

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 12, 2001

THIRTY-SIXTH SESSION DAY

NINETY-NINTH 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 12, 2001

The Assembly met at 11 a.m.

Hon. Fred Keeley, 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 Papan moved a quorum call of the Assembly.

Motion carried. Time, 11:01 a.m.

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

Quorum Present

At 11:10 a.m., Speaker pro Tempore Keeley declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—78:

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

PRAYER

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

In 1848, Elizabeth Blackwell wrote with prophetic accuracy when she penned these words: "If . . . society will not admit of women's free development, then society must be remodeled."

In 1848, Elizabeth Blackwell and her contemporaries in the women's suffrage movement, could hardly have dreamed of a day like today, where men and women sit together in government and positions of honor and power. A day where women are acknowledged for their achievements, not just as wives and mothers, but as integral and important members of their communities.

Indeed, our society has been remodeled. And remodeled in such a way that we are left better off for it.

May it be the will of the Creator that we continue to strive to remodel our society so that each and every day, *all* peoples will be celebrated for the unique gifts that they give to the world. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Liu 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 Aroner, seconded by Assembly Member Bill Campbell.

COMMUNICATIONS

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

March 8, 2001

The Honorable Robert M. Hertzberg
Speaker
California State Assembly

Dear Mr. Speaker: As a result of my election to the unexpired term of office for the 24th Senatorial District, I hereby respectfully submit my resignation as State Assemblymember of the 49th Assembly District. My resignation is effective upon taking the oath of office for the 24th Senatorial District on March 12th, 2001.

Respectfully,

GLORIA ROMERO, Assembly Member
Forty-ninth District

March 9, 2001

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

Re: Select Committee on California Children's Health

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on California Children's Health:

Assemblymember Patricia Bates
Assemblymember Gil Cedillo
Assemblymember Manny Diaz
Assemblymember Dario Frommer
Assemblymember Hannah-Beth Jackson
Assemblymember Alan Lowenthal
Assemblymember Anthony Pescetti
Assemblymember Simon Salinas
Assemblymember Helen Thomson
Assemblymember Howard Wayne
Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

March 9, 2001

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

Re: Joint Committee on Preparing California
for the 21st Century

Dear Dotson: This is to advise you that I have appointed the following members to the Joint Committee on Preparing California for the 21st Century:

Assemblymember David Cogdill
Assemblymember Manny Diaz
Assemblymember Dario Frommer

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

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

March 8, 2001

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

Dear Mr. Wilson: Please be advised that on March 6, 2001, the Joint Committee on Rules approved the following items:

1. Appointment of Assembly Member Dennis Cardoza as Chair of the Joint Rules Committee (15-0)
2. Appointment of Jon Waldie as the Chief Administrative Officer of the Joint Rules Committee (15-0)
3. Enclosed Press Credentials for 2001-2002 Legislative Session (15-0)

Please ensure that these items are printed in the Journal. Thank you for your attention to this matter.

Sincerely,

DENNIS CARDOZA
Chairman, Joint Rules Committee

Capitol Correspondents Association of California
925 L Street, Suite 1404
Sacramento, CA 95814

December 15, 2000

The Hon. Dennis Cardoza
Chairman, Joint Rules Committee
State Capitol, Room 3016

Dear Assemblyman Cardoza: The following individuals have applied for press credentials for the 2001-2002 legislative session. The standing committee of the Capitol Correspondents Association finds them qualified under provisions of Joint Rule 32 of the Temporary Rules. We recommend their accreditation.

Kevin Riggs, reporter
KCRA-TV Sacramento

Cheryl Miller, reporter
Sacramento Bee

Sincerely,

Steven A. Capps
President
Capitol Correspondents Association

Capitol Correspondents Association of California
925 L Street, Suite 1404
Sacramento, CA 95814

January 8, 2001

The Hon. Dennis Cardoza
Chairman, Joint Rules Committee
State Capitol, Room 3016

Dear Assemblyman Cardoza: The following individuals have applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds them qualified under provisions of Joint Rule 32 of the Temporary Rules. We recommend their accreditation.

