

CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 4, 2002

ONE HUNDRED FORTY-FIFTH SESSION DAY

FOUR HUNDRED TWENTY-EIGHTH 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
Monday, February 4, 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

At 11:01 a.m., Speaker pro Tempore Keeley placed a quorum call upon the Assembly. The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 11:25 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—77:

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

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Rev. Joyce Johnson, of Henry McNeil Turner AME Church in Culver City:

Let us give reverence to God by bowing our heads and closing our eyes. Almighty God, We come first to say thank You. Thank You for the blessings of life, thank You for the blessings of liberty, and thank You for the blessings of peace. We thank You, God, for the blessing of being able to celebrate Black History Month. We thank You for the men that we will honor this day, that You have blessed with talents that they have turned around and blessed us with. That they have been gracious enough to take time to come, that we might honor them, and then, God, we ask for Your blessings, for Your continued favor on this Body of leaders. We ask that You bless every man and every woman, that You bless them with the ability to discern what is the best for this State that we live in, and God, we thank You. We say that we are grateful and we honor You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Longville 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 Member Florez.

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

Because of illness in his family: Assembly Member Cedillo.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 29, 2002

The Honorable Robert Hertzberg

Speaker of the Assembly

State Capitol, Room 219

Sacramento, California

Dear Mr. Speaker: I respectfully request an excused absence on Monday, February 4th, and Tuesday, February 5th of 2002, due to legislative business in the district.

Thank you for your consideration of this request. If you have any questions, please contact Michael Rubio of my staff at 319-2030.

Sincerely,

DEAN FLOREZ, Assembly Member
Thirteenth District

COMMUNICATIONS

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

February 1, 2002

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

RE: Appointment of William L. Tan to Board of Psychology

Dear Mr. Wilson: Please be advised I have appointed Mr. William L. Tan to the Board of Psychology. This is a term appointment starting February 1, 2002 and the expiration date is February 1, 2006. Mr. Tan will be replacing Ms. Mary McMillan.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 4, 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 Carol Liu on the Assembly Rules Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 4, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1744

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1872—Canciamilla and Nation. An act to add Section 27491.15 to the Government Code, relating to county coroners.

ASSEMBLY BILL NO. 1873—Koretz. An act to amend Section 832.7 of the Penal Code, relating to peace officers.

ASSEMBLY BILL NO. 1874—Horton. An act to amend Section 1758.81 and 1758.92 of the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 1875—Nakano and Correa (Coauthor: Harman). An act to add Section 1900.5 to the Corporations Code, relating to corporations.

ASSEMBLY BILL NO. 1876—Lowenthal (Principal coauthor: Senator Dunn). An act to add Section 4002 to the Financial Code, relating to unsolicited checks.

ASSEMBLY BILL NO. 1877—Maldonado. An act to amend and renumber Section 531 of the Military and Veterans Code, and to amend Sections 731.3 and 796 of the Welfare and Institutions Code, relating to minors.

ASSEMBLY BILL NO. 1878—Leslie. An act to amend Section 2774.4 of the Public Resources Code, relating to mining.

ASSEMBLY BILL NO. 1879—Horton. An act to add Article 17 (commencing with Section 35450) of Chapter 2 of Part 22 to the Education Code, relating to the Inglewood Unified School District.

ASSEMBLY BILL NO. 1880—Committee on Agriculture (Matthews (Chair), Maldonado (Vice Chair), Briggs, Canciamilla, Cardoza, Florez, Kelley, Oropeza, Reyes, Salinas, Strickland, Thomson, and Wiggins)—An act to amend Section 110485 of the Health and Safety Code, relating to food.

ASSEMBLY BILL NO. 1881—Pescetti (Principal coauthor: Senator Murray). An act to amend Section 14684 of the Government Code, as added by Chapter 10 of the Statutes of the 200102 Second Extraordinary Session, and to amend Section 1 of Chapter 10 of the Statutes of the 200102 Second Extraordinary Session, relating to solar energy.

ASSEMBLY BILL NO. 1882—Canciamilla. An act to add Section 21080.29 to the Public Resources Code, relating to environmental quality.

