

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 5, 2001
EIGHTEENTH SESSION DAY
SIXTY-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
Monday, February 5, 2001

The Assembly met at 12 noon.

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 Calderon moved a quorum call of the Assembly. Motion carried. Time, 12:01 p.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 12:09 p.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—75:

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

PRAYER

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Let us pray,

Dear God we thank You for the opportunity to come together again. We pray now Thy blessing upon this legislature as we begin to do the people's business in California. We seek Your guidance. We seek Your understanding and Your directions.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Wright 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 Aroner, seconded by Assembly Member Bill Campbell.

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

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 Harman.

Because of illness: Assembly Members Chan, Shelley, and Wyland.

REPORTS

The following reports were presented by the Chief Clerk:

**Annual Report to the Legislature on
the Status of the California Low Cost Automobile Insurance Program
(Pursuant to Insurance Code Sections 11629.81 and 11629.992)**

Above transmitted report, together with letter of transmittal from Richard J. Manning, Regional Director, California Automobile Assigned Risk Plan, dated January 29, 2001, referred by the Speaker to the Committee on Insurance.

**Achievements in Conservation, Recycling and Groundwater Recharge
(Pursuant to Chapter 415 of the Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Ronald R. Gastelum, General Manager, Metropolitan Water District of Southern California, dated February 1, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**1999–2000 Motor Vehicle Theft Prevention Act Annual Report
(Pursuant to Chapter 1248 of the Statutes of 1994)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, dated January 25, 2001, referred by the Speaker to the Committee on Transportation.

**Review of the Price Posting and Filing Regulations
for the 2000 Marketing Season for the Purchase of Processing Strawberries
(Pursuant to Food and Agricultural Code Sections 63125 and 63126)**

Above transmitted report, together with letter of transmittal from William J. Lyons, Jr., Secretary, Department of Food and Agriculture, dated January 29, 2001, referred by the Speaker to the Committee on Agriculture.

**Board of Psychology Fiscal Year 1999–2000 Section 800 Reports
(Pursuant to Business and Professions Code Section 806)**

Above transmitted report, together with letter of transmittal from Thomas O'Connor, Executive Officer, Board of Psychology, Department of Consumer Affairs, dated January 25, 2001, referred by the Speaker to the Committee on Business and Professions.

**January 2001 Status Report
on the California Integrated Information Network
(Pursuant to Item 1760-001-0666 of the Budget Act)**

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated January 25, 2001, referred by the Speaker to the Committee on Budget.

**Flood Control and Water Conservation Liability
(Pursuant to Government Code Section 831.9)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of the Courts, dated January 23, 2001, referred by the Speaker to the Committee on Judiciary.

**Disabled Veteran-Owned Business Enterprises
Fiscal Year 1999–2000**

Above transmitted report, together with letter of transmittal from Thomas M. Hanrigan, Director, Department of Water Resources, dated January 23, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Hazard Evaluation System and Information Service
Annual Report
(Pursuant to Labor Code Section 147.2)**

Above transmitted report, together with letter of transmittal from Stephen J. Smith, Director, Department of Industrial Relations, dated January 26, 2001, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**The Violence Against Women Vertical Prosecution Program
Final Evaluation Report**

Above transmitted report, together with letter of transmittal from Frank Grimes, Executive Director, Office of Criminal Justice Planning, dated January 31, 2001, referred by the Speaker to the Committee on Public Safety.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 5, 2001

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

Assembly Bill No. 62

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, February 5, 2001

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

Assembly Concurrent Resolution No. 14

Assembly Concurrent Resolution No. 15

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 165—Cohn. An act to add Section 1296.5 to the Education Code, relating to school employees.

ASSEMBLY BILL NO. 166—Cedillo. An act to add and repeal Sections 17057 and 23610.2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 167—Longville. An act relating to election ballots.

ASSEMBLY BILL NO. 168—Nation. An act to amend Section 51540 of the Education Code, relating to educational instruction.

ASSEMBLY BILL NO. 169—Wiggins. An act to amend Section 96.1 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 170—Maddox. An act to amend Sections 3301 and 3304 of the Government Code, relating to public safety officers.

ASSEMBLY BILL NO. 171—Reyes. An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

ASSEMBLY BILL NO. 172—Reyes. An act to amend Section 1798.69 of the Civil Code, relating to information practices.