Sincerely,

Steven A. Capps
 President
 Capitol Correspondents Association

News Services

The Associated Press

1215 K Street, Suite 960
 Sacramento, CA 95814

phone: (916) 448-9555
 fax: (916) 446-2756

Sharon Theimer—bureau chief
 Jennifer Coleman—reporter
 John Howard—reporter
 Steve Lawrence—reporter
 Don Thompson—reporter
 Audrey Cooper—reporter
 Jennifer Kerr—reporter
 Rich Pedroncelli—photographer
 Bob Galbraith—photographer

Copley News Service

925 L Street, Suite 1190
 Sacramento, CA 95814

phone: (916) 445-2934
 fax: (916) 443-1912

Michael Gardner—reporter

Gannett News Service

925 L Street
 Sacramento, CA 95814

phone: (916) 446-1036
 fax: (916) 446-7326

Jake Henshaw—reporter

Newspapers and Periodicals

The Bakersfield Californian

925 L Street, Suite 1190
 Sacramento, CA 95814

phone: (916) 444-9697
 fax: (916) 444-1859

Vic Pollard—reporter

Contra Costa Times

925 L Street, Suite 348
Sacramento, CA 95814

phone: (916) 441-2101
fax: (916) 441-6001

Andrew G. LaMar—reporter

Daily Journal (Los Angeles & San Francisco)

925 L Street, Suite 325
Sacramento, CA 95814

phone: (916) 445-8063
fax: (916) 444-3358

Hudson Sangree—reporter

Linda Rapattoni—reporter

Fresno Bee

925 L Street, Suite 1404
Sacramento, CA 95814

phone: (916) 326-5541
fax: (916) 444-7838

Lesli Maxwell—reporter

La Opinion

1121 L Street, Suite 200
Sacramento, CA 95814

phone: (916) 492-9515
fax: (916) 441-7822

Armando E. Bottello—reporter

Long Beach Press-Telegram

925 L Street, Suite 335
Sacramento, CA 95814

phone: (916) 492-8749
fax: (916) 448-7381

Will Shuck—reporter

Los Angeles Times

1121 L Street, Suite 200
Sacramento, CA 95814

phone: (916) 445-8860
fax: (916) 322-422

Rone Tempest—bureau chief

Dan Morain—reporter

Miguel Bustillo—reporter

Julie Tamaki—reporter

Carl Ingram—reporter

Jenifer Warren—reporter

Nancy Vogel—reporter

Robert Durell—reporter

William R. Stall—editorial writer

Virginia Ellis—reporter

George Skelton—columnist

Eric J. Bailey—reporter

Modesto Bee

925 L Street, Suite 1404
Sacramento, CA 95814

phone: (916) 326-5544
fax: (916) 444-7838

Jim Miller—reporter

The Orange County Register

925 L Street, Suite 315
Sacramento, CA 95814

phone: (916) 449-6046
fax: (916) 441-6496

Hanh Kim Quach—reporter
Kimberly Kindy—reporter

The (Riverside) Press-Enterprise

925 L Street, Suite 312
Sacramento, CA 95814

phone: (916) 445-9973
fax: (916) 442-7842

Bob Garrett—reporter

The Record

925 L Street, Suite 308
Sacramento, CA 95814

phone: (916) 441-4078
fax: (916) 441-0482

Jim Sams—reporter

The Recorder-San Francisco

1127 L Street, Suite 605
Sacramento, CA 95814

phone: (916) 448-2935
fax: (916) 448-3705

Kevin Livingston—reporter

Sacramento Bee

925 L Street, Suite 1404
Sacramento, CA 95814

phone: (916) 321-1199
fax: (916) 444-7838

Amy Chance—bureau chief
Dan Smith—reporter
Emily Bazar—reporter
Steven A. Capps—reporter
John Hill—reporter
Aurelio Rojas—reporter
Dan Walters—columnist
Daniel Weintraub—columnist

