

CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, June 4, 2002**

**TWO HUNDRED SEVENTH SESSION DAY**

**FIVE HUNDRED FORTY-EIGHTH 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, June 4, 2002

The Assembly met at 7 a.m.

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

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Sue Parker reading.

### ROLL CALL

The following were placed upon the morning roll call—74:

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

Quorum present.

**At 11:13 a.m., Hon. Juan Vargas, 79th 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 Cardoza, Hertzberg, Horton, Strickland, and Wyman.*

*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:

May 18, 2002

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from check-in session on Tuesday, June 4 and Wednesday, June 5, 2002. I will be in Washington, D.C. meeting with congressional staff regarding California's budget crises and the Farm Bill passed by Congress this year.

Thank you for your immediate assistance in this request.

Sincerely,

DENNIS CARDOZA, Assembly Member  
Twenty-sixth District

June 4, 2002

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

Dear Speaker Wesson: Please accept this request to be excused from Check-In Session on Tuesday, June 4, and Wednesday, June 5, 2002. I will be on legislative business in Washington, D.C., meeting with Senator Feinstein regarding water issues.

Should you have any questions, please feel free to have your staff contact Toni Nakashima in my Capitol Office.

Thank you in advance for your consideration of this request.

Very truly yours,

ROBERT M. HERTZBERG  
Speaker Emeritus

May 31, 2002

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-In Session on Tuesday, June 4, 2002. I will be returning to Sacramento on Wednesday, June 5, 2002, in time for the hearing in the Senate Committee on Education at 9:30 a.m.

I thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (916) 207-5100.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

May 30, 2002

*Hon. Herb Wesson  
Speaker of the Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from Assembly Check-In Session on Tuesday, June 4, 2002 and Wednesday, June 5, 2002. I have legislative business in my District Office.

If you have any questions regarding this request, please feel free to contact me at 319-2037.

Sincerely,

TONY STRICKLAND, Assembly Member  
Thirty-seventh District

May 30, 2002

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

Dear Mr. Speaker: I am respectfully requesting to be excused from June 4 session, as I will be in my district office on legislative business. If you have any questions, please contact my office at 319-2034.

Sincerely,

PHIL WYMAN, Assembly Member  
Thirty-fourth District

#### COMMUNICATIONS

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

June 4, 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 Gloria Negrete McLeod to replace Assemblymember Gil Cedillo on the Assembly Business and Professions Committee for today's hearing only.

Sincerely,

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

#### SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit on June 5, June 11, June 12, and June 13, 2002.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 217—Maddox.** Relative to Little League Baseball Week.

**ASSEMBLY CONCURRENT RESOLUTION NO. 218—Cogdill.** Relative to Harmful, Nonnative Weeds Awareness Week.

**AUTHOR'S AMENDMENTS****Committee on Housing and Community Development**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 444

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

LOWENTHAL, Chairman

**SENATE BILL NO. 444**—An act to amend Section 50662.7 of, and to add Section 50662.8 to, the Health and Safety Code, relating to housing assistance.

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**

June 4, 2002

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

Senate Bill No. 1307

Senate Bill No. 1670

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

WASHINGTON, Chairman

**SENATE BILL NO. 1307**—An act to amend Section 40302 of the Vehicle Code, relating to crime.

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.

**SENATE BILL NO. 1670**—An act to amend Section 12088 of, to amend and repeal Section 12088.1 of, and to add Sections 12087.6 and 12088.15 to, the Penal Code, relating to firearm safety devices.

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 Business and Professions**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Senate Bill No. 1241

Senate Bill No. 2026

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

CORREA, Chairman

**SENATE BILL NO. 1241**—An act to amend Sections 7583.2, 7583.3, and 7583.9 of, and to repeal Sections 7583.11 and 7583.43 of, the Business and Professions Code, relating to private security services, and declaring the urgency thereof, to take effect immediately.

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.

