CALIFORNIA LEGISLATURE 2001–02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 28, 2002

ONE HUNDRED FIFTY-NINTH SESSION DAY FOUR HUNDRED FIFTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento Thursday, February 28, 2002

The Assembly met at 8:30 a.m.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Firebaugh moved a quorum call of the Assembly. Motion carried. Time, 8:31 a.m.

The Assistant Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 8:45 a.m., Assistant Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—65:

Aanestad	Diaz	Leslie	Runner
Alquist	Dickerson	Liu	Salinas
Aroner	Dutra	Longville	Simitian
Ashburn	Firebaugh	Lowenthal	Strickland
Bates	Florez	Maddox	Strom-Martin
Bogh	Frommer	Maldonado	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardoza	Havice	Nakano	Wayne
Chan	Horton	Oropeza	Wiggins
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Corbett	Kelley	Pavley	Mr. Speaker
Correa	Koretz	Pescetti	•
Cox	La Suer	Reyes	
Daucher	Leonard	Richman	

PRAYER

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

In his philosophical treatise, *Walden*, Henry David Thoreau advised that we should "Aim above morality." He said "Be not simply good; be good for something."

Morality in and of itself is not a goal; it is a means, a method, it is a way of living—not the reason why we live. Living an ethical life allows us a way to enact change, for ennobling the world and for ennobling ourselves.

When we raise our standards and aim above merely being moral, and beyond merely being good, we open up the possibility of reaching for, and obtaining, something far higher, of being as Thoreau advised, "good for something."

May it be the will of the Creator that our lives surpass even the limitations set by our highest ideals. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, Speaker Wesson then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Firebaugh, seconded by Assembly Member Cogdill.

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, Calderon, Cohn, Negrete McLeod, Shelley, and Wright.

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

On personal business, and waiving per diem: Assembly Members John Campbell, Hertzberg, Hollingsworth, Leach, Matthews, and Steinberg.

Because of illness: Assembly Member Nation.

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 Session on Thursday, February 28, 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 J. Wesson, Jr. Speaker of the Assembly State Capitol Sacramento, California

Dear Mr. Speaker: I would like to request to be excused from Session on Thursday, February 28, 2002 to attend legislative business in my district office.

Sincerely,

THOMAS M. CALDERON, Assembly Member Fifty-eighth District

February 26, 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 Session on Thursday, February 28, 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 21, 2002

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

Dear Speaker Wesson: I respectfully request permission to travel to Los Angeles February 26–28, 2002 for meetings in connection with the Assembly Committee on Arts & Entertainment that I chair. In addition, I ask to be excused from session on Thursday, February 28, 2002 for legislative business.

Cordially yours,

REBECCA COHN, Assembly Member Twenty-fourth District

February 25, 2002

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

Dear Mr. Speaker: Please excuse me from session on Thursday, February 28, 2002. I will be in my district conducting legislative business.

Respectfully,

GLORIA NEGRETE McLEOD, Assembly Member Sixty-first District

February 26, 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 Thursday, February 28, 2002, as I will be meeting with Shelley Kessler in San Francisco to discuss legislative issues relating to labor.

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

Sincerely,

KEVIN SHELLEY, Assembly Member Twelfth District

February 27, 2002

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

Dear Speaker Wesson: I respectfully request permission to be excused from session on Thursday, February 28, 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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 28, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 1820

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly	
Bill No.	Committee
1823	L. Gov. and U. & C.
1945	L. Gov.
1946	Health
1948	L. Gov.
1961	Aging & L.T.C.
1975	
1980	Rev. & Tax.
1997	L. Gov. and Nat. Res.
1999	Jud.
2000	G.O.
2009	B. & P.
2011	Pub. S. and Trans.
2016	Pub. S.
2033	Jud.
2034	P.E.,R. & S.S.
2035	Health
2037	B. & P.
2039	B. & P.
2040	Pub. S.
2042	Trans.
2043	H. & C.D.
2058	L. Gov. and W.,P. & W.
2071	E.S. & T.M. and Jud.
2074	Pub. S.

2079 H. & C.D.
2083 Nat. Res.
2098 Pub. S.
2113 Trans. and Pub. S
2125 Ins.
2127 Rev. & Tax.
2128 Ed.
2129 L. Gov.
2130 Ed.
2131 P.E.,R. & S.S.
2132 Health
2133Pub. S.
2134 E.,R. & C.A.
2135Health
2137P.E.,R. & S.S.
2138Ed.
2140Pub. S.
2141E.S. & T.M.
2142Ins. 2143Health
2144Ins.
2145Pub. S.
2146 Higher Ed.
2147Pub. S.
2149Ins. and Rls.
2150Pub. S.
2151Trans.
2154 Pub. S.
2155 Agri.
2156 Nat. Res.
2159 Pub. S.
2164 Rev. & Tax.
2166 Nat. Res.
2168Rev. & Tax.
2169Ins.
2170Pub. S.
2171 Pub. S. 2173 Pub. S.
2173Pub. S. 2174P.E.,R. & S.S.
2174H. & C.D.
2178Health
2179Health
2180Trans.
2183Ins.
2187B. & F.
2188 Ed.
2192 Ins.
2193 Jud.
2195 L. & E.
2197 Health
2198 Ed.
2199 L. Gov.
2200Pub. S.
2201 Ed.