San Diego Union-Tribune

925 L Street, Suite 1190
Sacramento, CA 95814

phone: (916) 448-2066
fax: (916) 444-6375

Ed Mendel—reporter
Bill Ainsworth—reporter

San Francisco Chronicle

1121 L Street, Suite 408
Sacramento, CA 95814

phone: (916) 445-5658
fax: (916) 447-7082

Lynda Gledhill—reporter
Greg Lucas—reporter
Robert Salladay—reporter

San Jose Mercury News

927 L Street, Suite 345
Sacramento, CA 95814

phone: (916) 441-4603
fax: (916) 441-4657

Mark Gladstone—bureau chief
Dion Nissenbaum—reporter
Hallye Jordan—reporter

Sacramento News & Review

1015 20th Street
Sacramento, CA 95814

phone: (916) 498-1352, x1352
fax: (916) 498-7920

Steven T. Jones—reporter
Cosmo Garvin—reporter
Amy Yannello—reporter

Television and Radio*KUVS 19 Univision*

1710 Arden Way
Sacramento, CA

phone: (916) 614-1966
fax: (916) 614-1906

Xochitl Arellano—reporter

KCRA-TV

3 Television Circle
Sacramento, CA 95814

phone: (916) 325-3335
fax: (916) 441-4050

Kevin Riggs—reporter

Specialty Publications*California Health Law Monitor*

P.O. Box 6603
Folsom, CA 95763

phone: (916) 987-6809
fax: (916) 987-6192

Barrett W. McBride

Capitol Morning Report

925 L Street, Suite 325
Sacramento, CA 95814

phone (916) 443-5883
fax: (916) 443-5251

Robert Fairbanks
John Fairbanks

Inside Washington Publishers/Inside Cal EPA

926 J Street, Suite 1010
Sacramento, CA 95814

phone: (916) 449-6171
fax: (916) 449-6174

Curt Barry
Gary Pitzer

Political Pulse

926 J Street, Suite 1214
Sacramento, CA 95814

phone: (916) 446-2048
fax: (916) 498-3195

Larry Lynch

Wall Street Journal

925 L Street, Suite 290
Sacramento, CA 95814

phone: (916) 441-3635
fax: (916) 441-3801

Mitchel Benson

Capitol Correspondents Association of California
925 L Street, Suite 1404
Sacramento, CA 95814

January 8, 2001

The Hon. Dennis Cardoza

Chairman, Joint Rules Committee
State Capitol, Room 3016

Dear Assemblyman Cardoza: The following individual has applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds him qualified under provisions of Joint Rule 32 of the Temporary Rules. We recommend his accreditation.

CALIFORNIA WORKPLACE MONITOR

Glenn Totten—reporter
PO Box 1775
Orangevale, CA 95662

phone: (916) 965-6733
fax: (916) 962-1838

Sincerely,

STEVEN A. CAPPS
President
Capitol Correspondents Association

**Capitol Correspondents Association of California
925 L Street, Suite 1404
Sacramento, CA 95814**

January 21, 2001

*The Hon. Dennis Cardoza
Chairman, Joint Rules Committee
State Capitol, Room 3016*

Dear Assemblyman Cardoza: The following individuals have applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds them qualified under provisions of Joint Rule 32 of the Temporary Rules. We recommend their accreditation.

KVIE TV SACRAMENTO

John R. Kavanagh—reporter/host
2595 Capitol Oaks Drive
Sacramento, CA 95812-0006
phone: (916) 925-5837

BUREAU OF NATIONAL AFFAIRS, Inc.

Laura Mahoney—reporter
656 San Antonio Way
Sacramento, CA 95819
phone: (916) 455-8827
fax: (916) 455-0582

Sincerely,

STEVEN A. CAPPS
President
Capitol Correspondents Association

**Capitol Correspondents Association of California
925 L Street, Suite 1404
Sacramento, CA 95814**

January 21, 2001

*The Hon. Dennis Cardoza
Chairman, Joint Rules Committee
State Capitol, Room 3016*

Dear Assemblyman Cardoza: The following individual has applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds him qualified under provisions of Joint Rule 32 of the Temporary Rules. We recommend his accreditation.

