

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Wednesday, February 14, 2001**

**TWENTY-THIRD SESSION DAY**

**SEVENTY-THIRD 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  
Wednesday, February 14, 2001

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—74:

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

Quorum present.

**At 1:33 p.m., Hon. Dennis Mountjoy, 59th 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 Cedillo, Romero, and Washington.*

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

*Because of illness: Assembly Member Leslie.*

**EXPLANATIONS OF ABSENCE**

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

February 8, 2001

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

Dear Mr. Speaker,

I respectfully request that I be approved to travel to my district for legislative business on Wednesday, February 14, 2001.

Thank you for your prompt attention in this matter.

Sincerely,

GILBERT CEDILLO, Assembly Member  
 Forty-sixth District

February 9, 2001

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

I am requesting to return to my district February 13 at 3 p.m. to attend to legislative business.

Thank you for your consideration of this request. If you should have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

DR. GLORIA ROMERO, Assembly Member  
 Forty-ninth District

February 13, 2001

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

Dear Speaker Hertzberg: I would like to request permission to be excused from check-in session Wednesday, February 14, 2001. I need to remain in the district to conduct sensitive negotiations with the Compton School Board Members.

Your consideration of this request is appreciated.

Sincerely,

CARL WASHINGTON, Assembly Member  
 Fifty-second District

**REPORTS**

The following reports were presented by the Chief Clerk:

**Kapiloff Land Bank Report**  
**(Pursuant to Public Resources Code Section 8618)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated December 21, 2000, referred by the Speaker to the Committee on Natural Resources.

**2000 Comprehensive Annual Financial Report  
(Pursuant to Education Code Section 22324)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, dated February 9, 2001, referred by the Speaker to the Committee on Education.

**Market Enforcement Branch of  
the California Department of Food and Agriculture  
Report to the Legislature  
(Pursuant to Chapter 696 of the Statutes of 1997)**

Above transmitted report, together with letter of transmittal from Kelly Krug, Director, Division of Marketing Services, Department of Food and Agriculture, dated February 9, 2001, referred by the Speaker to the Committee on Agriculture.

**California Motorcyclist Safety Program  
(Pursuant to Chapter 547 of the Statutes of 1985)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, dated February 6, 2001, referred by the Speaker to the Committee on Transportation.

**Department of Transportation's  
Disabled Veteran Business Enterprise Contract Participation  
Annual Report, Fiscal Year 1999  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Acting Assistant Deputy Director, Legislative and Local Government Affairs, Department of Transportation, dated February 6, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Firearms Safety Device Standards  
(Pursuant to Penal Code Section 12087)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Department of Justice, dated February 8, 2001, referred by the Speaker to the Committee on Public Safety.

**Supplemental Report to the Legislature  
on the California Fuel Cell Partnership  
(Pursuant to Item 3900-001-0044)**

Above transmitted report, together with letter of transmittal from Alan C. Lloyd, Chairman, Air Resources Board, dated January 8, 2001, referred by the Speaker to the Committee on Budget.

**Evaluation of the Peter Pitchess Detention Center  
Substance Abuse Treatment Control Unit  
(Pursuant to Item 5240-001-0001 of the Budget Act of 1999)**

Above transmitted report, together with letter of transmittal from Steven Cambra, Jr., Acting Director, Department of Corrections, dated February 5, 2001, referred by the Speaker to the Committee on Budget.