ASSEMBLY BILL NO. 1883—Kelley. An act to amend Sections 7502.3, 7503, 7504, 7505.5, 7506.3, and 7510.1 of the Business and Professions Code, and to amend Section 34601 of the Vehicle Code, relating to collateral recovery.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 147—Mountjoy. Relative to Abraham Lincoln's birthday.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly

Bill No.

Committee

1776	-----	E., R. & C.A.
1785	-----	L. Gov.
1792	-----	Ed.
1795	-----	Health
1805	-----	Jud. and B. & F.
1810	-----	Ins.
1817	-----	Ed. and Jud.
1826	-----	Health
1829	-----	H. & C.D. and L. Gov.
1830	-----	G.O.
1832	-----	Jud.
1833	-----	Health
1834	-----	Rev. & Tax.
1835	-----	Pub. S.
1837	-----	Hum. S.
1838	-----	Pub. S.
1839	-----	Jud.
1840	-----	B. & P.
1841	-----	Higher Ed.
1842	-----	Rev. & Tax.
1843	-----	Health
1844	-----	Rev. & Tax.

1845	-----	Jud.
1846	-----	J., E.D. & E.
1847	-----	P.E.,R. & S.S. and Ins.
1848	-----	Ed.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
138	----- Rls.
139	----- Rls.
140	----- Jud.
144	----- Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
32	----- Rev. & Tax.

House

<i>Resolution No.</i>	<i>Committee</i>
34	----- Rls.
36	----- Rls.

Senate

<i>Bill No.</i>	<i>Committee</i>
369	----- H. & C.D.
577	----- Health

AUTHOR'S AMENDMENTS**Committee on Housing and Community Development**

February 4, 2002

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 369

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

LOWENTHAL, Chairman

ASSEMBLY BILL NO. 369—An act to add Chapter 7 (commencing with Section 52075) to Part 5 of Division 31 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately

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 Health**

February 4, 2002

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

Senate Bill No. 487

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

THOMSON, Chairwoman

SENATE BILL NO. 487—An act to add Sections 1317.05 and 1317.07 to the Health and Safety Code, relating to health facilities.

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 Rules

February 4, 2002

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

Assembly Concurrent Resolution No. 131

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

CARDOZA, Chairman

ASSEMBLY CONCURRENT RESOLUTION NO. 131—Relative to California Peace Officers' Memorial Day.

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

AUTHOR'S AMENDMENTS
Committee on Rules

February 4, 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.

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: February 4, 2002

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 133

Assembly Concurrent Resolution No. 144

With the recommendation: Be adopted.

COGDILL, Vice Chair

Above resolutions ordered to third reading.

Date of Hearing: February 4, 2002

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 36

With the recommendation: Be adopted.

COGDILL, Vice Chair

Above resolution ordered to third reading.

ADJOURN IN MEMORY

Assembly Member Alquist was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Page, of Sunnyvale.

(Assembly Rule 45.5 suspended.)

PRIVILEGES OF THE FLOOR

Assembly Member Leslie was granted unanimous consent that the privileges of the Floor be granted to his wife, Clydene Leslie.

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 Elsie Rumford, of Berkeley, wife of former Assembly Member Byron Rumford who represented the 17th Assembly District from 1948–1966.
(Assembly Rule 45.5 suspended.)

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 492, on request of Assembly Member Thomson.

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. 369 for hearing in the Committee on Housing and Community Development on Wednesday, February 6, 2002, upon adjournment of Floor session.

REQUEST FOR PHOTOGRAPHER

Assembly Members Hertzberg, Wesson, Cox, and Wright were granted unanimous consent that photographers be permitted on the Floor of the Assembly.

SWEARING-IN OF SPEAKER-ELECT SET FOR SPECIAL ORDER

Assembly Member Vargas was granted unanimous consent that the swearing-in of Speaker-elect Herb Wesson on Wednesday, February 6, 2002, be made a special order of business at 9 a.m.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO
ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Assembly Bill No. 1543 to the Committee on Higher Education.