THE SACRAMENTO BEE

Jim Sanders—reporter
925 L Street, Suite 1404
Sacramento, CA 95814
phone: (916) 326-5538
fax: (916) 444-7838

Sincerely,

STEVEN A. CAPPS
President
Capitol Correspondents Association

Capitol Correspondents Association of California
925 L Street, Suite 1404
Sacramento, CA 95814

January 21, 2001

The Hon. Dennis Cardoza
Chairman, Joint Rules Committee
State Capitol, Room 3016

Dear Assemblyman Cardoza: The following individual has applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds him qualified under provisions of Joint Rule 32 of the Temporary Rules. We recommend his accreditation.

THE SACRAMENTO BEE

Kevin Yamamura—reporter
 925 L Street, Suite 1404
 Sacramento, CA 95814

phone: (916) 326-5542
 fax: (916) 444-7838

Sincerely,

STEVEN A. CAPPS
 President
 Capitol Correspondents Association

Capitol Correspondents Association of California
925 L Street, Suite 1404
Sacramento, CA 95814

February 5, 2001

The Hon. Dennis Cardoza
Chairman, Joint Rules Committee
State Capitol, Room 3016

Dear Assemblyman Cardoza: The following individual has applied for press credentials for the 2001–2002 legislative session. The standing committee of the Capitol Correspondents Association finds him qualified under provisions of Joint Rule 32 of the Temporary Rules. We recommend his accreditation.

POLITICAL PULSE

Bud Lembke—reporter
 926 J Street, Suite 1214
 Sacramento, CA 95814

phone: (916) 446-2048

Sincerely,

STEVEN A. CAPPS
 President
 Capitol Correspondents Association

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 12, 2001

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

Assembly Bill No. 25
 Assembly Bill No. 35
 Assembly Bill No. 167

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 12, 2001

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

Assembly Concurrent Resolution No. 24

Assembly Concurrent Resolution No. 33

And reports the same correctly enrolled, and presented to the Secretary of State on the 12th day of March, 2001, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Exposition Park, on April 9, 2001, at 10 a.m., in Los Angeles;

Public Employees, Retirement and Social Security, on April 4, 2001; Elections, Reapportionment and Constitutional Amendments, on April 2, 2001 and April 16, 2001.

REFERENCE OF BILLS TO COMMITTEE

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

*Assembly**Bill No.**Committee*

71	-----	U. & C. and Nat. Res.
165	-----	Ed.
312	-----	Ed.
318	-----	L. Gov.
320	-----	Ed.
331	-----	W.,P. & W.
351	-----	L. & E.
369	-----	H. & C.D. and Jud.
381	-----	Trans. and H. & C.D.
412	-----	G.O.
422	-----	Health
448	-----	Agri.
484	-----	Higher Ed.
492	-----	P.E.,R. & S.S.
592	-----	B. & P.
619	-----	P.E.,R. & S.S.
633	-----	Higher Ed.
651	-----	P.E.,R. & S.S.
678	-----	Jud. and B. & P.
681	-----	Hum. S. and Health
683	-----	Ins.
717	-----	Ed. and J., E.D. & E.
720	-----	L. Gov.
798	-----	Health
799	-----	Jud.
815	-----	Jud.
838	-----	Higher Ed.
842	-----	Ed.
850	-----	B. & P.
852	-----	Trans. and Ed.
853	-----	Jud. and Hum. S.
854	-----	Trans.

