

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 6, 2001**

**THIRTY-THIRD SESSION DAY**

**NINETY-THIRD 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, March 6, 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 Brian Ebbert reading.

#### ROLL CALL

The following were placed upon the morning roll call—71:

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

Quorum present.

**At 1:39 p.m., Hon. Rod Pacheco, 64th 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, Calderon, Chavez, Horton, Nation, Papan, Romero, and Washington.*

**EXPLANATIONS OF ABSENCE**

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

February 7, 2001

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

Dear Mr. Speaker: This letter is to request permission to be excused from committee meetings on Tuesday, February 6, 2001 as I have legislative meetings in my district.

Your consideration is greatly appreciated. Please contact my office with any questions: 318-2029. Thank you.

Sincerely,

MIKE BRIGGS, Assembly Member  
Twenty-ninth 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 Assembly Floor session on Tuesday, March 6, and returning on the evening of Wednesday March 7, 2001 due to legislative business in my district.

Thank you for your attention regarding this matter.

Sincerely,

ED CHAVEZ, Assembly Member  
Fifty-seventh District

March 5, 2001

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

Dear Mr. Speaker: I respectfully request permission to travel to my district on legislative business on Monday, March 5th and return on Wednesday, March 7th, on United Flight #2502, which returns to Sacramento at 8:32 a.m. I'm also asking to be excused from check-in Session on Tuesday, March 6th. I will be here on time for check-in Session for Wednesday, March 7th. Please call me at 916/207-5100 or 310/748-5568, if the need arises.

Thank you in advance for your consideration of this request.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

March 5, 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 Tuesday, March 6, 2001 due to legislative business in my District.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

March 6, 2001

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

Dear Speaker Hertzberg: I respectfully request to be excused from legislative Session today, Tuesday, March 6 as well as tomorrow, Wednesday, March 7, 2001. I will be attending a Banking Conference out of state.

Sincerely,

LOUIS J. PAPAN, Assembly Member  
Nineteenth District

March 6, 2001

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

Dear Mr. Speaker: I am respectfully requesting to be excused this date, March 6, 2001, for Check-In Session due to my attending 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

March 5, 2001

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

Dear Mr. Speaker: I would like to request to be excused from Check-in Session on Tuesday March 6, 2001 and Wednesday March 7, 2001. I will be in my district on important legislative business.

Your consideration of this request is appreciated.

Sincerely,

CARL WASHINGTON, Assembly Member  
Fifty-second District

(NOTE: For letter explaining the absence of Assembly Member Calderon on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for March 5, 2001.)

**COMMUNICATIONS**

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

March 5, 2001

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

RE: Appointment of Leslie R. Katz and Kelly Martin to Departmental Transportation Advisory Committee

Dear Mr. Wilson: Please be advised I have appointed Ms. Leslie R. Katz and Ms. Kelly Martin to the Departmental Transportation Advisory Committee. These are term appointments starting March 5, 2001 and the expiration date is March 5, 2005. Ms. Katz will be replacing Mr. Steven Hayward and Ms. Martin will be replacing Mr. Kenneth Green.

Very truly yours,

ROBERT M. HERTZBERG  
Speaker of the Assembly

March 6, 2001

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

RE: Correction of expiration date

Dear Mr. Wilson: Please be advised there is a correction to the expiration date of the term of appointment for Mr. David L. Brown. The correct expiration date is January 1, 2002.

Very truly yours,

ROBERT M. HERTZBERG  
Speaker of the Assembly

(NOTE: See original letter in Assembly Journal for March 5, 2001, page 544.)

March 6, 2001

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

Re: Select Committee on Exposition

Dear Dotson: This is to advise you that I have created the Select Committee on Exposition Park for the 2001–02 Session and have appointed the following members:

Assemblymember Roderick Wright, Chair  
 Assemblymember Bill Campbell  
 Assemblymember Gil Cedillo  
 Assemblymember Jerome Horton  
 Assemblymember George Nakano  
 Assemblymember Keith Richman  
 Assemblymember Virginia Strom-Martin  
 Assemblymember Herb Wesson  
 Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

#### REPORTS

The following reports were presented by the Chief Clerk:

**Evaluation of Operation Revitalization  
 Oceanview/Merced Heights/Ingleside Terrace (OMI)  
 Neighborhood of San Francisco, California**

Above transmitted report, together with letter of transmittal from Frank Grimes, Executive Director, Office of Criminal Justice Planning, dated February 28, 2001, referred by the Speaker to the Committee on Public Safety.

**Taxpayers' Bill of Rights Annual Certification  
 (Pursuant to Revenue and Taxation Code Section 21008)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Director, Franchise Tax Board, dated March 1, 2001, referred by the Speaker to the Committee on Revenue and Taxation.

