 5 and Urgency:** Canciamilla and Papan—Aye; Briggs—No.

**RECESS**

By unanimous consent, at 2:53 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ADJOURNMENT**

At 4:22 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 30, 2002

—————

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

**AB RN**

1 0205066

**Daily Total: 1**

**Cumulative Total: 1**

Amendments were considered by the Assembly, but not adopted, to the following measures:

**SB**

1 (Daucher amendments, \* laid upon the table)

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

O