857	-----	L. Gov.
858	-----	L. Gov.
859	-----	L. Gov.
861	-----	Ed.
862	-----	Nat. Res.
863	-----	Rev. & Tax.
864	-----	L. Gov.
865	-----	B. & F.
866	-----	Rev. & Tax.
867	-----	P.E.,R. & S.S.
868	-----	U. & C.
869	-----	Ed.
870	-----	U. & C.
871	-----	Trans.
873	-----	Jud.
875	-----	B. & P.
876	-----	Ed.
877	-----	Higher Ed.
878	-----	Hum. S.
879	-----	Pub. S.
882	-----	Pub. S.
884	-----	Pub. S.
885	-----	Ed.
886	-----	Ed.
887	-----	Trans.
889	-----	Trans.
890	-----	Health
891	-----	Jud. and Hum. S.
892	-----	Ed.
893	-----	Rev. & Tax.
894	-----	Rev. & Tax.
895	-----	L. Gov.
897	-----	Pub. S.
898	-----	Rev. & Tax.
899	-----	Hum. S.
900	-----	Health
901	-----	W.,P. & W.
902	-----	Rev. & Tax.
903	-----	Health
904	-----	Rev. & Tax.
905	-----	H. & C.D.
906	-----	P.E.,R. & S.S.
907	-----	Higher Ed.
908	-----	L. & E.
910	-----	Nat. Res. and W.,P. & W.
911	-----	Trans.
914	-----	G.O. and Jud.
915	-----	Health
916	-----	Ed.
922	-----	J., E.D. & E.
924	-----	L. Gov.
926	-----	Trans.
927	-----	Ed.
928	-----	H. & C.D. and Rev. & Tax.

929	-----	Pub. S.
930	-----	H. & C.D.
931	-----	E.,R. & C.A.
934	-----	Rev. & Tax.
936	-----	Pub. S.
937	-----	Health
938	-----	Health
939	-----	Ed.
940	-----	Ins.
941	-----	G.O.
942	-----	Trans.
943	-----	E.,R. & C.A.
944	-----	U. & C. and Nat. Res.
945	-----	Health
946	-----	W.,P. & W. and Jud.
948	-----	L. Gov.
950	-----	Hum. S.
951	-----	Health
953	-----	L. Gov.
954	-----	L. Gov. and U. & C.
955	-----	G.O. and Agri.
956	-----	Agri.
958	-----	L. Gov.
959	-----	L. Gov.
960	-----	Pub. S.
961	-----	Ed.
963	-----	Health
965	-----	Trans.
968	-----	J., E.D. & E.
970	-----	H. & C.D.
974	-----	Trans.
975	-----	Ed.
976	-----	Trans.
977	-----	G.O.
982	-----	Jud.
984	-----	Rev. & Tax.
985	-----	W.,P. & W.
987	-----	Pub. S.
989	-----	Hum. S.
991	-----	Rev. & Tax.
992	-----	Ed.
993	-----	E.,R. & C.A.
995	-----	E.,R. & C.A.
996	-----	E.,R. & C.A.
998	-----	Rev. & Tax.
1001	-----	J., E.D. & E. and Rev. & Tax.
1003	-----	Pub. S.
1004	-----	Pub. S.
1007	-----	L. Gov.
1008	-----	H. & C.D.
1011	-----	L. Gov.
1012	-----	Pub. S.
1014	-----	G.O.
1015	-----	L. & E. and Jud.

1016	-----	Pub. S.
1019	-----	Pub. S.
1021	-----	L. Gov.
1023	-----	Pub. S.
1024	-----	G.O.
1025	-----	L. & E.
1026	-----	Health
1028	-----	L. & E. and Rls.
1030	-----	Ed.
1034	-----	L. Gov.
1035	-----	P.E.,R. & S.S.
1036	-----	Rev. & Tax.
1037	-----	P.E.,R. & S.S.
1038	-----	Trans.
1039	-----	Trans.
1040	-----	Jud.
1041	-----	L. Gov.
1042	-----	Nat. Res. and U. & C.
1044	-----	H. & C.D.
1045	-----	Health
1046	-----	Health
1047	-----	Rev. & Tax.
1049	-----	Health
1051	-----	W.,P. & W.
1052	-----	W.,P. & W.
1056	-----	Trans.
1058	-----	Trans.
1059	-----	Higher Ed.
1060	-----	G.O.
1062	-----	U. & C.
1064	-----	Ed.
1065	-----	E.,R. & C.A.
1066	-----	Trans.
1067	-----	Jud.
1068	-----	B. & F.
1070	-----	Trans.
1071	-----	P.E.,R. & S.S.
1072	-----	Ed.
1075	-----	Health
1077	-----	Rev. & Tax.
1078	-----	Pub. S.
1079	-----	Trans.
1081	-----	P.E.,R. & S.S.
1082	-----	P.E.,R. & S.S.
1083	-----	Jud.
1085	-----	U. & C.
1086	-----	Nat. Res.
1087	-----	L. & E.
1088	-----	Jud.
1089	-----	E.S. & T.M.
1090	-----	Jud.
1091	-----	Trans.
1092	-----	Trans.
1093	-----	G.O.