**Medi-Cal and Healthy Families:  
 Focus Groups with California Parents  
 to Evaluate the Medi-Cal and Healthy Families Programs**

Above transmitted report, together with letter of transmittal from Drew Altman, Ph.D., President, The Henry J. Kaiser Family Foundation, dated January 2001, referred by the Speaker to the Committee on Health.

**Comparison of Medi-Cal and Health Families Programs  
 for Children in California**

Above transmitted report, together with letter of transmittal from Drew Altman, Ph.D., President, The Henry J. Kaiser Family Foundation, dated January 2001, referred by the Speaker to the Committee on Health.

**Allensworth/Richgrove Elementary School Districts  
Voluntary Integration Program, Mid-year 2001 Report  
(Pursuant to Item 6110-230-0001 of the Budget Act of 1998)**

Above transmitted report, together with letter of transmittal from Frank Chavez, Superintendent, Richgrove School District, and Rod Hudson, Superintendent, Allensworth School District, dated February 27, 2001, referred by the Speaker to the Committee on Education.

**2000 Retired Members Cost-of-Living Report  
(Pursuant to Government Code Section 20233)**

Above transmitted report, together with letter of transmittal from William Dale Crist, President, CalPERS Board of Administration, dated February 27, 2001, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**California Educational Facilities Authority  
Financial Statements with Independent Auditor's Report  
(Pursuant to Education Code Section 94155)**

Above transmitted report, together with letter of transmittal from Terrence L. Partington, Acting Executive Director, California Educational Facilities Authority, dated February 28, 2001, referred by the Speaker to the Committee on Education.

**Tattoo Removal Programs  
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Jerry L. Harper, Director, Department of the Youth Authority, dated March 1, 2001, referred by the Speaker to the Committee on Public Safety.

**California Department of Education's  
State Plan for California's  
Child Care and Development Fund (CCDF) Services  
(Pursuant to Item 6110-196-0001 of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated March 1, 2001, referred by the Speaker to the Committee on Education.

**Oakland Unified School District's  
Voluntary Desegregation Resolution**

Above transmitted report, together with letter of transmittal from Dr. Louise Bay Waters, Assistant Superintendent, Division of Accountability, Oakland Unified School District, dated February 28, 2001, referred by the Speaker to the Committee on Education.

**Report to the Legislature Regarding Tule Elk  
(Pursuant to Fish and Game Code Section 3951)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated February 20, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Report to the Legislature on  
the Marine Resources Protection Act of 1990  
(Pursuant to Fish and Game Code Section 8610.10)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated February 20, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Report to the Legislature on  
the Ocean Resources and Hatchery Enhancement Program  
for 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 20, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Report to the Legislature Regarding the  
Deer Herd Management Plan Implementation Program  
for 1997–2000  
(Pursuant to Fish and Game Code Section 456)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated February 20, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Annual Report to the Legislature  
on the Use of Triploid Grass Carp for 2000 and 2001  
(Pursuant to Fish and Game Code Section 6453(c))**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated February 20, 2001, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Report to the Legislature  
on Disabled Veteran Business Enterprises and Small Business Contracts  
for the 1999–2000 Fiscal Year  
(Pursuant to Military and Veterans Code Section 999.7(a))**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated February 20, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Report to the Legislature  
on Consulting Services Contracts Entered  
Into by  
the Department of Fish and Game  
During the 1999–2000 Fiscal Year  
(Pursuant to Public Contract Code Section 10359(a))**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated February 20, 2001, referred by the Speaker to the Committee on Business and Professions.



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

Above transmitted report, together with letter of transmittal from Paul Higashi, Executive Director, Commission on State Mandates, dated February 26, 2001, referred by the Speaker to the Committee on Governmental Organization.

**California Public Employees Retirement System  
Investments in Northern Ireland as of  
January 31, 2001  
(Pursuant to Chapter 341 of the Statutes of 1999)**

Above transmitted report, together with letter of transmittal from James E. Burton, Chief Executive Officer, California Public Employees Retirement System, dated February 28, 2001, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Disabled Veteran Business Enterprise  
Participation Report to the Legislature  
(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 Steven Cambra, Jr., Acting Director, Department of Corrections, dated March 1, 2001, referred by the Speaker to the Committee on Governmental Organization.

**Free Air and Water at Service Stations  
(Pursuant to Chapter 582 of the Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Mike Cleary, Director, Division of Measurement Standards, Department of Food and Agriculture, dated March 1, 2001, referred by the Speaker to the Committee on Business and Professions.

**Local Law Enforcement Agency Expenditures  
Pursuant to the Schiff-Cardenas Crime Prevention Act  
(Pursuant to Chapter 353 of the Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Joint Legislative Budget Committee, dated March 5, 2001, referred by the Speaker to the Committee on Public Safety.

