

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 28, 2001**

**THIRTIETH SESSION DAY**

**EIGHTY-SEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, February 28, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th 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	Diaz	Leslie	Salinas
Aroner	Dickerson	Liu	Shelley
Ashburn	Dutra	Longville	Simitian
Bates	Firebaugh	Lowenthal	Steinberg
Briggs	Florez	Maddox	Strickland
Calderon	Frommer	Maldonado	Strom-Martin
Campbell, Bill	Goldberg	Matthews	Thomson
Campbell, John	Harman	Migden	Vargas
Canciamilla	Havice	Mountjoy	Washington
Cardenas	Hollingsworth	Nakano	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Keeley	Pacheco, Robert	Wright
Cogdill	Kehoe	Papan	Wyland
Cohn	Kelley	Pavley	Wyman
Corbett	Koretz	Pescetti	Zettel
Correa	La Suer	Reyes	Mr. Speaker
Cox	Leach	Richman	
Daucher	Leonard	Runner	

Quorum present.

At 1:02 p.m., Hon. Jay La Suer, 77th 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 Alquist, Chavez, Nation, Rod Pacheco, and Romero.*

**EXPLANATIONS OF ABSENCE**

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

February 26, 2001

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

Dear Mr. Speaker: I respectfully request that I be excused from Check-In Session on Wednesday, February 28, 2001. I will be in my district on legislative business.

Thank you for your consideration of this request. If you have any questions, please feel free to call me at 319-2022.

Sincerely,

ELAINE ALQUIST, Assembly Member  
Twenty-second District

February 25, 2001

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

Dear Mr. Speaker: Please excuse me from check-in session on Wednesday, February 28 and Assembly Floor session on Thursday, March 1 due to legislative business appointments in my district.

Thank you for your attention regarding this matter.

Sincerely,

ED CHAVEZ, Assembly Member  
Fifty-seventh District

February 26, 2001

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Wednesday, February 28, 2001 due to legislative business in my District.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

February 27, 2001

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

Dear Mr. Speaker,

This letter is to respectfully request an excuse from check-in on February 28, 2001. I am in Washington D.C. on legislative business. If you have any questions, please call Karrie Watson at 319.2064.

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

Very truly yours,

ROD PACHECO, Assembly Member  
Sixty-fourth District

February 27, 2001

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

Dear Mr. Speaker: I am requesting to be excused from Check-In Session February 28, 2001 to attend to legislative business in my District.

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

#### **COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 28, 2001

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

Re: Appointment to the Agriculture Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Tony Strickland to replace Assemblymember Tom Harman on the Assembly Agriculture Committee.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 28, 2001

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

Re: Assembly Public Employees,  
Retirement and Social Security Committee

Dear Dotson: Please be advised that I have appointed Assemblymember Mike Briggs to replace Assemblymember Dave Cox on the Assembly Public Employees, Retirement and Social Security Committee.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 28, 2001

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

Re: Appointment to Assembly Transportation Committee

Dear Dotson: Please be advised that I have appointed Assemblymembers Sally Havice, Christine Kehoe and Lynne Leach to the Assembly Transportation Committee, expanding the committee from 16 to 19.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 28, 2001

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

Re: Appointment to  
Assembly Utilities and Commerce Committee

Dear Dotson: Please be advised that I have appointed Assemblymember Jay La Suer to serve on the Assembly Utilities and Commerce Committee expanding the committee from 16 to 17 members.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

### SPECIAL COMMITTEE MEETINGS

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

Insurance, on March 7, 2001, at 1:30 p.m.;

Joint meeting of Local Government, Housing and Community Development, Jobs, Economic Development and the Economy, and Senate Local Government, Natural Resources and Wildlife, Senate Select Committee on Alameda Corridor East, and Senate Select Committee on Economic Development, on March 23, 2001, at 9:30 a.m., in Los Angeles.

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 27, 2001

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

Assembly Concurrent Resolution No. 17

And reports the same correctly enrolled, and presented to the Secretary of State on the 27th day of February, 2001, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 28, 2001

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

Assembly Bill No. 62

Assembly Bill No. 107

Assembly Bill No. 115

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1674—Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley).** An act to add Section 55.1 to the Labor Code, relating to enforcement activities.