**SENATE BILL NO. 2026**—An act to amend Sections 25, 28, 29, 32, 650.4, 728, 802, 2908, 4507, 4980, 4980.02, 4980.10, 4980.30, 4980.34, 4980.35, 4980.37, 4980.38, 4980.40, 4980.43, 4980.44, 4980.45, 4980.46, 4980.48, 4980.50, 4980.54, 4980.55, 4980.60, 4980.80, 4980.90, 4981, 4982, 4982.2, 4982.25, 4984.7, 4984.8, 4986.70, 4987.5, 4987.7, 4987.8, 4988, 4988.1, 4988.2, 4990.3, 4992.36, 4996.13, 4998, and 4999.2 of, and to repeal Section 4980.57 of, the Business and Professions Code, to amend Sections 43.7, 43.93, and 43.95 of the Civil Code, to amend Section 13401.5 of the Corporations Code, to amend Section 35160.5 of the Education Code, to amend Sections 795 and 1014 of the Evidence Code, to amend Sections 6929, 7827, and 8502 of the Family Code, to amend Sections 1348.8, 1373, 1373.8, and 123105 of the Health and Safety Code, to amend Sections 10176, 10176.7, 10177, and 10177.8 of the Insurance Code, to amend Section 3209.8 of the Labor Code, to amend Section 11165.7 of the Penal Code, and to amend Sections 4514, 5256.1, 5751, 5751.2, and 15610.37 of the Welfare and Institutions Code, relating to marriage and family therapy.

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 Transportation**

June 4, 2002

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

Senate Bill No. 1918

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

DUTRA, Chairman

**SENATE BILL NO. 1918**—An act to amend, repeal, and add Sections 407.5 and 467 of, to add and repeal Section 313 of, and to add and repeal Article 6 (commencing with Section 21280) of Chapter 1 of Division 11 of, the Vehicle Code, relating to vehicles.

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 Agriculture**

June 4, 2002

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

Senate Concurrent Resolution No. 74

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

MATTHEWS, Chairwoman

**SENATE CONCURRENT RESOLUTION NO. 74**—Relative to food and agriculture.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Governmental Organization**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:  
Senate Bill No. 1647

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

HORTON, Chairman

**SENATE BILL NO. 1647**—An act to amend Section 25503.6 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

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**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Health reports:  
Senate Bill No. 1633

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

THOMSON, Chairwoman

**SENATE BILL NO. 1633**—An act to add Section 14006.7 to the Welfare and Institutions Code, relating to Medi-Cal.

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 Natural Resources**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
Senate Bill No. 1374

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

WAYNE, Chairman

**SENATE BILL NO. 1374**—An act to amend Sections 41821 and 41850 of, and to add Section 42912 to, the Public Resources Code, relating to solid waste.

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**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Senate Bill No. 580  
Senate Bill No. 900  
Senate Bill No. 1254

Senate Bill No. 1324  
Senate Bill No. 1627

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

WASHINGTON, Chairman

**SENATE BILL NO. 580**—An act to amend Section 11160 of, and to add and repeal Section 11160.2 of, the Penal Code, relating to crime prevention.

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.

**SENATE BILL NO. 900**—An act to amend Section 11105 of the Penal Code, relating to criminal history information.

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.

**SENATE BILL NO. 1254**—An act to amend Sections 530.5 and 530.8 of the Penal Code, relating to identity theft.

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.

**SENATE BILL NO. 1324**—An act to amend Section 13823.93 of the Penal Code, relating to medical training.

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.

**SENATE BILL NO. 1627**—An act to amend Section 6380 of the Family Code, relating to domestic violence.

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 Business and Professions**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Senate Bill No. 1765

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

CORREA, Chairman

**SENATE BILL NO. 1765**—An act to amend Section 1793.1 of, and to add Section 1799.1b to, the Civil Code, relating to consumers.

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 Banking and Finance**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Senate Bill No. 399

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

PAPAN, Chairman



**SENATE BILL NO. 399**—An act to amend Sections 407, 601, 603, 1001, 2115, 15677.2, 15677.3, 15677.6, 15677.7, 15677.8, 15677.9, 16902, 16903, 16904, 16905, 16906, 16907, 16908, 16909, 17540.2, 17540.3, 17540.6, 17540.7, 17540.8, and 25005.1 of, to add Sections 161.9 and 1313 to, and to add Chapter 11.5 (commencing with Section 1150) to Division 1 of Title 1 of, the Corporations Code, relating to business organizations.

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 Appropriations**

June 4, 2002

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

Senate Bill No. 545

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

STEINBERG, Chairman

**SENATE BILL NO. 545**—An act to add Section 162.3 to the Streets and Highways Code, and to add Section 21655.10 to the Vehicle Code, relating to highways.