- 1094 ----- Trans.
- 1097 ----- P.E.,R. & S.S.
- 1098 ----- P.E.,R. & S.S.
- 1099 ----- P.E.,R. & S.S.

MESSAGES FROM THE SENATE

Senate Chamber, March 8, 2001

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

Senate Concurrent Resolution No. 16

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 16—Relative to California Adult Education Week.

REQUEST FOR PHOTOGRAPHER

Assembly Members Hertzberg and Strom-Martin were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RE-REFERENCE OF BILLS

Assembly Member Shelley was granted unanimous consent that Assembly Bill No. 688 be re-referred from the Committee on Health to the Committee on Human Services.

SPECIAL COMMITTEE MEETINGS

Assembly Member Shelley was granted unanimous consent that Budget Subcommittee No. 3 be permitted to hold an informational hearing on Wednesday, March 14, 2001, and that Joint Rule 62(a) be waived.

At 11:23 a.m., Speaker Robert M. Hertzberg, 40th District, presiding

**RECESS FOR SPECIAL CEREMONY HONORING
“WOMEN OF THE YEAR”**

By unanimous consent, at 11:23 a.m., Speaker Hertzberg declared the Assembly recessed to permit the introduction of honorees in a special ceremony honoring “Women of the Year”.

RESOLUTIONS PRESENTED TO “WOMEN OF THE YEAR” HONOREES

The following women were introduced and each was escorted to the front of the Assembly Chamber by her Assembly Member, whereupon each was greeted by Speaker Hertzberg and presented with a resolution. Honorees were then escorted to the Member’s desk on the Assembly Floor and invited to remain seated for the remainder of today’s proceedings.

2001 “Women of the Year” Honorees: Marie De Santis (Assembly District 1), Joan Smith (Assembly District 2), Mary Anne Houx (Assembly District 3), Kathy Lund (Assembly District 4), Neva Cimaroni (Assembly District 5), Andrea Fox (Assembly District 6), Carol Vellutini (Assembly District 7), Virginia Ivory (Assembly District 8), Mary Watts (Assembly District 9), Shelly Blanchard (Assembly District 10), Bette Boatman (Assembly District 11), Elmy Bermejo (Assembly District 12), Feysan Loade (Assembly District 13), Barbara Cottman Becnel (Assembly District 14), Kathy Leighton

(Assembly District 15), Gracie E. Johnson (Assembly District 16), Ruthann Rhodes (Assembly District 17), Irene Wolfe (Assembly District 18), Natalie Lanam (Assembly District 19), Carolyn Feng (Assembly District 20), Angel Batt (Assembly District 21), Amy Dean (Assembly District 22), Alice Alvarez (Assembly District 23), Leona Butler (Assembly District 24), Barbara Deatherage (Assembly District 25), Audrey Foster (Assembly District 26), Ana Ventura Phares (Assembly District 27), Della Garcia (Assembly District 28), Eleanor Salazar (Assembly District 29), Bernice Bonillas (Assembly District 30), Lupe Sosa (Assembly District 31), Cecilia Todd (Assembly District 33), Dorothy Bennett (Assembly District 34), Margaret Connell (Assembly District 35), Celeste Eckley (Assembly District 36), Jean Daily-Underwood (Assembly District 37), Debbie Forstall (Assembly District 38), Flor Bustos (Assembly District 39), Lila Aurich (Assembly District 41), Barbara Yaroslavsky (Assembly District 42), Catherine Montoro (Assembly District 43), Gwen McMullins (Assembly District 44), Irma Guillen (Assembly District 45), Sylvia Robledo (Assembly District 46), Sharon Seldon (Assembly District 48), Norma J. Perez (Assembly District 50), Lorraine Cervantez (Assembly District 52), Rita Schroeder (Assembly District 53), Betty Keller (Assembly District 54), Maria Norvell (Assembly District 55), Peggy Lee (Assembly District 56), Bonnie Jimenez (Assembly District 57), Joan Schmidt (Assembly District 59), Sabrina Peng (Assembly District 60), Dr. Kathy Kinley (Assembly District 61), Marielena Garcia-Shorett (Assembly District 62), Barbara L. Leonard (Assembly District 63), Jackie Cardelucci (Assembly District 64), Theresa Ferro (Assembly District 66), Eileen Murphy (Assembly District 67), Mayor Margie L. Rice (Assembly District 68), Mai Cong (Assembly District 69), Patty Vidovich (Assembly District 70), Paula Hoogendoorn Burton (Assembly District 71), Anna Bryson (Assembly District 73), Phyllis Comer (Assembly District 75), Gracia Molina Pick (Assembly District 76), Mary Hammack (Assembly District 77), Maureen Brennan (Assembly District 78), Consuelo Zuniga (Assembly District 79), Stella A. Mendoza (Assembly District 80), and Jane Y. Lee (Assembly District 40).