**ASSEMBLY BILL NO. 1675—Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley).** An act to add Section 6319.4 to the Labor Code, relating to occupational safety and health.

**ASSEMBLY BILL NO. 1676—Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley).** An act to add Section 98.85 to the Labor Code, relating to minimum labor standards.

**ASSEMBLY BILL NO. 1677—Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley).** An act to amend Section 2674.1 of the Labor Code, relating to garment manufacturing.

**ASSEMBLY BILL NO. 1678—Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley).** An act to add Section 56.1 to, and to repeal Section 105 of, the Labor Code, relating to industrial relations.

**ASSEMBLY BILL NO. 1679—Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley).** An act to amend Section 554 of the Labor Code, relating to labor.

**ASSEMBLY BILL NO. 1680—Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley).** An act to amend Section 1684 of the Labor Code, relating to farm labor.

**ASSEMBLY BILL NO. 1681—Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley).** An act to amend Section 1197.1 of the Labor Code, relating to the minimum wage.

**ASSEMBLY BILL NO. 1682—Committee on Public Employees, Retirement and Social Security (Havice (Chair), Canciamilla (Vice Chair), Briggs, Chan, Firebaugh, Pescetti, and Strom-Martin).** An act to amend Section 31664 of the Government Code, relating to county employees' retirement.

**ASSEMBLY BILL NO. 1683—Committee on Public Employees, Retirement and Social Security (Havice (Chair), Canciamilla (Vice Chair), Briggs, Chan, Firebaugh, Pescetti, and Strom-Martin).** An act to amend Sections 3562.2, 20057.1, 20070, 20356, 20515, 20580, 20588, 20686, 21054, 21100, 21317, 21318, 21319, 21322, 21325, 21326, 21327, 21328, 21547.7, 21751, 21757, 21758, 21761, 21764, 22819, and 22857 of, to add Sections 20890.1 and 21461.5 to, and to repeal Sections 20687.1, 21001, and 21002 of, the Government Code, relating to public employee benefits.

**ASSEMBLY BILL NO. 1684—Committee on Public Employees, Retirement and Social Security (Havice (Chair), Canciamilla (Vice Chair), Chan, Firebaugh, Pescetti, and Strom-Martin).** An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

#### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 32—Dutra.** Relative to transportation funding.

**ASSEMBLY CONCURRENT RESOLUTION NO. 33—Hertzberg.** Relative to Japan Peace Treaty Day.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Public Safety

Date of Hearing: February 27, 2001

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 22

With the recommendation: Do pass.

WASHINGTON, Chairman

Above bill ordered to second reading.

Date of Hearing: February 27, 2001

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 41

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WASHINGTON, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: February 27, 2001

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 78

With amendments with the recommendation: Amend, and do pass, as amended.

WASHINGTON, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: February 28, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 96

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: February 28, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 10

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.



**MESSAGES FROM THE ACTING GOVERNOR**

The following messages from the Acting Governor were received and ordered printed in the Journal:

**PROCLAMATION****Black Business Association Day**

WHEREAS, Since 1970, the Black Business Association, headquartered in Los Angeles, comprised of African-American business owners and corporate partners, has contributed to and supported the development, progress and expansion of more than 10,000 African-American businesses; and

WHEREAS, Nationally, the Black Business Association has access to and influence with more than 75,000 African-American owned and women/minority-owned businesses through the formation of strategic alliances with trade associations and organizations nationwide; and

WHEREAS, The mission of the Black Business Association is to advocate for and advance the development and growth of African-American owned businesses by contributing to and participating in the self-determination, economic growth and prosperity of African-American communities; and

WHEREAS, The Black Business Association promotes development and support for minority business enterprises within the domestic and international economies by encouraging and generating greater access to market opportunities and capital; and

WHEREAS, The Black Business Association is a community voice that advocates for the success of small businesses, and is a conduit for the merging of resources, profits, technology, people and values, by developing coalitions that supports the political endeavors to effectively achieve public recognition; and

WHEREAS, The Black Business Association maintains very effective working relationships with federal, state and locally elected and/or appointed officials for the support of African-American business development and our communities in general; now, therefore, be it

**RESOLVED**, that I, Cruz M. Bustamante, Acting Governor of the State of California, do hereby recognize the outstanding efforts, accomplishments, and contributions of the Black Business Association at their 27th Annual Awards Dinner, and I encourage all Californians to join me in doing so.