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 Transportation**

June 4, 2002

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

Senate Bill No. 1257

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

DUTRA, Chairman

**SENATE BILL NO. 1257**—An act to add Section 25169.5 to the Health and Safety Code, and to amend Sections 32001 and 34501.12 of the Vehicle Code, relating to vehicles.

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 Insurance**

June 4, 2002

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

Senate Bill No. 1351

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

CALDERON, Chairman

**SENATE BILL NO. 1351**—An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

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**

June 4, 2002

Mr. Speaker: The Chair of your Committee on Health reports:  
Senate Bill No. 1913

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

THOMSON, Chairwoman

**SENATE BILL NO. 1913**—An act to add Section 1342.4 to the Health and Safety Code, relating to health care.

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 Judiciary**

Date of Hearing: June 4, 2002

Mr. Speaker: Your Committee on Judiciary reports:  
Senate Bill No. 1210

With the recommendation: Do pass, and be re-referred to the Committee on Arts, Entertainment, Sports, Tourism, and Internet Media.

CORBETT, Chairwoman

Above bill re-referred to the Committee on Arts, Entertainment, Sports, Tourism, and Internet Media.

**Committee on Business and Professions**

Date of Hearing: June 4, 2002

Mr. Speaker: Your Committee on Business and Professions reports:  
Senate Bill No. 937

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

CORREA, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 4, 2002

Mr. Speaker: Your Committee on Business and Professions reports:  
Senate Bill No. 500

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

CORREA, Chairman

Above bill re-referred to the Committee on Utilities and Commerce.

Date of Hearing: June 4, 2002

Mr. Speaker: Your Committee on Business and Professions reports:  
Senate Bill No. 564

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

CORREA, Chairman

Above bill re-referred to the Committee on Health.

Date of Hearing: June 4, 2002

Mr. Speaker: Your Committee on Business and Professions reports:  
Senate Bill No. 1263

With the recommendation: Do pass.

CORREA, Chairman

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: June 4, 2002

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1370

With the recommendation: Do pass.

CORBETT, Chairwoman

Above bill ordered to second reading.

Date of Hearing: June 4, 2002

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1271

Senate Bill No. 1322

Senate Bill No. 1325

Senate Bill No. 1359

Senate Bill No. 1371

Senate Bill No. 2061

With the recommendation: Do pass.

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

CORBETT, Chairwoman

Above bills ordered to second reading.

**Committee on Appropriations**

June 3, 2002

Mr. Speaker: Your Committee on Appropriations reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2422

STEINBERG, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Banking and Finance**

May 28, 2002

Mr. Speaker: Your Committee on Banking and Finance reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1876

PAPAN, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Revenue and Taxation**

May 30, 2002

Mr. Speaker: Your Committee on Revenue and Taxation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2878

CHAVEZ, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Appropriations**

May 29, 2002

Mr. Speaker: Your Committee on Appropriations reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2176

STEINBERG, Chairman

Above bill ordered filed with the Chief Clerk.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 4, 2002

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

Assembly Bill No. 255

Assembly Bill No. 1433

Assembly Bill No. 1785

And reports the same correctly enrolled, and presented to the Governor on the 4th day of June, 2002, at 12:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, June 4, 2002

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

Assembly Joint Resolution No. 8

Assembly Concurrent Resolution No. 74

Assembly Concurrent Resolution No. 173

Assembly Concurrent Resolution No. 183

Assembly Concurrent Resolution No. 192

Assembly Concurrent Resolution No. 196

Assembly Concurrent Resolution No. 206

Assembly Concurrent Resolution No. 207

And reports the same correctly enrolled, and presented to the Secretary of State on the 4th day of June, 2002, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

**MESSAGES FROM THE SENATE**

Senate Chamber, May 31, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Peace, Chesbro, and Ackerman as a Committee on Conference concerning:

**Assembly Bill No. 1777.**

GREGORY P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 5, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JUNE 4, 2002**

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

<b>SB</b>	<b>RN</b>
399	0211357
444	0211508
545	0211430
580	0211521
900	0211498
1241	0211299
1254	0210300
1257	0211524
1307	0210846
1324	0211306
1351	0210456
1374	0211205
1627	0211518
1633	0211515
1647	0211333
1670	0210532
1765	0211437
1913	0211324
1918	0210805
2026	0211296

<b>SCR</b>	<b>RN</b>
74	0211523

<b>Daily Total:</b>	<b>21</b>
<b>Cumulative Total:</b>	<b>5204</b>

O