

CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Thursday, January 31, 2002**

**ONE HUNDRED FORTY-FOURTH SESSION DAY**

**FOUR HUNDRED TWENTY-FOURTH 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  
Thursday, January 31, 2002

The Assembly met at 6 a.m.

Hon. Jay La Suer, Assembly Member, 77th 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—60:

Alquist	Cox	La Suer	Pavley
Ashburn	Daucher	Leach	Pescetti
Bates	Dickerson	Leonard	Reyes
Bogh	Dutra	Leslie	Runner
Calderon	Firebaugh	Longville	Salinas
Campbell, Bill	Florez	Lowenthal	Simitian
Canciamilla	Frommer	Maddox	Steinberg
Cardenas	Harman	Maldonado	Strom-Martin
Cardoza	Havice	Matthews	Vargas
Cedillo	Hollingsworth	Mountjoy	Washington
Chavez	Horton	Nakano	Wayne
Chu	Jackson	Negrete McLeod	Wesson
Cogdill	Keeley	Oropeza	Wiggins
Cohn	Kehoe	Pacheco, Rod	Wyland
Correa	Koretz	Papan	Wyman

Quorum present.

**At 10:18 a.m., Hon. Darrell Steinberg, 9th 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 Aanestad, Aroner, John Campbell, Chan, Corbett, Diaz, Goldberg, Hertzberg, Kelley, Migden, Nation, Robert Pacheco, Richman, Shelley, Strickland, Thomson, and Wright.*

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

*Because of illness: Assembly Member Briggs.*

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

**EXPLANATIONS OF ABSENCE**

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

January 30, 2002

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

Dear Speaker Hertzberg: I respectfully request that I may be excused from check-in session tomorrow, Thursday, January 31, 2002. I will be attending to district business, which prevents me from personally checking-in at the Assembly Desk.

If there are any questions or comments, please contact me or my Chief of Staff, Brett Michelin, at 319-2003.

Sincerely,

SAM AANESTAD, Assembly Member  
Third District

January 7, 2002

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

Dear Mr. Speaker: Please excuse me from Assembly Session on Thursday January 31 through Friday, February 1, 2002, for legislative business. The NCSL Executive Committee on Welfare Reform Reauthorization, of which I am a member, is meeting in Santa Fe, New Mexico.

Sincerely,

DION ARONER, Assembly Member  
Fourteenth District

January 29, 2002

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

Dear Speaker Hertzberg: I respectfully request to be excused from Assembly check-in session Thursday, January 31st, due to legislative business in my district.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 319-2070.

Sincerely,

JOHN CAMPBELL, Assembly Member  
Seventieth District

January 30, 2002

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

Dear Speaker Hertzberg: I would like to request authorization to be excused from Check-In Session on Thursday, January 31, 2002, for legislative business.

Your consideration of this request is appreciated,

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

January 29, 2002

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

Dear Mr. Speaker: I would like to request permission to be excused from check-in session on Thursday, January 31, 2002. I have business to attend to in the district.

Thank you for your consideration of this matter. If you have any questions or concerns, please feel free to call me at, (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member  
Eighteenth District

January 30, 2002

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

Dear Mr. Speaker: The purpose of this letter is to respectfully request permission to be excused from check-in session on Thursday, January 31, 2002. I have legislative business in my district to attend to.

Your consideration of this matter is greatly appreciated.

Sincerely,

MANNY DIAZ, Assembly Member  
Twenty-third District

January 24, 2002

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

Dear Speaker Hertzberg: This letter serves as a request to be excused on legislative business on Thursday, January 31, 2002 as well as permission to arrive late on Monday, February 4, 2002. I will be traveling to New York with the National Conference of State Legislatures.

If you should have any question please do not hesitate to contact my Executive Assistant Bertha Mardueño at Ext. 2045.

Sincerely,

JACKIE GOLDBERG, Assembly Member  
Forty-fifth District

January 31, 2002

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

Dear Dotson: This is to advise you that I will be absent from Check-in Session today, January 31, 2002, on legislative business.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

January 30, 2002

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

Dear Mr. Speaker: I would like to request that I be excused from "Check In" Session on Thursday, January 31st on Legislative Business. Thank you for your attention to this request.

Sincerely,

DAVE KELLEY, Assembly Member  
Eightieth District

January 30, 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 floor session January 31, 2002 to conduct legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

CAROLE MIGDEN, Assembly Member  
Thirteenth District

January 30, 2002

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

Dear Mr. Speaker: I respectfully request to be excused from Legislative Session on Thursday, January 31 due to legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

January 30, 2002

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

Dear Speaker Hertzberg: I respectfully request that I be excused from Assembly Check-In Session for January 31, 2002. I have legislative business in my district that requires my attendance and will unfortunately prevent me from attending check-in session. Should you have any questions regarding my absence, please do not hesitate to contact my office at (916) 319-2060.

Thank you in advance for your consideration of this matter.

Sincerely,

BOB PACHECO, Assembly Member  
Sixtieth District

January 31, 2002

*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 Thursday, January 31st, due to legislative business in the district.

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

January 29, 2002

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

Dear Speaker Hertzberg,

Please excuse me from check-in session, Thursday, January 31, 2002, as I have legislative business to attend to in my district.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

KEVIN SHELLEY, Assembly Member  
Twelfth District

January 30, 2002

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

Dear Mr. Speaker: I respectfully request to be excused from Check-In Session tomorrow, January 31st, 2002 due to legislative business in my district.

If you have any questions, please call my scheduler Jennifer Long at 319-2002.