IN WITNESS WHEREOF, I hereunto set my hand  
and have caused the Great Seal of the State of  
California to be affixed this 28th day of February of  
the Year Two Thousand and One.

CRUZ M. BUSTAMANTE, Acting Governor

ATTEST:

BILL JONES, Secretary of State



## PROCLAMATION

Proclaiming Tuesday, February 27, 2001 as

**“Sandy Hindy Appreciation Day”**

WHEREAS, I am delighted to honor and commend Ms. Sandy Hindy for winning the *Presidential Award for Excellence in Mathematics and Science Teaching*; and

WHEREAS, As a teacher of mathematics at Oak Hills Elementary School, Ms. Hindy has demonstrated exceptional enthusiasm, creativity and devotion to her students; and

WHEREAS, Ms. Hindy was chosen from more than 600 elementary and secondary school teachers to receive this tribute, and has won praise from colleagues, parents, and students for her continuing commitment to teaching; and

WHEREAS, Ms. Hindy studied mathematics and earned a degree in economics from the University of California, Los Angeles before choosing a career as an educator, and has dedicated the last seventeen years to inspiring a love of mathematics in young people; and

WHEREAS, After winning the *Outstanding Teacher of Mathematics Award* from the Ventura County Mathematics Council in 1999, Ms. Hindy was subsequently nominated for this distinctive honor; and

WHEREAS, Ms. Hindy has demonstrated extraordinary innovation in devising new methods of teaching, such as integrating various internationally-used problem solving techniques into her math lessons and encouraging students to participate in group problem solving exercises; and continues her enthusiastic commitment to her students by devoting much of her free time to providing tutoring; now, therefore be it

**RESOLVED**, That I, Cruz M. Bustamante, Acting Governor of the State of California, do hereby declare February 27, 2001 as “Sandy Hindy Appreciation Day” and encourage all Californians to join me in commending Sandy Hindy and all teachers who work so hard to educate California’s children.

IN WITNESS WHEREOF, I hereunto set my hand  
and have caused the Great Seal of the State of  
California to be affixed this 26th day of February of  
the Year Two Thousand and One.

CRUZ M. BUSTAMANTE, Acting Governor

ATTEST:

BILL JONES, Secretary of State



## PROCLAMATION

**Michael Greene, President/CEO  
National Recording Arts & Sciences**

WHEREAS, Michael Greene has been Chairman of the National Academy of Recording Arts and Sciences since 1986 and President/CEO since 1988, and he has led the growth of the Academy's membership from 3,200 to 17,000 music industry professionals; and

WHEREAS, Mr. Greene has led the expansion of the Academy to 12 regional offices located in Atlanta, Austin, Chicago, Memphis, Miami, Nashville, New York, Philadelphia, San Francisco, Seattle and Washington, D.C.; and

WHEREAS, Mr. Greene has led the GRAMMY Award ceremony to an international distribution of over 175 countries with an estimated viewing audience of nearly two billion people; and

WHEREAS, Mr. Greene is also president of the Academy's two non-profit arms, the GRAMMY Foundation and the MusiCares Foundation, which annually spends over \$4 million on educational programs and grants, building partnerships to ensure that America's musical legacy is preserved; and

WHEREAS, Under Mr. Greene's direction, the recording academy has developed many new programs that include the establishment of the Latin Academy of Recording Arts & Sciences, the GRAMMY High School Jazz Ensemble, the Leonard Bernstein Center of Learning, GRAMMY Music Mentoring, NARAS Journal, GRAMMY Living Histories, and GRAMMY Gateway; and

WHEREAS, Mr. Greene serves as the National Corporate Spokesman for the American Music Therapy Association, is a recipient of the coveted Georgy award, an inductee into the Georgia Music Hall of Fame, and has received honorary Doctorates from USC and Berkeley School of Music; now, therefore, be it

*RESOLVED*, That I, Cruz M. Bustamante, Acting Governor of the State of California, do hereby recognize the outstanding efforts, accomplishments, and contributions of Mr. Michael Greene, and I encourage all Californians to join me in doing so.