**Report the Legislature  
Regarding the Enhancement and Management of Fish and Wildlife and  
Their Habitat on Private Lands for the 1999–2000 License Year  
(Pursuant to Fish and Game Code Sections 3400–3409)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated February 1, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Wildlife Conservation Board  
Inland Wetlands Conservation Program 1990 to 2000  
(Pursuant to Chapter 1645 of the Statutes of 1990)**

Above transmitted report, together with letter of transmittal from Al Wright, Executive Director, Wildlife Conservation Board, dated February 2, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**2000 Report Accounts Receivable Management Act Report  
(Pursuant to Chapter 1224 of the Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Edwin F. Lowry, Director, Department of Toxic Substances Control, dated January 29, 2001, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Contract Report:  
Disabled Veteran Business Enterprise Program  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated February 2, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Victim Compensation and Government Claims Board  
Report on Disabled Veteran Business Enterprise Activity  
Fiscal Year 1999  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Kelly J. Brodie, Executive Officer, Victim Compensation and Government Claims Board, dated February 6, 2001, referred by the Speaker to the Committee on Governmental Organization.

**The Ocean Resources  
Enhancement and Hatchery Program 1999 and 2000  
(Pursuant to Fish and Game Code Section 6599)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated February 5, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Mental Health Rehabilitation Center Report  
(Pursuant to Chapter 686 of the Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Director, Department of Mental Health, dated February 8, 2001, referred by the Speaker to the Committee on Health.

**2001 Office of Administrative Law Determination No. 1  
(Pursuant to Government Code Section 11340.5)**

Above transmitted report, together with letter of transmittal from David B. Judson, Deputy Director and Chief Counsel, Office of Administrative Law, dated February 9, 2001, referred by the Speaker to the Committee on Business and Professions.

**Epidemiology of Autism, Fifth Tri-Monthly Report  
(Pursuant to Item 4300-001-0001(g), Provision 3 of the Budget Act of 1999)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated February 5, 2001, referred by the Speaker to the Committee on Budget.

**Board of Registered Nursing  
Report Regarding Settlement Agreements and  
Arbitration Awards  
(Pursuant to Business and Professions Code Section 806)**

Above transmitted report, together with letter of transmittal from Ruth Ann Terry, MPH, RN, Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, dated January 4, 2001, referred by the Speaker to the Committee on Business and Professions.

**Implementation of the Field Office Automation Project  
(Pursuant to Item 0860-001-0001 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from James E. Speed, Executive Director, State Board of Equalization, dated January 10, 2001, referred by the Speaker to the Committee on Budget.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 14, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 94

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, February 14, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 5

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, February 14, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 17

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. 239—Runner.** An act to amend Section 11380.1 of, and to add Section 11379.11 to, the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 240—Runner (Principal coauthor: Wyman).** An act to amend Sections 17053.49 and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 241—Dickerson.** An act to amend Section 23550.5 of, and to add Section 14601.6 to, the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 242—Thomson (Coauthors: Alquist, Jackson, and Wayne) (Coauthor: Senator Oller).** An act to add Article 3.5 (commencing with Section 1360) to Chapter 4 of Division 2 of the Fish and Game Code, relating to oak woodland conservation.

**ASSEMBLY BILL NO. 243—Runner (Coauthor: Senator Knight).** An act to add Section 7392.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 244—Strom-Martin.** An act to amend Section 50513 of the Health and Safety Code, relating to housing assistance.

**ASSEMBLY BILL NO. 245—Wyland.** An act to amend Section 530.5 of the Penal Code, relating to identity theft.

**ASSEMBLY BILL NO. 246—Bill Campbell.** An act to amend Section 17052.25 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 247—Maddox.** An act to add Section 1230.080 to the Code of Civil Procedure, relating to eminent domain.

**ASSEMBLY BILL NO. 248—Correa.** An act to amend Section 7582.2 of the Business and Professions Code, relating to private security services, and making an appropriation therefor.

**ASSEMBLY BILL NO. 249—Matthews (Coauthors: Leach, Richman, and Romero) (Coauthor: Senator Costa).** An act to amend Section 6369 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 250—Strom-Martin (Coauthors: Alquist, Cox, Dickerson, Havice, Kelley, and Washington) (Coauthors: Senators Chesbro, Costa, Kuehl, Poochigian, and Speier).** An act to add Section 42238.5.1 to the Education Code, relating to school finance.