ADJOURN IN MEMORY

Assembly Member Negrete McLeod was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Negrete, of Clayton.

(Assembly Rule 45.5 suspended.)

**REPORTS OF STANDING COMMITTEES
Committee on Rules**

Date of Hearing: February 4, 2002

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 34

With amendments with the recommendation: Amend, and be adopted, as amended.

COGDILL, Vice Chair

**HOUSE RESOLUTION NO. 34 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

By unanimous consent, the following resolution was taken up, without reference to file, for purpose of second reading and adoption of committee amendments.

HOUSE RESOLUTION NO. 34—Relative to “Ronald Reagan Day.”

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted and to be returned to the third reading file.

At 11:45 a.m., Hon. Rod Wright, 48th District, presiding

RECESS IN HONOR OF BLACK HISTORY MONTH

By unanimous consent, at 11:45 a.m., Acting Speaker Wright declared the Assembly recessed to permit the introduction of special guests in recognition of Black History Month.

The Negro National Anthem

Special guest Clifton Lee led the Members of the Assembly in singing the Negro National Anthem in observance of Black History Month.

Acting Speaker Wright introduced today's honorees, whereupon they were escorted to the front of the Assembly Chamber.

Members of the Negro Baseball League: Dennis "Bose" Biddle, Chicago American Giants (1953–54), escorted by Assembly Members La Suer and Lowenthal; W. James "Jim" Cobbin, New York Black Yankees (1956 & 1957), escorted by Assembly Members Canciamilla and Leonard; Frank Evans, Cleveland Buckeyes, Birmingham Black Bears (1937–1962), escorted by Assembly Members Calderon and Bill Campbell; Gordon Hopkins, Indianapolis Clowns (1952–1954), escorted by Assembly Members Nakano and Maldonado; John "Mule" Miles, Chicago American Giants (1946–1949), escorted by Assembly Members Pescetti and Firebaugh; and Franklin "Frank" Williams, Kansas City Monarchs, Memphis Red Sox (1959–1960), escorted by Assembly Members Steinberg and Hollingsworth. Former NFL player, and renowned actor and artist Ernie Barnes, was escorted by Assembly Members Vargas and Richman; and Actor Billy Dee Williams was escorted by Assembly Members Alquist and Cohn.

Assembly Member Wright invited the Members of the Assembly to join in singing "Take Me Out to the Ballgame". A special presentation from the California Legislative Black Caucus was then made to each of the honorees by Assembly Members Washington and Horton.

RECONVENED

At 12:07 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore, presiding.

**ASSEMBLY CONCURRENT RESOLUTION NO. 144 TAKEN UP
BY UNANIMOUS CONSENT**

On behalf of Assembly Member Wright, Assembly Member Longville was granted unanimous consent to take up Assembly Concurrent Resolution No. 144, without reference to file, and that the same be considered engrossed.

ASSEMBLY CONCURRENT RESOLUTION NO. 144—Relative to Black History Month.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 144**

Assembly Member Longville was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 144.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Longville was granted unanimous consent to take up Assembly Concurrent Resolution No. 144, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 144, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 144—Relative to Black History Month.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

At 12:11 p.m., Speaker pro Tempore Keeley, 27th District, presiding

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Member Leslie on the occasion of his 60th birthday.

ADJOURN IN MEMORY

Assembly Member Washington was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Asenath Washington, of Sacramento.

(Assembly Rule 45.5 suspended.)

Assembly Member Wright was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Octavia Patterson, of Sacramento.

(Assembly Rule 45.5 suspended.)

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

ASSEMBLY BILL NO. 1531 (Kehoe)—An act to amend, repeal, and add Section 1785.10 of the Civil Code, relating to consumer credit, and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—75

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

NOES—None

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

AYES—75

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

NOES—None

Above bill ordered enrolled.

HOUSE RESOLUTION NO. 34 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Bill Campbell was granted unanimous consent to take up House Resolution No. 34, without reference to file.

HOUSE RESOLUTION NO. 34—Relative to “Ronald Reagan Day.”
Resolution read.