IN WITNESS WHEREOF, I hereunto set my hand  
and have caused the Great Seal of the State of  
California to be affixed this 27th day of February of  
the Year Two Thousand and One.

CRUZ M. BUSTAMANTE, Acting Governor



ATTEST:

BILL JONES, Secretary of State

## PROCLAMATION

**Jonathan S. Shapiro, Esq.**

WHEREAS, I am delighted to honor and commend Jonathan Shapiro on his many outstanding accomplishments and the spectacular goals he has achieved thus far in his highly successful career; and

WHEREAS, Forever the epitome of vitality and intelligence, Mr. Shapiro began his career at a very early age—participating as a student member of the State Board of Education while still in high school; and then went on to graduate at the top of his class from Harvard College, AB cum laude, History (1984); Harvard University, AM, History (1985); was a Rhodes Scholar (1985–87); and graduated from the University of California, Berkeley’s Boalt Hall School of Law with a JD in 1990; and

WHEREAS, Mr. Shapiro previously served as an Adjunct Law Professor for the Loyola School of Law, and as a trial attorney for the United States Department of Justice Criminal Division’s Public Corruption and Government Fraud Section, where his dedicated efforts were recognized as pivotal on many important cases; and

WHEREAS, In addition to his many other professional pursuits, Mr. Shapiro resourcefully found the time to teach as an Adjunct Law Professor at the University of Southern California’s School of Law and remained a member of counsel for O’Melveny & Myers; and

WHEREAS, A gifted writer by nature, Mr. Shapiro worked as a staff writer for *The San Francisco Recorder* newspaper (7/87–7/90); as contributing editor for *The Ring Magazine* (86–89); Columnist for the *Los Angeles Daily Journal*, where he created and authored the “Malicious Intent” column (96–98); and continues to be a contributing writer for the *Los Angeles Times Book Review*; and he has received numerous awards, including the 1998 Western Magazine Publisher’s “Maggie” Award for *Best Signed Editorial or Essay*; and

WHEREAS, Mr. Shapiro’s notable work history includes that of the key role of Chief of Staff (12/98–4/2000), where he brought an extraordinary energy to the work at hand—an energy that inspired my staff and encouraged innovative advancement in many important areas that affect the quality of life for all Californians; and

WHEREAS, Mr. Shapiro was instrumental in kicking off the Lieutenant Governor’s Commission for One California to improve race relations in our state; contributed greatly to efforts related to my *Contract to Fight Breast Cancer*; drafted inspiring speeches, such as the one I gave in the aftermath of the dreadful synagogue arsons—a speech which brought much relief and encouragement to the community; and

WHEREAS, As my Chief of Staff during many riveting and tumultuous events, Mr. Shapiro efficiently handled all of the important matters that arose, including the Amicus Brief for the landmark Proposition 187 situation; and

WHEREAS, Always looking to the future and in search of innovative ideas, Mr. Shapiro initiated the first international soccer cup event, with the intention of improving relations with our neighbors in Mexico; came up with the idea for the Lt. Governor’s office to become proactive in Census count efforts—an idea that led to my membership on the United States Census Monitoring Board; hired staff and set up three offices to serve Californians; as well as handled outreach at the federal level; and

WHEREAS, Tirelessly pursuing new and demanding challenges,

Mr. Shapiro is currently devoted to his imaginative work as a staff writer for David E. Kelley Productions' popular television series, "The Practice," and has contributed greatly to the phenomenal success of the show; and

WHEREAS, Mr. Shapiro lives in Beverly Hills, with his lovely wife, Betsy Bornes, a successful television producer in her own right, and their two children; and is the very first recipient of a two-page proclamation from my office; now, therefore, be it

*RESOLVED*, That I, Cruz M. Bustamante, Acting Governor of the State of California, do hereby honor and recognize my friend, Jonathan Shapiro, for his outstanding efforts, accomplishments and enthusiasm; and I encourage all Californians to join me in doing so.

IN WITNESS WHEREOF, I hereunto set my hand  
and have caused the Great Seal of the State of  
California to be affixed this 26th day of February of  
the Year Two Thousand and One.

CRUZ M. BUSTAMANTE, Acting Governor



ATTEST:

BILL JONES, Secretary of State

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**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 1, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

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