

CALIFORNIA LEGISLATURE  
1999-2000 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 23, 2000**

**ONE HUNDRED FORTIETH SESSION DAY**

**FOUR HUNDRED FORTY-FOURTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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 23, 2000

The Assembly met at 7 a.m.

Hon. Alan Lowenthal, Assembly Member, 54th 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—66:

Aanestad	Davis	Leonard	Runner
Ackerman	Dickerson	Longville	Shelley
Alquist	Ducheny	Lowenthal	Steinberg
Aroner	Dutra	Machado	Strickland
Ashburn	Firebaugh	Maddox	Strom-Martin
Bates	Florez	Maldonado	Thompson
Battin	Floyd	Margett	Torlakson
Baugh	Frusetta	Mazzoni	Vincent
Brewer	Gallegos	McClintock	Washington
Briggs	Granlund	Migden	Wayne
Calderon	Havice	Nakano	Wesson
Campbell	Hertzberg	Olberg	Wiggins
Cardenas	House	Pacheco, Robert	Wright
Cardoza	Jackson	Pacheco, Rod	Zettel
Corbett	Keeley	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Lempert	Romero	

Quorum present.

**At 1:45 p.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 Baldwin, Bock, Cedillo, Cunneen, Kaloogian, Scott, and Wildman.*

*On personal business, and waiving per diem: Assembly Members Honda, Knox, Kuehl, Oller, Soto, and Thomson.*

*Because of a death in his family: Assembly Member Papan.*

**EXPLANATIONS OF ABSENCE**

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

February 22, 2000

*The Honorable Antonio Villaraigosa  
Speaker of the Assembly  
Room 219, State Capitol  
Sacramento, California*

Dear Mr. Speaker: I need to be excused from check-in session on Wednesday and Thursday, February 23 and 24 on legislative business because I will be involved in several meetings in my district.

Thank you in advance for your assistance.

Sincerely,

STEVE BALDWIN, Assembly Member  
Seventy-seventh District

February 22, 2000

*The Honorable Antonio R. Villaraigosa  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: This letter is to request permission to be excused from check-in session on Wednesday 23, 2000, due to legislative business in my district.

Your approval of this absence is appreciated.

Sincerely,

AUDIE ELIZABETH BOCK, Assembly Member  
Sixteenth District

February 22, 2000

*The Honorable Antonio Villaraigosa  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker,

I respectfully request that I be excused from check-in session on Wednesday, February 23, 2000, to conduct legislative business in my district office.

Thank you for your assistance in this matter.

Sincerely,

GILBERT CEDILLO, Assembly Member  
Forty-sixth District

February 22, 2000

*The Honorable Antonio Villaraigosa  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from check-in session, Wednesday, February 23, 2000, due to legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

February 21, 2000

*The Honorable Antonio Villaraigosa  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker,

I am requesting to be excused from session on Wednesday and Thursday, February 23–24, 2000. It is necessary that I be in my district for legislative business purposes.

Should you have any questions regarding this request, please feel free to contact me.

Thank you for your consideration.

Respectfully,

HOWARD KALOOGIAN, Assembly Member  
Seventy-fourth District

February 22, 2000

*The Honorable Antonio Villaraigosa  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

RE: Excuse Request: February 23 and February 24, 2000

Dear Mr. Villaraigosa: I respectfully request that I be excused from the Assembly Member Check-In on February 23, and February 24, 2000, for legislative business in my District Office.

If you have any questions, please contact my Executive Secretary, Maria Maestas, at 319-2044.

Thank you for your assistance in this matter.

Respectfully submitted,

JACK SCOTT, Assembly Member  
Forty-fourth District

February 9, 2000

*The Honorable Antonio Villaraigosa  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Villaraigosa: This letter is to request permission to be excused from check-in Session on Wednesday, February 23, 2000.

I have important legislative business in my district that requires my attention.

Thank you for your consideration.

Sincerely,

SCOTT WILDMAN, Assembly Member  
Forty-third District

**COMMUNICATIONS**

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

February 23, 2000

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

Dear Dotson: Please be advised that I have increased the size of the Banking and Finance Committee to 14 members and have appointed Assemblymember Keith Olberg to the committee.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Budget Subcommittee No. 3, to convene jointly with Senate Budget Subcommittee No. 2, on February 28, 2000, upon adjournment of the Senate Floor session;

Committee on Governmental Organization, on February 28, 2000, upon adjournment of Floor session, in the Tom Bane Rules Committee Room;

Joint Committee on Mental Health Reform, on March 2, 2000, at 9 a.m., in Room 4203.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 23, 2000

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

- Assembly Bill No. 1705
- Assembly Bill No. 1708
- Assembly Bill No. 1768

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 23, 2000

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

Assembly Concurrent Resolution No. 109

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 2120—Bates.** An act to amend Sections 451.1 and 451.5 of the Penal Code, relating to arson.