Members Made Coauthors of House Resolution No. 34

Assembly Member Bill Campbell was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 34.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aanestad, Alquist, Ashburn, Bates, Bogh, Briggs, Calderon, John Campbell, Canciamilla, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Dickerson, Dutra, Firebaugh, Harman, Havice, Hertzberg, Hollingsworth, Keeley, Kelley, La Suer, Leach, Leonard, Leslie, Liu, Lowenthal, Maddox, Maldonado, Matthews, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Steinberg, Strickland, Thomson, Vargas, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel.

Request for Unanimous Consent

Assembly Member Bill Campbell was granted unanimous consent to take up House Resolution No. 34, as amended, without reference to print or file.

Consideration of House Resolution No. 34, as Amended

HOUSE RESOLUTION NO. 34—Relative to “Ronald Reagan Day.”
Resolution read, as amended, and adopted.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 142 (Hertzberg)—Relative to the Judge Harry Pregerson Interchange.

Resolution read.

Members Made Coauthors of
Assembly Concurrent Resolution No. 142

Assembly Member Hertzberg was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 142.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Hertzberg was granted unanimous consent to take up Assembly Concurrent Resolution No. 142, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 142, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 142—Relative to the Judge Harry Pregerson Interchange.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

UNFINISHED BUSINESS (RESUMED)
MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 1211, 773, and 510 were continued until Wednesday, February 6, 2002.

THIRD READING OF SENATE BILLS

SENATE BILL NO. 33 (Soto)—An act to amend Sections 51121 and 51122 of, and to add Section 51124 to, the Education Code, relating to parental involvement, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Rod Pacheco moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 695 (Karnette)—An act to amend Sections 20420 and 31469.3 of, and to add Sections 20423.7 and 31470.14 to, the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read third time.

Motion to Amend

Assembly Member Calderon moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO
ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Senate Bill No. 695 to the Committee on Public Employees, Retirement and Social Security.

COMMUNICATIONS

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

February 4, 2002

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: Pursuant to Assembly Rule 77.2, I am referring AB 749 (Calderon) to the Assembly Insurance Committee, upon receipt from the Senate, for hearing on the Senate amendments.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

Assembly Member Vargas was granted unanimous consent that the Committee on Insurance be permitted to hold a special meeting during the recess of the House today, and that Joint Rule 62(a) be waived for the purpose of setting AB No. 749 for hearing.

HOUSE RESOLUTION NO. 36 TAKEN UP BY UNANIMOUS CONSENT

On behalf of Assembly Member Migden, Assembly Member Jackson was granted unanimous consent to take up House Resolution No. 36, without reference to file.

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

Resolution read.

Members Made Coauthors of House Resolution No. 36

Assembly Member Jackson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 36.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Jackson was granted unanimous consent to take up House Resolution No. 36, as amended, without reference to print or file.

Consideration of House Resolution No. 36, as Amended

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

Resolution read, as amended, and adopted.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 1414 (Dickerson)—An act to add Section 1019 to the Fish and Game Code, to add Section 12805.2 to the Government Code, and to add and repeal Section 45096.686 of the Public Resources Code, relating to public land, and making an appropriation therefor.

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

(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—75

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

NOES—None

Above bill ordered enrolled.

CAUCUS ANNOUNCEMENTS

Assembly Member Cox announced that the Republican Caucus would meet, upon recess of Floor session, in the Tom Bane Rules Committee room; and

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

MESSAGES FROM THE SENATE

Senate Chamber, February 4, 2002

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

Assembly Bill No. 749

And respectfully requests the Assembly to concur in said amendments.

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

(NOTE: Assembly Bill No. 749 re-referred by the Speaker to the Committee on Insurance pursuant to Assembly Rule 77.2. See communication earlier this day.)

Senate Chamber, February 4, 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. 585

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

Senate Chamber, February 4, 2002

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

Assembly Bill No. 1327

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

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES
Committee on Insurance

Date of Hearing: February 4, 2002

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 749

With the recommendation: That Senate amendments be concurred in.

CALDERON, Chairman

Above bill ordered to unfinished business file.