2203	−Pub. S.
2204	_L. Gov.
2206	_Trans.
2207	
2208	
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2229	
2231 2232	– Higher Ed.
2232	_Trans.
2233	_G.O.
2234	_L. Gov.
2235	_Hum. S.
2236	_Ed.
2237	_E.S. & T.M.
2238	
2240	
2241	
2242	
2243	
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2262	- U. & C. Dub C
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2292	L. Gov. and Jud.

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AUTHOR'S AMENDMENTS Committee on Judiciary

February 28, 2002

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

Assembly Bill No. 1772 Assembly Bill No. 1831

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

STEINBERG, Chairman

ASSEMBLY BILL NO. 1772—An act to amend Section 1513.5 of the Code of Civil Procedure, relating to escheat.

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.

ASSEMBLY BILL NO. 1831—An act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to limitation of actions.

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 Jobs, Economic Development and the Economy

February 28, 2002

Mr. Speaker: The Chair of your Committee on Jobs, Economic Development and the Economy reports:

Assembly Bill No. 1814

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

REYES, Chairwoman

ASSEMBLY BILL NO. 1814—An act to add Chapter 22 (commencing with Section 22520) to Division 8 of the Business and Professions Code, relating to Internet service providers.

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 28, 2002

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 1755

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

WASHINGTON, Chairman

ASSEMBLY BILL NO. 1755—An act to amend Section 4536 of the Penal Code, relating to mentally disordered offenders.

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.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: February 28, 2002

Mr. Speaker: Your Committee on Rules reports: Assembly Concurrent Resolution No. 153 With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolution ordered to third reading.

Date of Hearing: February 28, 2002

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 139 Assembly Concurrent Resolution No. 141

With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolutions ordered to third reading.

Committee on Judiciary

Date of Hearing: February 27, 2002

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 617

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

STEINBERG, Chairman

Above bill ordered to second reading.

REQUEST FOR PHOTOGRAPHER

Assembly Member Strom-Martin was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

PRIVILEGES OF THE FLOOR

Assembly Member Harman was granted unanimous consent that the privileges of the Floor be granted to his wife, Diane Harman.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Wayne announced his intention to request that Senate Bill No. 482 be removed from the inactive file.

RECESS

By unanimous consent, at 8:55 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Kelley introduced Hon. Gendengiin Turtogtokh, Member of the State Great Hural and Ms. Oyungerel Tsedevdamba, Advisor to Member of the Parliament of Mongolia.

RECONVENED

At 8:56 a.m., the Assembly reconvened.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

ASSEMBLY CONCURRENT RESOLUTION NO. 153 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Strom-Martin was granted unanimous consent to take up Assembly Concurrent Resolution No. 153, without reference to file, and that the same be considered engrossed.

ASSEMBLY CONCURRENT RESOLUTION NO. 153—Relative to Read Across America.

Resolution read.

Members Made Coauthors of Assembly Concurrent Resolution No. 153

Assembly Member Jackson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 153.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aanestad, Alquist, Ashburn, Bates, Bogh, Bill Campbell, Canciamilla, Cardoza, Chan, Chavez, Chu, Cogdill, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Harman, Havice, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leonard, Leslie, Liu, Lowenthal, Maldonado, Nakano, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Simitian, Strickland, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel.

Request for Unanimous Consent

Assembly Member Strom-Martin was granted unanimous consent to take up Assembly Concurrent Resolution No. 153, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 153, as Amended ASSEMBLY CONCURRENT RESOLUTION NO. 153—Relative to Read Across America

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ADJOURN IN MEMORY

Assembly Members Frommer and Liu were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Judith R. Boggs, of La Canada.

(Assembly Rule 45.5 suspended.)

Assembly Member Robert Pacheco was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Ronald Wayne Hockwalt, of Walnut.

(Assembly Rule 45.5 suspended.)

CONSIDERATION OF DAILY FILE UNFINISHED BUSINESS MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 773 and 510 and Assembly Bill No. 1543 were continued until Thursday, March 7th.

SENATE BILL NO. 369 REMOVED FROM CONSENT CALENDAR AND TAKEN UP

Upon request of Assembly Member Firebaugh, Assembly Member Correa was granted unanimous consent that Senate Bill No. 369 be removed from the Consent Calendar, and to take the bill up at this time, without reference to file, for purpose of consideration.

