

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 22, 2002**

**TWO HUNDREDTH SESSION DAY  
FIVE HUNDRED THIRTY-FIFTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, May 22, 2002

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—73:

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

Quorum present.

**At 1:17 p.m., Hon. Tony Strickland, 37th 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, Chavez, Hertzberg, and Migden.*

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

*Because of illness in his family: Assembly Member Cedillo.*

*The following Assembly Member was excused for the day, and his per diem was waived: Washington.*

**EXPLANATIONS OF ABSENCE**

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

May 21, 2002

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

Dear Mr. Speaker: Please excuse me from check-in session on Wednesday, May 22. I will be absent due to legislative business.

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

May 20, 2002

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

Dear Mr. Speaker Wesson: I respectfully request that I be excused from Check-in Session on Wednesday, May 22, 2002. The purpose is to attend to legislative business in my District.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member  
Fifty-seventh District

May 16, 2002

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

Dear Mr. Speaker: I am respectfully requesting to be excused from check-in on Wednesday, May 22, 2002 to conduct legislative business in my district.

Thank you for your consideration on this matter.

Sincerely,

CAROLE MIGDEN, Assembly Member  
Thirteenth District

(NOTE: For letters explaining the absences of Assembly Members Hertzberg and Kehoe on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 21, 2002.)

**COMMUNICATIONS**

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

May 22, 2002

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Fred Keeley to replace Assemblymember Carl Washington on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

May 22, 2002

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Wilma Chan to fill the vacancy on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**REPORTS**

The following reports were presented by the Chief Clerk:

**National Family Caregiver Support Program  
Second Status Report  
(Pursuant to Budget Act 2001)**

Above transmitted report, together with letter of transmittal from Lynda Terry, Director, Department of Aging, dated May 1, 2002, referred by the Speaker to the Committee on Budget.

**2000-01 Basic Apportionment for Deferred Maintenance  
(Pursuant to Education Code Section 17584.1)**

Above transmitted report, together with letter of transmittal from Colleen B. Wilcox, Superintendent, Santa Clara County Office of Education, dated May 1, 2002, referred by the Speaker to the Committee on Education.

**Aerospace Retention Initiative Progress Report  
(Pursuant to Supplemental Language of the Budget Act of 2000  
Item 2920-001-0001)**

Above transmitted report, together with letter of transmittal from Lon S. Hatamiya, Secretary, Technology Trade and Commerce Agency, dated April 29, 2002, referred by the Speaker to the Committee on Budget.

**California Business Incubation Grant Program  
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Lon S. Hatamiya, Secretary, Technology Trade and Commerce Agency, dated April 29, 2002, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Medicaid Fraud Control Unit Quarterly Statistical Report**

Above transmitted report, together with letter of transmittal from Chris D. Janzen, Director, Administrative Services Division, Department of Justice, dated May 8, 2002, referred by the Speaker to the Committee on Human Services.

**Firearms Used in the Commission of Crimes  
(Pursuant to Penal Code Section 12039)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated May 8, 2002, referred by the Speaker to the Committee on Public Safety.

**System of Care Redesign—  
California Treatment Outcome Project  
(Pursuant to Senate Bill 2015, Chapter 389  
Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Kathryn P. Jett, Director, Department of Alcohol and Drug Programs, dated May 8, 2002, referred by the Speaker to the Committee on Health.

**Small Business Loan Guarantee Program  
Annual Report  
(Pursuant to Corporations Code Sections 14030.2 (b) and 14076 (a))**

Above transmitted report, together with letter of transmittal from Lon S. Hatamiya, Secretary, Technology Trade and Commerce Agency, dated May 9, 2002, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**2001 Environmental Protection Agency  
Enforcement Program Update  
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Winston H. Hickox, Agency Secretary, Environmental Protection Agency, dated May 3, 2002, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Internal Control Certification Report  
(Pursuant to Government Code Sections 13400 through 13407)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated May 6, 2002, referred by the Speaker to the Committee on Labor and Employment.

**2001 Annual Discrimination Complaint Report  
(Pursuant to Labor Code Section 98.75)**

Above transmitted report, together with letter of transmittal from Stephen J. Smith, Director, Department of Industrial Relations, dated May 10, 2002, referred by the Speaker to the Committee on Labor and Employment.