SPECIAL COMMITTEE MEETINGS

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

Higher Education, on Thursday, February 7, 2002, at 8:15 a.m.

RECESS

By unanimous consent, at 12:50 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 4:46 p.m., the Assembly reconvened.

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

CAUCUS ANNOUNCEMENTS

At 5:20 p.m., Assembly Member Cox was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 5:20 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 5:35 p.m., the Assembly reconvened.

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

MOTION TO RE-REFER ASSEMBLY BILL NO. 749 TO COMMITTEE

Assembly Member Cogdill moved that Assembly Bill No. 749 be re-referred to the Committee on Appropriations.

Assembly Member Cox seconded the motion.

Parliamentary Inquiry

Assembly Member Leonard arose to the following parliamentary inquiry:

Is Assembly Bill No. 749 not keyed "fiscal" and therefore by rule, should the bill not be re-referred to the fiscal committee?

Reply by Speaker pro Tempore Keeley

The Speaker pro Tempore replied that Assembly Bill No. 749 was returned to the Assembly for concurrence in Senate amendments, whereupon the bill was re-referred to the Insurance Committee. Pursuant to Joint Rule 26.5 the committee may vote to recommend concurrence or nonconcurrence in the amendments, or hold the bill. The Insurance Committee returned the bill to the House, recommending concurrence in Senate amendments. There are no requirements in the Rules that the bill be re-referred to fiscal committee. However, a motion to re-refer to committee is in order.

Further Consideration of Motion to Re-refer Assembly Bill No. 749 to Committee

The Cogdill motion to re-refer Assembly Bill No. 749 to committee lost by the following vote:

AYES—29

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

NOES—34

Aroner	Frommer	Lowenthal	Steinberg
Calderon	Goldberg	Matthews	Strom-Martin
Canciamilla	Havice	Nakano	Thomson
Chan	Horton	Nation	Vargas
Chu	Keeley	Negrete McLeod	Wayne
Corbett	Kehoe	Oropeza	Wesson
Correa	Koretz	Pavley	Wiggins
Dutra	Liu	Salinas	
Firebaugh	Longville	Shelley	

Request for Unanimous Consent to Take Up Assembly Bill No. 749 Without Reference to File

Assembly Member Calderon requested unanimous consent to take up Assembly Bill No. 749 for consideration of concurrence in Senate amendments, without reference to file.

Assembly Member Cogdill withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Assembly Member Shelley moved that the Rules be temporarily suspended for the purpose of permitting consideration of Senate amendments to Assembly Bill No. 749, without reference to file.

Assembly Member Chan seconded the motion.

Rules temporarily suspended by the following vote:

AYES—41

Alquist	Frommer	Matthews	Steinberg
Aroner	Goldberg	Migden	Strom-Martin
Calderon	Havice	Nakano	Thomson
Canciamilla	Horton	Nation	Vargas
Chan	Jackson	Negrete McLeod	Wayne
Chu	Keeley	Oropeza	Wesson
Corbett	Kehoe	Pavley	Wiggins
Correa	Koretz	Reyes	Mr. Speaker
Diaz	Liu	Salinas	
Dutra	Longville	Shelley	
Firebaugh	Lowenthal	Simitian	

NOES—29

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

CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 749

ASSEMBLY BILL NO. 749 (Calderon)—An act to amend Section 9109 of the Commercial Code, to amend Sections 1871, 1871.4, 1872.83, 11721, 11734, 11737, 11770, 11783, 11784, 11785, 11786, 11787, 11820, 11822, and 11860 of, to add Section 11771.5 to, to add and repeal Section 11741 of, and to repeal Section 11823 of, the Insurance Code, and to amend Sections 62.6, 75, 77, 78, 90.5, 110, 123, 123.3, 123.5, 123.6, 124, 127, 129, 129.5, 133, 138, 138.1, 138.2, 138.4, 3501, 3550, 3551, 3722, 3762, 3820, 4061, 4062, 4062.9, 4064, 4067, 4453, 4455, 4600.3, 4600.5, 4628, 4644, 4646, 4651, 4658, 4659, 4702, 4703.5, 5275, 5305, 5307, 5310, 5311.5, 5401, 5405, 5500.3, 5502, 5814, 5814.5, and 6354.5 of, to amend the heading of Chapter 5 (commencing with Section 110) of Division 1 of, to add Sections 90.3, 127.5, 127.6, 139.47, 3201.7, 3201.9, 3822, 4600.1, 4600.2, 4600.35, 4603.4, 4903.5, 5307.2, 5307.21, and 6354.7 to, to add and repeal Sections 139.48 and 139.49 of, and to repeal Sections 139.05, 3552, and 4065 of the Labor Code, relating to workers' compensation.