**ASSEMBLY BILL NO. 2121—Briggs.** An act to amend Section 10101 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 2122—Briggs.** An act to amend Section 4051 of the Food and Agricultural Code, and to amend Sections 10295 and 12120 of, to add Section 12100.2 to, and to repeal and add Section 10320 of, the Public Contract Code, relating to district agricultural associations.

**ASSEMBLY BILL NO. 2123—Shelley.** An act to amend Section 70050.5 of the Government Code, relating to phonographic reporters.

**ASSEMBLY BILL NO. 2124—McClintock.** An act to amend the heading of Title 3 (commencing with Section 13000) of Part 4 of, and to add Chapter 3 (commencing with Section 13350) to Title 3 of Part 4 of, the Penal Code, relating to crime prevention.

**ASSEMBLY BILL NO. 2125—Rod Pacheco.** An act relating to criminal procedure

**ASSEMBLY BILL NO. 2126—McClintock.** An act to add Section 21655.14 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2127—McClintock.** An act to add Section 21655.13 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2128—Corbett.** An act to add Section 17070.78 to, the Education Code, relating to school facilities.

**ASSEMBLY BILL NO. 2129—McClintock.** An act to add Section 162.3 to the Streets and Highways Code, and to add Section 21655.10 to the Vehicle Code, relating to highways.

**ASSEMBLY BILL NO. 2130—Corbett.** An act to amend Section 3751.5 of the Family Code, relating to family health coverage.

**ASSEMBLY BILL NO. 2131—McClintock.** An act to repeal Division 19.5 (commencing with Section 185000) of the Public Utilities Code, relating to transportation.

**ASSEMBLY BILL NO. 2132—House (Principal coauthor: Senator Monteith).** An act to amend Section 97 of the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 2133—Leach.** An act relating to school finance, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2134—Hertzberg.** An act to amend Section 91.5 of the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 2135—Aroner.** An act to add Section 654.3 to the Harbors and Navigation Code, relating to vessels.

**ASSEMBLY BILL NO. 2136—Maldonado.** An act to add Section 12803.3 to the Government Code, relating to long-term care.

**ASSEMBLY BILL NO. 2137—Maldonado.** An act to amend Section 15660 of the Welfare and Institutions Code, relating to human services.

**ASSEMBLY BILL NO. 2138—Keeley.** An act to amend Sections 3572.5, 3591, and 3593 of, and to add Section 3593.5 to, the Government Code, relating to higher education labor relations.

**ASSEMBLY BILL NO. 2139—Robert Pacheco.** An act to amend Section 1021.1 of the Code of Civil Procedure, relating to attorney's fees.

**ASSEMBLY BILL NO. 2140—Keeley.** An act to amend Section 65080 of the Government Code, relating to transportation.

**ASSEMBLY BILL NO. 2141—Lempert.** An act to add Article 5 (commencing with Section 113400) to Chapter 11 of Part 6 of Division 104 of the Health and Safety Code, relating to poultry.

**ASSEMBLY BILL NO. 2142—Keeley.** An act to amend Section 12926 of the Government Code, relating to discrimination.

**ASSEMBLY BILL NO. 2143—Lempert.** An act to amend Section 3572.5 of the Government Code, relating to higher education labor relations.

**ASSEMBLY BILL NO. 2144—Keeley.** An act to add Section 4529.1 to the Government Code, relating to public contracts.

**ASSEMBLY BILL NO. 2145—Reyes.** An act to add Section 52246 to the Education Code, relating to classroom instruction.

**ASSEMBLY BILL NO. 2146—Bates.** An act to add Section 97.55 to the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 2147—Wiggins.** An act to amend Sections 53091, 53094, and 65302 of the Government Code, relating to zoning ordinances.

**ASSEMBLY BILL NO. 2148—Nakano (Coauthors: Cunneen and Wayne).** An act to add Section 164.57 to the Streets and Highways Code, relating to highways, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2149—Soto.** An act to add Section 149.5 to the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 2150—Zettel.** An act relating to education technology.

**ASSEMBLY BILL NO. 2151—Wayne.** An act to amend Section 123870 of the Health and Safety Code, relating to child health.