**Commission on Teacher Credentialing:  
Efforts to Implement Management Study Reforms  
(Pursuant to Supplemental Report of the Budget Act of 2000)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Joint Legislative Budget Committee, dated March 6, 2001, referred by the Speaker to the Committee on Budget.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 6, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 19

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1690—Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Ashburn, Chan, Diaz, Dutra, and Mountjoy).** An act to amend Section 15655 of the Welfare and Institutions Code, relating to human services.

**ASSEMBLY BILL NO. 1691—Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra).** An act to amend Section 12300 of the Welfare and Institutions Code, relating to in-home supportive services.

**ASSEMBLY BILL NO. 1692—Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra).** An act to amend Sections 11320.1, 11322.9, and 11454 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1693—Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra).** An act relating to developmental disabilities.

**ASSEMBLY BILL NO. 1694—Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra).** An act relating to foster care.

**ASSEMBLY BILL NO. 1695—Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra).** An act relating to foster care.

**ASSEMBLY BILL NO. 1696—Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra).** An act to amend Section 628 of the Welfare and Institutions Code, relating to minors.

**ASSEMBLY BILL NO. 1697—Committee on Judiciary (Steinberg (Chair), Corbett, Dutra, Jackson, Longville, Shelley, and Wayne).** An act to amend Section 1211 of the Code of Civil Procedure, to amend Section 750 of the Family Code, and to amend Sections 358.1 and 827 of the Welfare and Institutions Code, relating to judicial proceedings.

**ASSEMBLY BILL NO. 1698—Committee on Judiciary (Steinberg (Chair), Robert Pacheco (Vice Chair), Corbett, Dutra, Jackson, Longville, Shelley, and Wayne).** An act to repeal Section 68083 of the Government Code, relating to courts

**ASSEMBLY BILL NO. 1699—Committee on Judiciary (Steinberg (Chair), Robert Pacheco (Vice Chair), Corbett, Jackson, Longville, Shelley, and Wayne).** An act to add Section 1280.5 to the Code of Civil Procedure, relating to alternative dispute resolution.

**ASSEMBLY BILL NO. 1700—Committee on Judiciary (Steinberg (Chair), Robert Pacheco (Vice Chair), Corbett, Dutra, Jackson, Longville, Shelley, and Wayne).** An act to amend Section 54.8 of the Civil Code, to amend Sections 403.020, 403.030, 403.040, 631.3, 1010.5, and 1161.2 of, and to repeal and add Sections 403.050 and 403.060 of, the Code of Civil Procedure, to amend Sections 24051, 26820.6, 26827.6, 28003, 68079, 68085, 72055, 77003, and 77209 of, to repeal and add Section 69505 of, and to repeal Sections 29610.1, 68085.5, 69506, 69845.6, 71010, 71040.5, 71040.7, 71045, 71083.1, 71085.1, 72053, 74501.1, 74501.2, 74904, and 77208 of, the Government Code, to amend Section 1203.4a of, and to repeal Section 1348.5 of, the Penal Code, and to amend Sections 100, 603.5, 903.3, and 904 of the Welfare and Institutions Code, relating to courts.

**ASSEMBLY BILL NO. 1701—Committee on Judiciary (Steinberg (Chair), Corbett, Jackson, Longville, Shelley, and Wayne).** An act to amend Section 51 of the Civil Code, relating to civil rights.

**ASSEMBLY BILL NO. 1702—Committee on Judiciary (Steinberg (Chair), Robert Pacheco (Vice Chair), Corbett, Jackson, Longville, Shelley, and Wayne).** An act to amend Section 41 of the Code of Civil Procedure, relating to courts.

**ASSEMBLY BILL NO. 1703—Committee on Judiciary (Steinberg (Chair), Robert Pacheco (Vice Chair), Corbett, Jackson, Longville, Shelley, and Wayne).** An act to amend Section 581c of the Code of Civil Procedure, relating to civil actions.

**ASSEMBLY BILL NO. 1704—Committee on Judiciary (Steinberg (Chair), Corbett, Dutra, Jackson, Longville, Shelley, and Wayne).** An act to amend Section 703.140 of the Code of Civil Procedure, relating to bankruptcy.

**AUTHOR’S AMENDMENTS  
Committee on Education**

March 6, 2001

Mr. Speaker: The Chair of your Committee on Education reports:  
Assembly Bill No. 90

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

STROM-MARTIN, Chairwoman

**ASSEMBLY BILL NO. 90—**An act relating to school finance, and making an appropriation therefor.

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.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Concurrent Resolution No. 33

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 7, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 6, 2001**

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

<b>AB</b>	<b>RN</b>	
90	107836	
<b>Daily Total:</b>		<b>1</b>
<b>Cumulative Total:</b>		<b>23</b>

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