

CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 5, 2002

ONE HUNDRED FORTY-SIXTH SESSION DAY

FOUR HUNDRED TWENTY-NINTH 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
Tuesday, February 5, 2002

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th 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—72:

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

Quorum present.

At 11:22 a.m., Hon. Tony Strickland, 37th 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 Briggs, Chavez, Florez, Leslie, and Shelley.

On legislative business, and waiving per diem: Assembly Member Cardenas.

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 explanations of absence were ordered printed in the Journal:

February 4, 2002

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

Dear Mr. Speaker: I am respectfully requesting to be excused from check-in session on Tuesday, February 5, 2002. I will be attending legislative business in my district.

Thank you for your assistance with this matter. Please feel free to contact Amy Krause in my Capitol Office if you have any questions.

Sincerely,

MIKE BRIGGS, Assembly Member
Twenty-ninth District

February 1, 2002

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session on Tuesday, February 5, 2002, waiving per diem, in order to conduct legislative business in my district. If approved, I will be returning to Sacramento for Session on Wednesday, February 6, 2002.

Thank you for your consideration of this request.

Sincerely,

TONY CÁRDENAS, Assembly Member
Thirty-ninth District

February 4, 2002

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

Dear Mr. Speaker Hertzberg: I respectfully request that I be excused from check in Session on Tuesday, February 5, 2002. The purpose is to attend to legislative business in my District.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member
Fifty-seventh District

February 5, 2002

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

Dear Mr. Speaker: This letter is to respectfully request permission to be excused from check-in/floor session and to request per diem, as I will be out of town on legislative business on Tuesday, February 5th and Wednesday, February 6, 2002.

If you have any questions, please contact my office at 319-2004.

Sincerely,

TIM LESLIE, Assembly Member
Fourth District

February 4, 2002

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

Dear Speaker Hertzberg,

I respectfully request permission to be excused on Tuesday, February 5, 2002 on legislative business.

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

Sincerely,

KEVIN SHELLEY, Assembly Member
Twelfth District

(NOTE: For letter explaining the absence of Assembly Member Florez on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 4, 2002.)

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 Steve A. Banegas
to California Native American
Repatriation Oversight Commission

Dear Mr. Wilson: Please be advised I have appointed Mr. Steve A. Banegas to the California Native American Repatriation Oversight Commission as my representative of southern California tribes. This is a term appointment starting February 1, 2002 and the expiration date, to be determined by lot, will be January 1, 2004 or 2005.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 1, 2002

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

RE: Appointment of Carolina Reyes
to Advisory Committee on Managed Health Care

Dear Mr. Wilson: Please be advised I have appointed Dr. Carolina Reyes to the Advisory Committee on Managed Health Care as my public representative. This is a term appointment starting February 1, 2002 and the expiration date is January 1, 2005. Dr. Reyes will be replacing Ms. Julie Tugend.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 4, 2002

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

RE: Reappointment of Daniel Eaton
to California Integrated Waste Management Board

Dear Mr. Wilson: Please be advised I have reappointed Mr. Daniel Eaton to the California Integrated Waste Management Board. This is a term appointment starting February 4, 2002 and the expiration date is January 1, 2006.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

February 5, 2002

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

RE: Appointment of Diane Griffiths and Araceli Ruano
to California Medical Assistance Commission

Dear Mr. Wilson: Please be advised I have appointed Ms. Diane Griffiths and Ms. Araceli Ruano to the California Medical Assistance Commission. These are term appointments starting February 5, 2002. The term for Ms. Griffiths will expire on January 1, 2006 and the term for Ms. Ruano on January 1, 2005.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 5, 2002

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

Assembly Concurrent Resolution No. 131

Assembly Concurrent Resolution No. 132

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, February 5, 2002

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

Assembly Concurrent Resolution No. 133

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. 1884—Robert Pacheco. An act to amend Sections 17200 and 17500 of the Business and Professions Code, relating to unfair practices.

ASSEMBLY BILL NO. 1885—Liu. An act to add and repeal Section 17053.76 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1886—Jackson. An act to add Section 45452 to the Education Code, to add Section 1463.21 to the Penal Code, and to add Section 42011 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1887—Hollingsworth. An act to add Section 17040.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1888—Daucher. An act to add Section 52122.05 of the Education Code, relating to public schools.

ASSEMBLY BILL NO. 1889—Horton. An act to add Section 45004.1 to the Government Code, relating to civil service.

ASSEMBLY BILL NO. 1890—Horton. An act to amend Section 45004 of the Government Code, relating to city employees.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 148—Nakano, Chan, Liu, and Chu (Coauthor: Senator Machado). Relative to a Day of Remembrance.

ASSEMBLY JOINT RESOLUTION NO. 33—Robert Pacheco. Relative to Trade Promotion Authority.

HOUSE RESOLUTION NO. 37—Wesson. Relative to the Standing Rules of the Assembly for the 200102 Regular Session.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

February 5, 2002

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

Senate Bill No. 1227

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

MIGDEN, Chairwoman

SENATE BILL NO. 1227—An act to amend Sections 51479 and 53130 of, and to add Part 11 (commencing with Section 53500) to Division 31 of, the Health and Safety Code, relating to financing housing programs by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

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 Public Employees, Retirement and Social Security

February 5, 2002

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 1024

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

HAVICE, Chairwoman

SENATE BILL NO. 1024—An act relating to state employees, 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 Local Government

February 5, 2002

Mr. Speaker: The Chair of your Committee on Local Government reports:

Senate Bill No. 27

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

WIGGINS, Chairwoman

SENATE BILL NO. 27—An act to add Title 6.7 (commencing with Section 13990) to the Penal Code, relating to public safety.

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.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Committees on Education and Higher Education, to convene jointly on February 27, 2002, at 1:30 p.m.;

Select Committee on Low Performing Schools, to hold an informational hearing on February 27, 2002, at 1:30 p.m.;

Select Committee on North Bay Transportation and Housing, on March 15, 2002, at 9:30 a.m., in Rohnert Park;

Joint Committee on Fisheries and Aquaculture, on March 13, 2002, at 10 a.m.;

Select Committee on Gun Violence on February 22, 2002, at 10 a.m., in West Hollywood;

Revenue and Taxation, on February 19, 2002;

Assembly Select Committee on Language Access to Government, to convene jointly with Senate Judiciary, on February 19, 2002, in Room 4202, at 1:30 p.m.;

Senate and Assembly Committees on Aging and Long Term Care, to convene jointly, on February 25, 2002, at 3 p.m., in Room 4203.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 5, 2002

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

Assembly Bill No. 749

And reports the same correctly enrolled, and presented to the Governor on the 5th day of February, 2002, at 11:45 a.m.

E. DOTSON WILSON, Chief Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 741:

Wiggins, Keeley, and Harman.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Wednesday, February 6, 2002.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 5, 2002**

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

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27	0203519
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1024	0200717
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1227	0205198
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Daily Total:	3
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Cumulative Total:	3433
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