ASSEMBLY BILL NO. 173—Chavez. An act to amend and repeal Section 48007 of the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 174—Oropeza. An act to amend Section 41601.1 of the Education Code, and to amend Section 4 of Chapter 942 of the Statutes of 2000, relating to pupil performance.

AUTHOR'S AMENDMENTS Committee on Judiciary

February 5, 2001

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

Assembly Bill No. 36

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

STEINBERG, Chairman

ASSEMBLY BILL NO. 36—An act to add Section 188 to the Code of Civil Procedure, relating to confidentiality.

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 Governmental Organization

February 5, 2001

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Assembly Bill No. 66

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

WESSON, Chairman

ASSEMBLY BILL NO. 66—An act relating to the California Gambling Control Commission, making an appropriation therefor, 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.

MESSAGES FROM THE ACTING GOVERNOR

The following message from the Acting Governor was received and ordered printed in the Journal:

PROCLAMATION

Proclaiming February 2, 2001 as

Cal Grant Day

WHEREAS, California is home to many very bright, hard-working students who cannot afford to attend college, yet do not meet the eligibility requirements to qualify for financial aid; and

WHEREAS, California's burgeoning economy dictates a need for a highly educated work force, including an ever-increasing demand for skilled workers with technological backgrounds; and

WHEREAS, the total student debt increased by approximately 350 percent in the 1990s, while grant aid has decreased from 48 percent of the total annual financial assistance sum in California to just 38 percent; and

WHEREAS, the average family income for college graduates is \$85,000, while families with only a high school education usually earn just \$48,000; and

WHEREAS, Because of the dramatically broadened scope of eligibility requirements in this magnificent program, striking new opportunities are now available for countless students who may not have previously qualified for financial assistance to attend college; and

WHEREAS, the new Cal Grant program guarantees a financial aid award to every worthy student who is financially and academically eligible; and I encourage all eligible students to apply for a Cal Grant award by the March 2, 2001 deadline; and

WHEREAS, the Cal Grant Program is the first such program in the nation to guarantee need-based financial aid to students; and February is "College Awareness Month;" now, therefore be it

RESOLVED, that I, Cruz M. Bustamante, Acting Governor of the State of California, do hereby declare Friday, February 2, 2001 as Cal Grant Day in the State of California, and encourage all Californians to join me in recognizing the need to provide an affordable college education to all of California's worthy students.

IN WITNESS WHEREOF, I hereunto set my hand and have caused the Great Seal of the State of California to be affixed on this 2nd day of February, of the Year Two Thousand and One.

CRUZ M. BUSTAMANTE
Acting Governor



ATTEST:

BILL JONES
Secretary of State

MESSAGES FROM THE SENATE

Senate Chamber, February 1, 2001

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

Senate Concurrent Resolution No. 11

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

Above resolution ordered enrolled.

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 11—Relative to Library Lovers Month.

SPECIAL RECOGNITION

Assembly Member Strickland extended best wishes to former President Ronald Reagan on the occasion of his 90th birthday.

REQUEST FOR PHOTOGRAPHER

Assembly Member Wright was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 14 (Migden)—Relative to Girls and Women in Sports Day.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 14**

Assembly Member Migden was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 14.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Migden was granted unanimous consent to take up Assembly Concurrent Resolution No. 14, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 14, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 14—Relative to Girls and Women in Sports Day.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate immediately.

At 12:27 p.m., Hon. Roderick Wright, 48th District, presiding

RECESS IN HONOR OF BLACK HISTORY MONTH

By unanimous consent, at 12:27 p.m., Acting Speaker Wright declared the Assembly recessed to permit the introduction of special guests in recognition of Black History Month.

The following honorees, who are female survivors of civil rights heroes, were escorted to the front of the Assembly Chamber whereupon each was presented with a resolution by Assembly Member Herb Wesson and Senator Kevin Murray:

Judy Pace-Flood, escorted by Assembly Members Leach and Aroner; Gina Owens-Hemphill, escorted by Assembly Members Corbett and Matthews; Sylvia Drew-Ivie, escorted by Assembly Members Zettel and Thomson; Yolanda King, escorted by Assembly Members Reyes and Wiggins; and Rachel Robinson, escorted by Assembly Members Oropeza and Liu.

Assembly Member Wright introduced friends and family members of today's honorees, Sharon Robinson, Julia Mitchell, and Nichelle Nichols who were seated in the rear of the Assembly Chamber.