**ASSEMBLY BILL NO. 2152—Aroner.** An act to amend Section 14132 of the Welfare and Institutions Code, relating to Medi-Cal.

**ASSEMBLY BILL NO. 2153—Mazzoni.** An act to add Chapter 3.16 (commencing with Section 44689.6) is added to Part 25 of the Education Code, relating to school administrators.

**ASSEMBLY BILL NO. 2154—Soto.** An act to add Article 10 (commencing with Section 350) to Chapter 3 of Part 1 of the Education Code, relating to English language education, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2155—Pescetti.** An act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

**ASSEMBLY BILL NO. 2156—Pescetti.** An act to amend Section 9201 of the Public Contract Code, relating to public contracts.

**ASSEMBLY BILL NO. 2157—Lowenthal.** An act to amend Sections 50083, 50086, and 51331 of, and to add Section 50076.6 to, the Health and Safety Code, relating to housing.

**ASSEMBLY BILL NO. 2158—Strickland.** An act to amend Section 218 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 2159—Robert Pacheco.** An act to add Article 4.5 (commencing with Section 69590) to Chapter 2 of Part 42 of the Education Code, relating to student financial aid.

**ASSEMBLY BILL NO. 2160—Cunneen and Mazzoni (Coauthor: Senator Rainey).** An act to amend Sections 8265, 8265.5, and 8470 of the Education Code, relating to child care and development, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2161—Vincent.** An act to amend Section 6924 of the Family Code, and to amend Section 123115 of the Health and Safety Code, relating to health.

**ASSEMBLY BILL NO. 2162—Mazzoni.** An act to amend Section 52054 of the Education Code, relating to school accountability.

**ASSEMBLY BILL NO. 2163—Cunneen.** An act to amend Sections 11710, 11714, 11735, and 11785 of, and to amend the heading of Article 2 (commencing with Section 11710) of Chapter 7 of Part 1 of Division 3 of Title 2 of, to add Sections 11715, 11716, 11717, 11718, and 11719 to, and to repeal Sections 11738 and 11739 of, the Government Code, to add and repeal Sections 17055, 17056, 23611, and 23612 of the Revenue and Taxation Code, and to add Article 6 (commencing with Section 13010) to Chapter 1 of Division 6 of the Vehicle Code, relating to information technology, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2164—Pescetti.** An act to add Section 11105.8 to the Penal Code, relating to criminal records.

**ASSEMBLY BILL NO. 2165—McClintock.** An act to amend Section 6359 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 2166—Cardenas.** An act to add Section 50455.5 to the Health and Safety Code, relating to housing.

**ASSEMBLY BILL NO. 2167—Soto.** An act to add Section 14016.11 to the Welfare and Institutions Code, relating to Medi-Cal.

**ASSEMBLY BILL NO. 2168—Soto.** An act to amend Section 14015 of the Welfare and Institutions Code, relating to health.

**ASSEMBLY BILL NO. 2169—Campbell (Coauthors: Ashburn, Bates, Cox, Cunneen, and Dickerson) (Coauthors: Senators Knight and Morrow).** An act to amend Section 48900.6 of the Education Code, relating to pupil discipline.

**ASSEMBLY BILL NO. 2170—Rod Pacheco.** An act to add Sections 17053.60 and 23660 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 2171—Florez.** An act to add Section 49412.5 of the Education Code, relating to school nurses.

**ASSEMBLY BILL NO. 2172—Aanestad.** An act to amend Sections 1000 and 1000.5 of the Penal Code, relating to probation.

**ASSEMBLY BILL NO. 2173—Bates (Coauthors: Aanestad, Ackerman, Ashburn, Battin, Briggs, Campbell, Frusetta, House, Leach, Maddox, Maldonado, Robert Pacheco, Pescetti, Strickland, and Zettel).** An act to amend Sections 182.6 and 182.7 of the Streets & Highways Code, relating to transportation.

**ASSEMBLY BILL NO. 2174—Ackerman.** An act to amend Section 33334.2 of the Health and Safety Code, relating to redevelopment.

**ASSEMBLY BILL NO. 2175—Ashburn.** An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2176—Correa (Coauthors: Briggs, Firebaugh, Honda, Knox, and Pescetti).** An act to amend Sections 31625.3 and 31874.3 of the Government Code, relating to county employees' retirement.

**ASSEMBLY BILL NO. 2177—Committee on Public Employees, Retirement and Social Security (Correa (Chair), Firebaugh, Honda, and Knox).** An act to amend Sections 20962 and 20966 of, and to add Sections 20635.1, 20636.1, and 20831.1 to, the Government Code, relating to school employees' retirement.