At 6:05 p.m., Assistant Speaker pro Tempore Kehoe, 76th District, presiding

At 6:46 p.m., Speaker pro Tempore Keeley, 27th District, presiding

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

(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—45

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

NOES—29

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

Above bill ordered enrolled immediately.

ADJOURN IN MEMORY

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Vincent Gale Winting, of Long Beach.

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 Joe Walton, of Reedley.

Assembly Member Simitian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard Ventura Guardino, of San Jose.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sung Do Song, of Davis.

VOTE ADDS

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

Assembly Bill No. 1531, Urgency and Concurrence: Briggs, Correa, Dickerson, Goldberg, Longville, Mountjoy, Nation, Rod Pacheco, Simitian, and Zettel—Aye.

Assembly Bill No. 1414, Concurrence: Ashburn, Bill Campbell, Canciamilla, Goldberg, Havice, Nation, Simitian, and Wiggins—Aye.

Assembly Bill No. 749, Cogdill Motion to Re-refer: Hollingsworth, Rod Pacheco, and Zettel—Aye.

Assembly Bill No. 749, Shelley Motion: Hollingsworth and Rod Pacheco—No.

Assembly Bill No. 749, Concurrence: Havice—Aye.

MOTION TO ADJOURN

At 6:55 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

BILLS WHICH DIED ON FILE PURSUANT TO CONSTITUTION—ART. IV, SEC 10(c)

The following bills died on the inactive file:

Assembly Bills Nos. 980, 638, 788, 582, 613, 759, 1050, 1595, and 432.

The following bills died on the third reading file:

Assembly Bills Nos. 556, 640, and 108

BILLS WHICH DIED AT THE DESK WITHOUT FURTHER ACTION

The following bills died at the Desk without further action:

Assembly Bills Nos. 150, 198, 257, 281, 347, 386, 387, 514, 531, 534, 742, 744, 755, 766, 806, 827, 835, 860, 909, 917, 918, 919, 920, 921, 962, 981, 988, 1027, 1032, 1033, 1053, 1120, 1134, 1153, 1164, 1167, 1168, 1175, 1237, 1247, 1265, 1266, 1268, 1273, 1294, 1308, 1310, 1363, 1364, 1385, 1441, 1473, 1484, 1489, 1505, 1521, 1556, 1562, 1578, 1629, 1633, 1639, 1640, 1645, 1658, 1691, 1715, 1716, 1732, 1735, and 1736.

ADJOURNMENT

At 6:56 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 7 a.m., Tuesday, February 5, 2002, out of respect to the memory of William Page, on motion of Assembly Member Alquist; out of respect to the memory of Elsie Rumford, on motion of Assembly Member Aroner; out of respect to the memory of John Negrete, on motion of Assembly Member Negrete McLeod; out of respect to the memory of Asenath Washington, on motion of Assembly Member Washington; out of respect to the memory of Octavia Patterson, on motion of Assembly Member Wright; out of respect to the memory of Vincent Gale Winting, on motion of Assembly Member Lowenthal; out of respect to the memory of Joe Walton, on motion of Assembly Member Reyes; out of respect to the memory of Richard Ventura Guardino, on motion of Assembly Member Simitian; and out of respect to the memory of Sung Do Song, on motion of Assembly Member Thomson.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 4, 2002

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

ACR RN

131 0205102

132 0205101

HR RN

34 0205130

SB RN

33 0205057

369 0205090

487 0200403

695 0205084

Daily Total:**7****Cumulative Total:****3430**

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