

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 26, 2002**

**ONE HUNDRED FIFTY-SEVENTH SESSION DAY  
FOUR HUNDRED FIFTIETH 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  
Tuesday, February 26, 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 Brian Ebbert reading.

#### ROLL CALL

The following were placed upon the morning roll call—68:

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

Quorum present.

**At 1:34 p.m., Hon. Bill Leonard, 63rd 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, Havice, Maddox, Migden, and Shelley.*

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

*On personal business, and waiving per diem: Assembly Members Hollingsworth, Maldonado, Runner, and Zettel.*

*Because of illness: Assembly Member Bill Campbell.*

*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 25, 2002

*The Honorable Herb Wesson  
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 26, 2002. I will be attending legislative business in my district.

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

Sincerely,

MIKE BRIGGS, Assembly Member  
Twenty-ninth District

February 21, 2002

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-In Session on Tuesday and Wednesday, February 26 and 27, 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 25, 2002

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

Dear Speaker Wesson: I respectfully request your authorization to travel to my district today, Tuesday, February 26th, 2002.

I need to return to my district on legislative business.

Thank you for your time, attention, and consideration in this matter.

Sincerely,

SALLY M. HAVICE, Assembly Member  
Fifty-sixth District

February 25, 2002

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

Dear Mr. Speaker: I am respectfully requesting to be excused from check-in February 26 and 27, 2002 to conduct legislative business in my district.

If you have any questions, please contact Diane Schaubach at 319-2013.

Thank you.

Sincerely,

CAROLE MIGDEN, Assembly Member  
 Thirteenth District

February 22, 2002

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

Dear Speaker Wesson,

I respectfully request permission to be excused from Session on Tuesday, February 26, 2002, as I will be meeting with Mark Kyle in San Francisco regarding my legislation.

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 Maddox on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 25, 2002.)

#### REPORTS

The following reports were presented by the Chief Clerk:

**Annual Report to the Legislature  
 and California Integrated Waste Management Board—  
 Waste and Used Tires  
 (Pursuant to Senate Bill 876, Chapter 838, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated February 7, 2002, referred by the Speaker to the Committee on Natural Resources.

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

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated February 7, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Homicide in California 2000  
(Pursuant to Penal Code Section 13014)**

Above transmitted report, together with letter of transmittal from Chris D. Janzen, Director, Administrative Services Division, Department of Justice, dated February 7, 2002, referred by the Speaker to the Committee on Public Safety.

**Reimbursable State Transportation Improvement Program  
Projects Implemented Prior to Allocation  
(Pursuant to Assembly Bill 872, Chapter 572, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated February 8, 2002, referred by the Speaker to the Committee on Transportation.

**California State University  
Year Round Operations Five-Year Plan  
(Pursuant to Budget Act 2001, Item 6610-001-0001(14))**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated February 8, 2002, referred by the Speaker to the Committee on Budget.

**Effectiveness and Fairness of  
Limited Brand Advertising Authority Granted to the  
California Milk Advisory Board  
(Pursuant to Assembly Bill 1525, Chapter 912, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from John Moffatt, Legislative Analyst, Department of Food and Agriculture, dated February 8, 2002, referred by the Speaker to the Committee on Agriculture.

**Caregiver Resource Center  
System for Families and Caregivers of Brain-Impaired Adults  
(Pursuant to Welfare and Institutions Code Section 4365.5)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D. Director, Department of Mental Health, dated February 8, 2002, referred by the Speaker to the Committee on Human Services.

**Crime Gun Reporting/Serial Number Restoration  
(Pursuant to Assembly Bill 2011, Chapter 911, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated February 13, 2002, referred by the Speaker to the Committee on Public Safety.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 26, 2002

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

Assembly Bill No. 1828

Assembly Bill No. 1835

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 26, 2002

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

Assembly Concurrent Resolution No. 124

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, February 26, 2002

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

Assembly Concurrent Resolution No. 138

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

February 26, 2002

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

Assembly Concurrent Resolution No. 125

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

STEINBERG, Chairman

**ASSEMBLY CONCURRENT RESOLUTION NO. 125**—Relative to the protection of personal information.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

February 26, 2002

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Concurrent Resolution No. 101

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

WAYNE, Chairman

**ASSEMBLY CONCURRENT RESOLUTION NO. 101**—Relative to composting organic materials.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE**  
**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 657**—An act to amend Sections 17024.5, 17085, 17140, 17140.3, 17144, 17152, 17271, 17279, 17279.4, 17501, 17551, 17570, 17751, 17752, 17760.5, 23038.5, 23051.5, 23701s, 23705, 23711, 23712, 23800.5, 23801, 23802, 23806, 23811, 24307, 24343.7, 24349, 24355.5, 24369.4, 24443, 24710, and 24872.4 of, and to add Sections 17144.5, 17205, 17207.6, and 24347.6 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILL NO. 469**—An act to amend Section 13246 of, and to add Section 13191.3 to, the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**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, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 823**—An act to amend Sections 30061 and 30063 of the Government Code, relating to law enforcement funding.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1227**—An act to amend Sections 51455, 51479, and 53130 of, to add Sections 51451.5, 51453, and 51505 to, 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; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 369**—An act to add Chapter 7 (commencing with Section 52075) to Part 5 of Division 31 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

#### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 2974**—Committee on Jobs, Economic Development, and the Economy (Reyes (Chair), Zettel (Vice Chair), Cohn, Correa, Diaz, Florez, Liu, and Wyman). An act to add Section 15318 to the Government Code, relating to the Technology, Trade, and Commerce Agency.

**ASSEMBLY BILL NO. 2975**—Committee on Jobs, Economic Development, and the Economy (Reyes (Chair), Zettel (Vice Chair), Cohn, Correa, Diaz, Florez, Liu, and Wyman). An act relating to economic development.

**ASSEMBLY BILL NO. 2976**—Committee on Jobs, Economic Development, and the Economy (Reyes (Chair), Zettel (Vice Chair), Chan, Cohn, Correa, Diaz, Florez, Liu, and Wyman). An act to amend Section 58574 of the Food and Agricultural Code, relating to food and agriculture.

**ASSEMBLY BILL NO. 2977**—Committee on Jobs, Economic Development, and the Economy (Reyes (Chair), Zettel (Vice Chair), Chan, Cohn, Correa, Diaz, Florez, Liu, and Wyman). An act to add Section 7073.5 to the Government Code, relating to economic development.

#### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 41**—Cogdill. Relative to terrorism.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 27, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 26, 2002**

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

**ACR RN**

101 0205408

125 0205682

**SB RN**

369 0205626

657 0205544

1227 0205678

**Daily Total: 5**

**Cumulative Total: 3459**

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