**ASSEMBLY BILL NO. 2178—Knox.** An act to amend Section 112 of the Labor Code, relating to workers' compensation.



**ASSEMBLY BILL NO. 2179—Wesson.** An act to add Section 330d to the Penal Code, relating to gambling.

**ASSEMBLY BILL NO. 2180—Ashburn.** An act to add Chapter 2.1 (commencing with Section 15372.10) to Part 6.7 of Division 3 of Title 2 of the Government Code, relating to economic development, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2181—Maldonado (Coauthors: Ackerman, Ashburn, Bates, Battin, Baugh, Briggs, Leach, Maddox, Robert Pacheco, Pescetti, Runner, Strickland, and Zettel).** An act to add Section 17070.41 to the Education Code, relating to school facilities, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2182—Mazzoni.** An act to add Section 6102 to the Public Contract Code, relating to public contracts.

**ASSEMBLY BILL NO. 2183—Campbell (Coauthors: Ashburn, Bates, Bock, Cox, Cunneen, Dickerson, Maddox, Maldonado, Pescetti, Strickland, and Zettel).** An act to amend Sections 52122, 52122.1, 52122.7, and 52124 of the Education Code, relating to class size reduction.

**ASSEMBLY BILL NO. 2184—Leach.** An act to add Section 94.1 to the Streets and Highways Code, relating to transportation.

**ASSEMBLY BILL NO. 2185—Gallegos.** An act to add Article 6.4 (commencing with Section 124111) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to child health.

**ASSEMBLY BILL NO. 2186—Robert Pacheco.** An act to amend Sections 17204 and 17535 of the Business and Professions Code, relating to unfair competition.

**ASSEMBLY BILL NO. 2187—Aanestad.** An act to amend Section 25620 of the Business and Professions Code, relating to alcoholic beverages.

**ASSEMBLY BILL NO. 2188—Baldwin.** An act to add Section 6380.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, a tax levy.

**ASSEMBLY BILL NO. 2189—Baldwin.** An act to amend Section 54.1 of the Civil Code, relating to civil rights.

**ASSEMBLY BILL NO. 2190—Ashburn.** An act to add Title 6.7 (commencing with Section 13950) to Part 4 of, and to add a title heading to Part 4 of, the Penal Code, relating to crime prevention, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2191—Pescetti.** An act to amend Sections 12021 and 12021.1 of the Penal Code, relating to firearms.

**ASSEMBLY BILL NO. 2192—Baldwin.** An act to add Section 123431 to the Health and Safety Code, relating to abortion.

**ASSEMBLY BILL NO. 2193—Baldwin.** An act to add Title 1.81 (commencing with Section 1798.100) to Part 4 of Division 3 of the Civil Code, relating to privacy.

**ASSEMBLY BILL NO. 2194—Gallegos (Coauthors: Senators Escutia, Leslie, and Speier).** An act to add Section 1275.8 to the Health and Safety Code, relating to health facilities.

**ASSEMBLY BILL NO. 2195—Ashburn.** An act to amend Section 5091 of the Education Code, relating to school districts and community college districts.

**ASSEMBLY BILL NO. 2196—Briggs (Principal coauthor: Senator Poochigian).** An act relating to unemployment, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2197—Briggs (Principal coauthor: Senator Poochigian).** An act to add Section 15364.795 to the Government Code, relating to foreign trade.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 47**—Cedillo (Coauthors: Calderon, Cunneen, Davis, Keeley, Knox, Kuehl, Longville, Lowenthal, Mazzoni, Migden, Pescetti, Scott, Steinberg, Strom-Martin, and Torlakson) (Principal coauthors: Senators Escutia and Murray) (Coauthors: Senators Alarcón, Costa, and Vasconcellos). Relative to Ryan White CARE Act.

**AUTHOR'S AMENDMENTS****Committee on Revenue and Taxation**

February 23, 2000

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 1774

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

KNOX, Chairman

**ASSEMBLY BILL NO. 1774**—An act to amend Sections 17276 and 24416 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 Safety**

February 23, 2000

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Assembly Bill No. 1717

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

WASHINGTON, Chairman

**ASSEMBLY BILL NO. 1717**—An act to add Section 12072.8 to the Penal Code, relating to firearms.

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 7 a.m., Thursday, February 24, 2000.

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ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 23, 2000**

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

<b>AB</b>	<b>RN</b>	
1717	0005736	
1774	0005394	
<b>Daily Total:</b>		<b>2</b>
<b>Cumulative Total:</b>		<b>3606</b>

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