ABSENT HONOREES RECOGNIZED

The following honorees were recognized, although unable to attend today's ceremony:

Charla Hall (Assembly District 72), Linda Donahue (Assembly District 74), Ginger Moorhouse (Assembly District 32), Val Cole (Assembly District 47), Sr. Regina Clare Salazar, CSJ (Assembly District 51), and Kathy Salazar (Assembly District 58).

REMARKS BY ASSEMBLY MEMBER STROM-MARTIN

Assembly Member Strom-Martin, Chair of the Legislative Women's Caucus, addressed the assemblage and welcomed each of the honorees from throughout of the State of California. The honorees were recognized for the outstanding contributions they have made in their communities and the world, distinguishing each of them as "Women of the Year".

REASSEMBLED

At 11:59 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore, presiding.

RECESS

By unanimous consent, at 12 noon, Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 12:02 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Upon request of Assembly Member Shelley, Assembly Member Firebaugh was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

Legislative Intent—Assembly Bill No. 170 (1999)

March 12, 2001

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

Dear Speaker Hertzberg: It has come to my attention that the California Department of Transportation (CalTrans) is concerned over whether Section 5273.5 of the California Business and Professions (B&P) Code requires a redevelopment message center to be 1,000 feet or 500 feet from another message center permitted under Section 5405(d)(1) of the same code section. As the author of the legislation that codified Section 5273.5 (AB 170, Chapter 818, Statutes of 1999), I am quite familiar with the legislative intent of this section.

For purposes of my legislation, the 500 feet distance requirement between two message centers was intended for the following reasons:

Author's Intent. First and foremost, it was my intention to require a 500 feet distance between two centers. I never discussed applying the 1,000 feet distance requirement at any time during deliberations on AB 170.

Legislative Intent. The legislative intent of AB 170 was expressively stated within legislative committee reports. Specifically, the Assembly Committee on Governmental Organization, the primary Assembly policy committee with jurisdiction over these types of issues, made clear reference in its May 10, 1999 bill analysis of AB 170 to the 500 feet distance requirement. Specifically, this bill analysis stated:

"Safety Issues. Although the bill requires displays to meet state spacing requirements (i.e., no display may be placed within 500 feet from another display on the same side of a freeway), it is unclear whether other safety provisions required by the Act should apply."

Statutory Non-Applicability of Section 5405. B&P Section 5273(a) expressively exempts Section 5405 from applying until "after" the "10 years or the completion of the project." Therefore, Section 5273.5 is independent of Section 5405.

Statutory Applicability of Section 5408(d). The 500 feet distance requirement of Section 5408(d) was always intended to apply via written communications and discussions. As such, Section 5408(d) was included within Section 5273.5(b). Logically, if the 1,000 feet distance

requirement of Section 5405 was to continue to apply, then AB 170 would have struck Section 5408(d) in order to fulfill its legislative intent.