**Review of School Crime Reporting  
(Pursuant to Budget Act 2001-02)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Department of Legislative Analyst's Office, dated May 15, 2002, referred by the Speaker to the Committee on Budget.

**California Rural Development Council Report  
(Pursuant to Assembly Bill 1464, Chapter 597  
Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Lon S. Hatamiya, Secretary, Technology Trade and Commerce Agency, dated May 14, 2002, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**2001 California Environmental Protection Agency  
Enforcement Program Update  
(Pursuant to Government Code Section 12812.2)**

Above transmitted report, together with letter of transmittal from Winston H. Hickox, Agency Secretary, Environmental Protection Agency, dated May 3, 2002, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Evaluation of the High Risk Youth Education and  
Public Safety Program Initiative  
(Pursuant to Senate Bill 1095, Chapter 340, Statutes 1997)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated May 10, 2002, referred by the Speaker to the Committee on Public Safety.

**Blindness Advisory Task Force Report  
(Pursuant to Education Code Section 56350)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated May 10, 2002, referred by the Speaker to the Committee on Education.

**Wildlife Protection Act Annual Report  
(Pursuant to Proposition 117  
The California Wildlife Protection Act of 1990)**

Above transmitted report, together with letter of transmittal from Al Wright, Executive Director, Wildlife Conservation Board, dated May 10, 2002, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Effectiveness of Bureau of Field Enforcement  
Annual Report  
(Pursuant to Labor Code Section 90.5 (d))**

Above transmitted report, together with letter of transmittal from Stephen J. Smith, Director, Department of Industrial Relations, dated May 10, 2002, referred by the Speaker to the Committee on Labor and Employment.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 22, 2002

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

- Assembly Bill No. 1776
- Assembly Bill No. 1891
- Assembly Bill No. 2255
- Assembly Bill No. 2293
- Assembly Bill No. 2330

- Assembly Bill No. 2418
- Assembly Bill No. 2455
- Assembly Bill No. 2836
- Assembly Bill No. 2842

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 22, 2002

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

- Assembly Bill No. 2070
- Assembly Bill No. 2472

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Joint Committee to Develop a Master Plan for Education—Kindergarten through University, on:

- Monday, June 3, 2002, at 3 p.m.;
- Wednesday, June 5, 2002, at 1:30 p.m.;
- Tuesday, June 18, 2002, at 3 p.m.;
- Tuesday, July 2, 2002, at 3 p.m.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 213—Migden.** Relative to Clean Air Vehicles.

**ASSEMBLY JOINT RESOLUTION NO. 49—Aroner (Coauthor: Senator Alpert).** Relative to home health care.

**CONSIDERATION OF DAILY FILE**

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 1891, 2255, 2330, 2293, 2836, 2455, and 1776,** ordered to third reading;

**Assembly Bills Nos. 2418 and 2842,** ordered to the Consent Calendar.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

**Governor's Message—Assembly Bill No. 1354**

May 21, 2002

*To the Members of the California Legislature:*

I am signing AB 1354 which will allow the administrators of an emergency shelter or transitional housing facility to restrict occupancy to persons 24 years of age or younger.

Homeless and runaway youth are some of the most vulnerable members of our society. Not only are they faced with the trial of homelessness at such a young age, roughly one-third of homeless and runaway youth have been victimized by adults at some point in their lives. This undoubtedly impedes their willingness to seek out the services available to them as provided by general population emergency shelters. Shelters that provide services exclusively to those under the age of 24 can deliver a safe environment in which youth can learn the life skills necessary to avoid a lifetime of homelessness. Our youth will be better served and ultimately better protected—in an environment where they feel safe and secure.

I am mindful that signing AB 1354 may prompt legislation that provides for additional exemptions to current law on behalf of other subpopulations of homeless. While many homeless would benefit from receiving specially targeted services from emergency shelter providers, I am concerned that providing future exemptions to emergency shelter laws would undermine the State's primary responsibility which is to ensure that all homeless have equal opportunity and access to emergency shelter. Emergency shelters have been, and must remain, a refuge for anyone who may face a night on the street.

Sincerely,

GRAY DAVIS

**ADJOURNMENT**

At 5 p.m., the Assembly adjourned until 9 a.m., Thursday, May 23, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk