

CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 8, 2002

ONE HUNDRED FORTY-NINTH SESSION DAY

FOUR HUNDRED THIRTY-SECOND 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
Friday, February 8, 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—44:

Aanestad	Cohn	Kehoe	Pescetti
Alquist	Correa	La Suer	Reyes
Aroner	Cox	Leonard	Richman
Ashburn	Diaz	Longville	Salinas
Bogh	Dickerson	Lowenthal	Strom-Martin
Campbell, Bill	Dutra	Maddox	Thomson
Cardoza	Firebaugh	Matthews	Vargas
Chan	Florez	Mountjoy	Washington
Chavez	Goldberg	Pacheco, Robert	Wayne
Chu	Havice	Papan	Wyland
Cogdill	Jackson	Pavley	Wyman

Quorum present.

At 10:29 a.m., Hon. Bill Campbell, 71st 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 Bates, Briggs, Calderon, John Campbell, Canciamilla, Daucher, Frommer, Harman, Hertzberg, Hollingsworth, Horton, Keeley, Kelley, Koretz, Leslie, Liu, Maldonado, Migden, Nakano, Nation, Negrete McLeod, Oropeza, Rod Pacheco, Shelley, Simitian, Steinberg, Strickland, Wesson, Wiggins, and Wright.

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

On personal business, and waiving per diem: Assembly Members Leach, Runner, and Zettel.

Because of illness: Assembly Member Corbett.

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 8, 2002

*The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am writing to request that I be excused from session on Friday, February 8th, 2002 due to legislative business in my district. If you have any questions, please contact Martha Nicholas in my office at (916) 319-2073.

Sincerely,

PATRICIA BATES, Assembly Member
Seventy-third District

February 8, 2002

*The Honorable Herb Wesson, Jr.
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 Friday, February 8 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 8, 2002

*The Honorable Herb J. Wesson, Jr.
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Mr. Speaker: I am writing to request to be excused from check in session on Friday, February 8, 2002 to attend legislative business in my district.

Sincerely,

THOMAS M. CALDERON, Assembly Member
Fifty-eighth District

February 8, 2002

*The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Speaker Wesson: Please excuse me from session on Friday, February 8, 2002, on legislative business.

Sincerely,

JOSEPH CANCIAMILLA, Assembly Member
Eleventh District

February 6, 2002

The Honorable Herb J. Wesson
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 Friday, February 8, 2002, waiving per diem, in order to conduct legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

TONY CÁRDENAS, Assembly Member
Thirty-ninth District

February 8, 2002

The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Wesson: I am writing to request permission to be excused from Check-In Session on Friday, February 8th, for legislative business, as I am participating in a State of the School District Address and Education Forum in my district.

I appreciate your consideration of this request. Please contact me at 319-2072 with any questions. Thank you.

Sincerely,

LYNN DAUCHER, Assembly Member
Seventy-second District

February 7, 2002

The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol Building
Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request permission to be excused from check-in session on Friday, February 8, 2002 on legislative business in my district.

Thank you for your attention to this request. If you have any questions, please call Jamie Palmer at 310-2043.

Sincerely,

DARIO FROMMER, Assembly Member
Forty-third District

February 6, 2002

*Hon. Herb Wesson, Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker,

I respectfully request to be excused from session at noon on Thursday, February 7, 2002 and from check-in session on Friday, February 8, 2002 for legislative business outside Sacramento.

Feel free to call me if you have questions. Thank you for your consideration of this request.

Sincerely,

TOM HARMAN, Assembly Member
Sixty-seventh District

February 7, 2002

*The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Wesson: Please accept this request to be excused from Check-In Session on Friday, February 8, 2002. I will be conducting legislative business in Los Angeles. Should you have any questions, please feel free to have your staff contact Diane Griffiths, my Chief of Staff.

Thank you in advance for your consideration of this request.

Sincerely,

ROBERT M. HERTZBERG, Assembly Member
Fortieth District

February 6, 2002

*The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request an excused absence from the Assembly Check-in Session for Friday, February 8, 2002. I have legislative business in my district on Thursday afternoon, February 7, and Friday morning, February 8, 2002.

Thank you for your consideration.

Sincerely,

DENNIS HOLLINGSWORTH, Assembly Member
Sixty-sixth District

February 8, 2002

The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-In Session on Friday, February 8, 2002, due to legislative business in my district. I am planning to leave after Floor Session on Thursday, February 7, 2002 and will be returning on Tuesday, February 12, 2002 in time for Floor Session.

I thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

February 7, 2002

The Honorable Herb J. Wesson, Jr.
Speaker of the Assembly
Room 219, State Capitol
Sacramento, California

Dear Mr. Speaker: This is to request that I be excused from session on Friday, February 8, 2002, on legislative business.

Sincerely,

FRED KEELEY, Assembly Member
Twenty-seventh District

February 7, 2002

The Honorable Herb Wesson
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 February 8, 2002, on legislative business.

Thank you for your consideration of this request.

Sincerely,

DAVID G. KELLEY, Assembly Member
Eightieth District

February 8, 2002

The Honorable Herb J. Wesson, Jr.
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Session on Friday, February 8, 2002 due to legislative business in my district.

Thank you for consideration of this request. Please contact Cheri King in my Capitol office should any questions arise.

Cordially,

PAUL KORETZ, Assembly Member
Forty-second District

February 8, 2002

The Honorable Herb Wesson, Jr.
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 Friday, February 8, 2002.

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

Sincerely,

TIM LESLIE, Assembly Member
Fourth District

February 8, 2002

The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Wesson: I am writing to request to be excused from Session on Friday, February 8, 2002. I will be attending the Inaugural Festivities for Speaker-elect Herb Wesson in Los Angeles at Royce Hall, UCLA; therefore, I am requesting per diem for the day.

Thank you, in advance, for your favorable consideration of this request.

Sincerely,

CAROL LIU, Assembly Member
Forty-fourth District

February 8, 2002

The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am writing to request that I be excused from Check-in Session on February 8, 2002 due to legislative business in my district.

Thanking you in advance for your consideration of my request.

Sincerely,

ABEL MALDONADO, Assembly Member
Thirty-third District

February 8, 2002

The Honorable Herb J. Wesson, Jr.
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker: I request to be excused from check-in session on Friday February 8, 2002, so that I may be in my district on legislative business.

Thank you,

CAROLE MIGDEN, Assembly Member
Thirteenth District

February 6, 2002

The Honorable Herb Wesson Jr.
Speaker, California State Assembly
State Capitol—Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request permission to be excused from check-in on Friday, February 8, 2002. I will be attending the Alquist Budget Retreat and therefore I will not be able to check-in.

Thank you for your consideration of this request. Should you have any questions please contact Sheri Pemberton of my staff at 319-2053.

Sincerely,

GEORGE NAKANO, Assembly Member
Fifty-third District

February 8, 2002

The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Legislative Session on Friday, February 8, 2002 due to legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

February 8, 2002

The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: Please excuse me from check-in on February 8, 2002. I will be in my district conducting legislative business.

Respectfully,

GLORIA NEGRETE McLEOD, Assembly Member
Sixty-first District

February 8, 2002

The Honorable Herb J. Wesson, Jr., Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am writing to request to be excused from Session on February 8, 2002 for legislative business. I will be attending the Alquist Budget Academy at UCLA.

Thank you for your consideration of this request. Please contact my Chief of Staff, Beverly Hunter, if you have any further questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth District

February 8, 2002

*Hon. Herb Wesson, Jr., Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker,

This letter is to respectfully request an excuse from check-in session on Friday, February 8, 2002. I have Legislative business in my district office.

If you have any questions regarding this letter please contact Karrie Watson at 319-2064.

It is an honor serving with you in the California State Assembly.

Very truly yours,

ROD PACHECO, Assembly Member
Sixty-fourth District

February 8, 2002

*The Honorable Herb Wesson,
Speaker, California State Assembly
State Capitol Building, Room 219
Sacramento, California*

Dear Mr. Speaker: Please excuse me from session, Friday, February 8, 2002, as I am attending the Los Angeles Inauguration of Herb Wesson.

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

Sincerely,

KEVIN SHELLEY, Assembly Member
Twelfth District

February 8, 2002

*The Honorable Herb J. Wesson, Jr.
Speaker of the Assembly
Room, 219, State Capitol
Sacramento, California*

Dear Mr. Speaker,

This is a request to be excused from Session on Friday, February 8, 2002. I would like to attend an Infrastructure Workshop sponsored by California Foundation on the Environment and the Economy. The workshop will take place in Napa. Because of my long history in local and county government, I am particularly interested in infrastructure development and funding issues.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member
Twenty-first District

February 8, 2002

The Honorable Herb J. Wesson, Jr.
Speaker of the Assembly
Room 219, State Capitol
Sacramento, California

Dear Mr. Speaker: I respectfully request permission to be excused from Session on February 8, 2002, to travel to Los Angeles to attend the 19th Annual Alquist Fiscal Retreat. I will be departing the afternoon of Thursday, February 7th, and returning the evening of Friday, February 8, 2002.

Thank you for your consideration of this request.

Sincerely,

DARRELL STEINBERG, Assembly Member
Ninth District

February 8, 2002

The Honorable Herb Wesson
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 Friday, February 8, 2002. I have legislative meetings in my District Office. I will be flying out of the Sacramento International Airport into Burbank.

If you have any questions, please call my Capitol Director Tim Anaya or myself at 319-2037.

Sincerely,

TONY STRICKLAND, Assembly Member
Thirty-seventh District

February 8, 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, February 8, 2002, on legislative business.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

February 8, 2002

The Honorable Herb Wesson, Jr.
Speaker of the California Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker: This letter is to request to be excused from session on Friday, February 8, 2002 for Legislative Business in my district.

Your attention to this matter would be greatly appreciated.

Sincerely,

PATRICIA WIGGINS, Assembly Member
Seventh District

February 7, 2002

The Honorable Herb J. Wesson, Jr.
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 Friday, February 8, 2002, due to legislative business in my district. Should you have any questions, please feel free to contact my office at (916) 319-2048. Thank you for your attention to this request.

Sincerely,

RODERICK D. WRIGHT, Assembly Member
Forty-eighth District

(NOTE: For letter explaining the absence of Assembly Member John Campbell on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 7, 2002.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 8, 2002

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

Assembly Concurrent Resolution No. 147

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. 1913—Lowenthal. An act to add Section 30812 to the Public Resources Code, relating to coastal development.

ASSEMBLY BILL NO. 1914—Kehoe (Coauthors: Bates and Robert Pacheco). An act to amend Section 3306 of the Business and Professions Code, and to amend Section 14132 of the Welfare and Institutions Code, relating to hearing.

ASSEMBLY BILL NO. 1915—Lowenthal. An act to add Section 4467 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1916—Matthews (Principal coauthor: Senator Ortiz) (Coauthors: John Campbell, Cedillo, Harman, Negrete McLeod, and Richman) (Coauthors: Senators Machado and Speier). An act to amend Section 6369 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1917—Matthews (Principal coauthor: Havice) (Coauthor: Florez). An act to add Section 12027.2 to the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1918—Bogh. An act to amend Section 451 of the Public Utilities Code, relating to public utilities.

ASSEMBLY BILL NO. 1919—Matthews and Cardoza (Coauthor: Florez). An act to add Section 1797.153 to the Health and Safety Code, relating to emergency services.

ASSEMBLY BILL NO. 1920—Hollingsworth. An act to amend Section 51225.3 of the Education Code, relating to school curriculum.

ASSEMBLY BILL NO. 1921—Richman. An act to add Sections 2191.5, 2732.06, and 4233 to the Business and Professions Code, relating to healing arts.

ASSEMBLY BILL NO. 1922—Firebaugh. An act to add Section 23672.1 to the Business and Professions Code, relating to alcoholic beverages.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 149—Bogh (Coauthor: Senator Battin). Relative to George Washington.

ASSEMBLY CONCURRENT RESOLUTION NO. 150—Strom-Martin. Relative to Spay Day USA 2002.

ASSEMBLY CONCURRENT RESOLUTION NO. 151—Leslie. Relative to California chaplains.

AUTHOR'S AMENDMENTS**Committee on Health**

February 8, 2002

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

Senate Bill No. 801

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

THOMSON, Chairwoman

SENATE BILL NO. 801—An act to amend Sections 1339.63 and 123296 of the Health and Safety Code, and to amend Section 4 of Chapter 842 of the Statutes of 2001, relating to public 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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 11 a.m., Tuesday, February 12, 2002.

CHRISTINE KEHOE, Assistant Speaker pro Tempore

TRESHA PETIT-PHAR, Acting Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 8, 2002**

The following measure was amended in the Assembly on this day:

SB	RN
801	0205279

Daily Total:	1
Cumulative Total:	3434

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