I was puzzled to hear that CalTrans is under the impression that AB 170 mandates the 1,000 feet distance requirement pursuant to Section 5405, especially since I had several discussions with CalTrans officials regarding this legislation.

Regarding any issues of size, the legislative committee reports likewise clearly indicate that there is no size restriction on "on-premise" message centers. Therefore, any attempts to invoke a size restriction pursuant to Section 5408(a) via Section 5405(d)(1)'s reference to Article 7 would ignore the non-applicability of Section 5405 as mentioned in Section 5273.5(a).

If you should have any further questions please do not hesitate to contact me at my office.

Sincerely,

MARCO ANTONIO FIREBAUGH, Assembly Member
Fiftieth District

RECESS

By unanimous consent, at 12:03 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 12:10 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 115 (Cardoza)—An act relating to the Historic State Capitol, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—78

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—78

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

NOES—None

Bill ordered transmitted to the Senate.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Corbett announced that the Committee on Revenue and Taxation would meet today at 3 p.m., instead of 1:30 p.m., in Room 126.

ADJOURN IN MEMORY

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Charles Shapiro, of San Francisco, and Dell Alice Yelverton, of Whittier.

Assembly Member Cox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nathaniel Philip Mandell, of Sacramento.

Assembly Member Daucher was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Kenneth Michael Larkin, O.D., F.A.A.O., of Anaheim.

Assembly Member Nation was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arthur "Bud" Smith, of Yucaipa.

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Shirley Weeks, of Sacramento.

MOTION TO ADJOURN

At 12:20 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Ashburn seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:20 p.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communication was presented permitting the introduction of an Assembly bill:

Dear Mr. Clerk: Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Zettel to introduce a bill relating to liability.

Request No. 0108859.

ROBERT M. HERTZBERG
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1717—Zettel and Runner. An act to add Section 48.8 to the Civil Code, relating to liability.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 35—Thomson and Pavley (Coauthors: Aanestad, Chan, Chavez, Harman, Havice, Robert Pacheco, and Runner). Relative to skin cancer and melanoma awareness.

HOUSE RESOLUTION NO. 11—Negrete McLeod. Relative to public service employees in California.

AUTHOR'S AMENDMENTS
Committee on Education

March 12, 2001

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

Assembly Bill No. 128

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

STROM-MARTIN, Chairwoman

ASSEMBLY BILL NO. 128—An act to add Article 14 (commencing with Section 44410) of Chapter 2 of Part 25 of the Education Code, relating to public school employees.

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 Local Government

March 12, 2001

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 134

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

WIGGINS, Chairwoman

ASSEMBLY BILL NO. 134—An act to amend Section 12944.7 of the Water Code, relating to water.

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 Health

March 12, 2001

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

Assembly Bill No. 182

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

THOMSON, Chairwoman

ASSEMBLY BILL NO. 182—An act to amend Sections 120325 and 120335 of the Health and Safety Code, relating to communicable diseases.

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 Governmental Organization

Date of Hearing: March 5, 2001

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 54

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

WESSON, Chairman

Above bill ordered to second reading.

Committee on Rules

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 5

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

CARDOZA, Chairman

Above resolution ordered on file.

INTRODUCTION OF GUESTS

Speaker Hertzberg, introduced Amy S. Miller, of Lubbock, Texas.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 7 a.m., Tuesday, March 13, 2001, out of respect to the memory of William Charles Shapiro and Dell Alice Yelverton, on motion of Assembly Member Aroner; out of respect to the memory of Nathaniel Philip Mandell, on motion of Assembly Member Cox; out of respect to the memory of Dr. Kenneth Michael Larkin O.D., F.A.A.O., on motion of Assembly Member Daucher; out of respect to the memory of Arthur "Bud" Smith, on motion of Assembly Member Nation; and out of respect to the memory of Shirley Weeks, on motion of Assembly Member Steinberg.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 12, 2001**

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

AB	RN	
128	0108785	
134	0108914	
182	0108674	
Daily Total:		3
Cumulative Total:		30

O