SENATE BILL NO. 369 (Dunn)—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 third time, and presented by Assembly Member Correa.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES-59

Aanestad	Cox	La Suer	Runner
Alquist	Daucher	Leonard	Salinas
Aroner	Diaz	Leslie	Simitian
Ashburn	Dutra	Liu	Strickland
Bates	Firebaugh	Lowenthal	Strom-Martin
Bogh	Florez	Migden	Thomson
Campbell, Bill	Frommer	Mountjoy	Vargas
Canciamilla	Harman	Nakano	Washington
Cardoza	Havice	Oropeza	Wayne
Chan	Horton	Pacheco, Robert	Wiggins
Chavez	Jackson	Pacheco, Rod	Wyland
Chu	Keeley	Papan	Wyman
Cogdill	Kehoe	Pescetti	Zettel
Corbett	Kelley	Reyes	Mr. Speaker
Correa	Koretz	Richman	•

NOES-None

The question being on the passage of the bill. Bill passed by the following vote:

AYES-59

Aanestad	Cox	La Suer	Runner
Alquist	Daucher	Leonard	Salinas
Aroner	Diaz	Leslie	Simitian
Ashburn	Dutra	Liu	Strickland
Bates	Firebaugh	Lowenthal	Strom-Martin
Bogh	Florez	Migden	Thomson
Campbell, Bill	Frommer	Mountjoy	Vargas
Canciamilla	Harman	Nakano	Washington
Cardoza	Havice	Oropeza	Wayne
Chan	Horton	Pacheco, Robert	Wiggins
Chavez	Jackson	Pacheco, Rod	Wyland
Chu	Keeley	Papan	Wyman
Cogdill	Kehoe	Pescetti	Zettel
Corbett	Kelley	Reyes	Mr. Speaker
Correa	Koretz	Richman	•

NOES-None

Bill ordered transmitted to the Senate.

CONSIDERATION OF CONSENT CALENDAR

The Assistant Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Senate Bills

SENATE BILL NO. 801 (Speier)—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 third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

(For the vote on the above bill and urgency clause, see this day's Consent Calendar roll call.)

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

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

AYES-61

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Simitian
Aroner	Dutra	Lowenthal	Strickland
Ashburn	Firebaugh	Maldonado	Strom-Martin
Bates	Florez	Migden	Thomson
Bogh	Frommer	Mountjoy	Vargas
Campbell, Bill	Harman	Nakano	Washington
Canciamilla	Havice	Oropeza	Wayne
Cardoza	Horton	Pacheco, Robert	Wiggins
Chan	Jackson	Pacheco, Rod	Wyland
Chavez	Keeley	Papan	Wyman
Chu	Kehoe	Pavley	Zettel
Cogdill	Kelley	Pescetti	Mr. Speaker
Corbett	Koretz	Reyes	_
Correa	La Suer	Richman	
Cox	Leonard	Runner	

NOES—None

ADJOURN IN MEMORY

Assembly Member Canciamilla was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Louis E. "Babe" Ginochio, of Concord.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rick Nelson, of Vacaville and Elizabeth Davis, of Davis.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record her vote on the following item:

Senate Bill No. 369: Wiggins—Aye.

MOTION TO ADJOURN

At 9:10 a.m., Assembly Member Aanestad moved that the Assembly do now adjourn.

Assembly Member Chan seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:10 a.m., Assistant Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 2982—Committee on Public Employees, Retirement and Social Security (Havice (Chair), Canciamilla (Vice Chair), Briggs, Pescetti, and Strom-Martin). An act to amend Sections 22515, 22657, 24209.3, 25940, 26400, and 27004 of the Education Code, relating to state teachers' retirement.

ASSEMBLY BILL NO. 2983—Committee on Public Employees, Retirement and Social Security (Havice (Chair), Canciamilla (Vice Chair), Briggs, Pescetti, and Strom-Martin). An act to amend Section 21073.7 of the Government Code, relating to public employees' retirement, and making an appropriation therefor.

ASSEMBLY BILL NO. 2984—Committee on Insurance (Calderon (Chair), Chavez, Dutra, Frommer, Havice, Horton, Kehoe, Nakano, Steinberg, and Vargas). An act to amend Sections 1628, 1637, 1639, 1656, 1662, 1679, 1704, 1750.5, 1765.2, 1767, 1768, 1781.3, and 10234.93 of, to add Sections 1638.5 and 1639.1 to, to add Article 5.2 (commencing with Section 759) to Chapter 1 of Part 2 of Division 1 of, and to repeal Sections 1647, 1648, 1649, 1659, and 1714 of, the Insurance Code, relating to insurance.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 160—Bates and Runner. Relative to Endometriosis Awareness Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 161—Negrete McLeod. Relative to Public Service Recognition Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 162—Aroner. Relative to Professional Social Work Month.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Aanestad, the Assembly adjourned until 7 a.m., Monday, March 4, 2002, out of respect to the memory of Judith R. Boggs, on motion of Assembly Members Frommer and Liu; out of respect to the memory of Dr. Ronald Wayne Hockwalt, on motion of Assembly Member Robert Pacheco; out of respect to the memory of Louis E. "Babe" Ginochio, on motion of Assembly Member Canciamilla; and out of respect to the memory of Rick Nelson and Elizabeth Davis, on motion of Assembly Member Thomson.

HERB J. WESSON, JR., Speaker

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 28, 2002

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

AB RN 1755 0205489 1772 0205488 1814 0205849 1831 0205541

Daily Total: **Cumulative Total:** 3464