A special musical tribute was performed for the Members of the Assembly by Ms. Eloise Laws, accompanied by Kamau Kenyatta, and today's ceremony was concluded with special presentations to each of the honorees by Assembly Members Wesson and Washington.

RECONVENED

At 12:48 p.m., the Assembly reconvened.

Hon. Roderick Wright, 48th District, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

ASSEMBLY CONCURRENT RESOLUTION NO. 15 (Wright)—Relative to Black History Month.

Resolution read, and presented by Assembly Member Longville.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 15**

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. 15.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Principal Coauthor

By unanimous consent Assembly Member Longville was added as principal coauthor to Assembly Concurrent Resolution No. 15.

Request for Unanimous Consent

Assembly Member Longville was granted unanimous consent to take up Assembly Concurrent Resolution No. 15, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 15, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 15—Relative to Black History Month.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

At 12:57 p.m., Speaker pro Tempore Fred Keeley, 27th District, presiding

RECESS

By unanimous consent, at 12:58 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 12:59 p.m., the Assembly reconvened.

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

ANNOUNCEMENTS

Speaker pro Tempore Keeley announced the following session schedule:

Tuesday, February 6, 2001, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, February 7, 2001, Check-in Session, 7 a.m.–3 p.m.;

Thursday, February 8, 2001, Upon Call of the Speaker;

Friday, February 9, 2001, Floor Session, 8:30 a.m.

ADJOURN IN MEMORY

Assembly Member Chavez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hildagarde Klein, of South El Monte.

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 Marguerite O'Sullivan, of Long Beach; Mildren Chihori Yamagawa, of Long Beach; and Emma Conley, of Long Beach.

Assembly Member Pescetti was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lorrie Kagan, of Mather.

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 I.B. Earles, of Tulare.

Assembly Member Wayne was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michael Raffesberger, of San Marcos.

Assembly Member Havice was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gordon Herrema, former Mayor and Councilmember of City of Artesia.

(Assembly Rule 45.5 suspended.)

Assembly Member Cardoza was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carol Gabriault, of Merced.

(Assembly Rule 45.5 suspended.)

CAUCUS ANNOUNCEMENTS

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

MOTION TO ADJOURN

At 1 p.m., Assembly Member Migden moved that the Assembly do now adjourn.

Assembly Member Maldonado seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:01 p.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

SPECIAL COMMITTEE MEETINGS

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

Local Government, on February 20, 2001, at 1:30 p.m., in Room 126.

MESSAGES FROM THE SENATE

Senate Chamber, February 5, 2001

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

Assembly Concurrent Resolution No. 13

Assembly Concurrent Resolution No. 14

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above resolutions ordered enrolled.

MESSAGES FROM THE SENATE

Senate Chamber, February 5, 2001

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

Senate Bill No. 67

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 67—An act to make an appropriation in augmentation of Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2000, relating to state employees, to take effect immediately as an appropriation for the usual and current expenses of the state.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
2 -----	U. & C.
3 -----	W.,P. & W.
4 -----	Trans.
5 -----	Nat. Res.
6 -----	Rls.
7 -----	Rls.
8 -----	Rls.
9 -----	Rls.
10 -----	Rls.
12 -----	Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
1 -----	Jud.

House

<i>Resolution No.</i>	<i>Committee</i>
5 -----	U. & C.

Senate

<i>Bill No.</i>	<i>Committee</i>
14 -----	Budget

Senate Concurrent

<i>Resolution No.</i>	<i>Committee</i>
4 -----	J., E.D. & E.

ADJOURNMENT

At 3:45 p.m., pursuant to the motion by Assembly Member Migden, the Assembly adjourned until 7 a.m., Tuesday, February 6, 2001, out of respect to the memory of Carol Gabriault, on motion of Assembly Member Cardoza; out of respect to the memory of Hildagarde Klein, on motion of Assembly Member Chavez; out of respect to the memory of Gordon Herrema, on motion of Assembly Member Havice; out of respect to the memory of Marguerite O'Sullivan, Mildren Chihori Yamagawa, and Emma Conley, on motion of Assembly Member Lowenthal; out of respect to the memory of Lorrie Kagan, on motion of Assembly Member Pescetti; out of respect to the memory of I.B. Earles, on motion of Assembly Member Reyes; and out of respect to the memory of Michael Rafflesberger, on motion of Assembly Member Wayne.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 5, 2001**

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

AB RN

36 0102167

66 0100858

Daily Total: 2

Cumulative Total: 4

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