**ASSEMBLY BILL NO. 251—Vargas.** An act to amend Sections 9900, 9901, 9905, and 9908 of the Unemployment Insurance Code, relating to employment development, and making an appropriation therefor.

**ASSEMBLY BILL NO. 252—Pavley (Principal Coauthor: Senator Kuehl).** An act to add Section 2076.7 to the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

**ASSEMBLY BILL NO. 253—Alquist and Diaz (Coauthors: Calderon and Robert Pacheco).** An act to amend Sections 52335.2, 52616.16, and 84750 of, to add Article 4 (commencing with Section 8540) to Chapter 3 of Part 6 of, and to add Section 60858 to, the Education Code, relating to adult education, and making an appropriation therefor.

**ASSEMBLY BILL NO. 254—Frommer.** An act to amend Sections 25395.20, 25395.21, 25395.25, and 25395.26 of the Health and Safety Code, relating to hazardous materials, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 255—Zettel.** An act to amend Section 1808.4 of the Vehicle Code, and to amend Sections 15601, 15610.17, 15610.23, 15610.55, 15610.57, 15630, 15633.5, 15634, 15659, 15701, 15760, 15763, to amend and renumber Section 15751 of, to amend, renumber, and add Section 15750 of, to add Sections 15610.19 and 15610.39 to, to repeal Sections 15701.1, 15701.15, 15701.2, 15701.35, 15752, 15753, 15753.5, and 15761 of, and to repeal the heading of Chapter 13.5 (commencing with Section 15760) of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to elder abuse.

**ASSEMBLY BILL NO. 256—Wayne.** An act to add Section 1799.207 to the Civil Code, relating to consumer contracts.

**ASSEMBLY BILL NO. 257—Longville.** An act to amend Section 2421.5 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 258—La Suer (Coauthors: Bates, Bill Campbell, Daucher, Hollingsworth, Leach, Maldonado, Mountjoy, Pescetti, Richman, Strickland, Wyman, and Zettel).** An act to amend Sections 11054 and 11055 of the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 259—Chavez.** An act to amend Section 52616.16 of the Education Code, relating to adult education.

**ASSEMBLY BILL NO. 260—Frommer.** An act to amend Section 16760 of the Business and Professions Code, and to amend Sections 11181 and 11187 of the Government Code, relating to state government.

**ASSEMBLY BILL NO. 261—Wright.** An act to amend Section 19636 of the Business and Professions Code, to amend Sections 3857, 4101, 4102, 4103, 4104, 4105, 4106, 4107, and 4108 of, to amend and renumber Section 4101.2 of, and to add Sections 4101.1, 4101.2, 4101.3, 4101.4, 4101.6, 4101.25, and 4103.5 to, and to amend the heading of Article 1 (commencing with Section 4101) of Chapter 6 of Part 3 of Division 3 of, the Food and Agricultural Code, to amend Section 12804 of the Government Code, and to amend Sections 172c, 830.3, and 830.7 of the Penal Code, relating to agriculture.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 20—Pavley (Principal coauthor: Senator Kuehl).** Relative to the California Coastal Trail.

**HOUSE RESOLUTION NO. 7—Wiggins.** Relative to offshore oil drilling.

### AUTHOR'S AMENDMENTS

#### Committee on Governmental Organization

February 14, 2001

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Assembly Bill No. 70

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

WESSON, Chairman

**ASSEMBLY BILL NO. 70—**An act to add Article 5.7 (commencing with Section 8590) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to fire safety, 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.

### CONSIDERATION OF DAILY FILE

#### SECOND READING OF ASSEMBLY BILLS

**ASSEMBLY BILL NO. 8—**An act to amend Section 50898.2 of the Health and Safety Code, relating to housing and community development, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 14, 2001

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

Assembly Bill No. 8

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.



**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Friday, February 16, 2001, or upon Call of the Speaker.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 14, 2001**

---

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

**AB RN**

70 0107693

**Daily Total: 1**

**Cumulative Total: 10**

O