Sincerely,

TONY STRICKLAND, Assembly Member  
Thirty-seventh District

January 31, 2002

*The Honorable Robert Hertzberg*  
*Speaker, California State Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Speaker Hertzberg: This letter is to request permission to be excused from check-in session today, Thursday, January 31, 2002. I will be in my district on legislative business.

If you have any questions or concerns, please contact Janice Lee, of my staff, at 319-2008.

Sincerely,

HELEN M. THOMSON, Assembly Member  
Eighth District

January 29, 2002

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

Dear Mr. Speaker: I respectfully request to be excused from floor Session on Thursday, January 31, 2002. I will be traveling on legislative business. Should you have any questions, please feel free to call my office at (916) 319-2048. Thank you for your attention to this request.

Sincerely,

RODERICK D. WRIGHT, Assembly Member  
Forty-eighth District

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 31, 2002

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

Assembly Bill No. 1743

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 31, 2002

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

Assembly Concurrent Resolution No. 142

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1860—Migden.** An act to amend Section 13823.11 of the Penal Code, relating to sexual assault victims.

**ASSEMBLY BILL NO. 1861—Harman.** An act to amend Section 391 of the Code of Civil Procedure, relating to civil actions.

**ASSEMBLY BILL NO. 1862—Wyman (Coauthors: Ashburn, Bates, Bogh, Briggs, Bill Campbell, Cox, Hollingsworth, Horton, La Suer, Leonard, Leslie, Maddox, Robert Pacheco, Pescetti, Runner, Strickland, and Wyland) (Coauthors: Senators Battin, Johannessen, McPherson, Monteith, and Morrow).** An act to amend Section 19775.17 of, and to add Section 19775.18 to, the Government Code, to amend Sections 389, 395, 395.01, 399, and 399.5 of the Military and Veterans Code, and to add Sections 17053.67 and 23667 to the Revenue and Taxation Code, relating to military service, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1863—Committee on Higher Education (Alquist (Chair), Bogh (Vice Chair), Chu, Havice, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, and Wyman).** An act to amend Section 1798.74 of the Civil Code, and to amend Section 89030.1 of the Education Code, relating to education.

**ASSEMBLY BILL NO. 1864—Salinas (Coauthor: Senator McPherson).** An act to amend Section 316 of the Pajaro Valley Water Management Agency Act (Chapter 257 of the Statutes of 1984), relating to water.

**ASSEMBLY BILL NO. 1865—Canciamilla.** An act to amend Section 41204.1 of the Education Code, and to add Section 97.42 to the Revenue and Taxation Code, relating to local government finance.

**ASSEMBLY BILL NO. 1866—Wright.** An act to amend Sections 65852.2, 65913.5, and 65915 of the Government Code, relating to housing.



**ASSEMBLY BILL NO. 1867—Vargas.** An act to amend Section 104495 of the Health and Safety Code, relating to tobacco products.

**ASSEMBLY BILL NO. 1868—Koretz.** An act to amend Sections 11571, 11573, 11573.5, and 11581 of the Health and Safety Code, and to amend Sections 11226, 11227, and 11230 of the Penal Code, relating to nuisance.

**ASSEMBLY BILL NO. 1869—Florez.** An act to relating to water, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1870—Hollingsworth.** An act to amend Sections 13100.1 and 13100.2 of the Penal Code, relating to crime prevention.

**ASSEMBLY BILL NO. 1871—Hollingsworth.** An act to add Section 12749.93 to the Water Code, relating to water development projects.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 145—Matthews** (Coauthors: Alquist, Aroner, Bates, Cox, Firebaugh, Harman, Havice, Kelley, Leach, Longville, and Strom-Martin) (Coauthors: Senators Alpert, Bowen, Chesbro, Costa, Escutia, Kuehl, and Machado). Relative to Nutrition Week 2002.

**ASSEMBLY CONCURRENT RESOLUTION NO. 146—Correa** (Coauthors: Alquist, Ashburn, Bates, Bogh, Calderon, Bill Campbell, John Campbell, Canciamilla, Cedillo, Chavez, Cohn, Daucher, Dickerson, Firebaugh, Frommer, Harman, Havice, Horton, La Suer, Lowenthal, Maddox, Nakano, Robert Pacheco, Reyes, and Wayne). Relative to California Police and Fire Games.

**HOUSE RESOLUTION NO. 36—Migden and Daucher.**—Relative to California Girls and Women in Sports Day.

### AUTHOR'S AMENDMENTS

#### Committee on Health

January 31, 2002

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

Senate Bill No. 687

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

THOMSON, Chairwoman

**SENATE BILL NO. 687**—An act to amend Section 114870 of the Health and Safety Code, relating to health.

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 Revenue and Taxation

January 31, 2002

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 1744

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

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 1744**—An act to amend Sections 17024.5, 17039, 17052.12, 17275.5, 17501, 17551, 17560, 17570, 17731.5, 17751, 18038.5, 19136, 19141, 19521, 23036, 23038.5, 23609, 23701s, 23705, 24357.9, 24424, 24667, 24710, 24942, and 24949.1 of, to add Sections 17053.81, 17053.82, 17062.3, 17085.8, 17132, 17132.6, 17144.5, 17205, 17552.3, 17563.5, 19136.7, 23456.5, 23642.5, 24661.3, and 24685.5 to, and to repeal Sections 17279.5 and 24949.1 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, February 4, 2002.

---

FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 31, 2002**

---

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

**AB RN**  
1744 0205050

**SB RN**  
687 0202548

**Daily Total: 2**  
**Cumulative Total: 3423**

O