

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, July 9, 2002

**TWO HUNDRED TWENTY-NINTH SESSION DAY
FIVE HUNDRED EIGHTY-THIRD CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

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

(Corrected for page 7225)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, July 9, 2002

The Assembly met at 7 a.m.

Hon. Paul Koretz, Assembly Member, 42nd 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—61:

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

Quorum present.

At 12:02 p.m., Hon. Joe Canciamilla, 11th 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 Aanestad, Briggs, Calderon, Cárdenas, Cogdill, Correa, Florez, Hertzberg, Horton, Leach, Richman, Shelley, Simitian, Washington, and Zettel.

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

On personal business, and waiving per diem: Assembly Members Bill Campbell and Migden.

Because of a death 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:

July 8, 2002

The Honorable Herb Wesson
Speaker, California State Assembly
Room 219

Dear Mr. Speaker: Please excuse me from check-in session for Tuesday, July 9th and Wednesday, July 10th. I will be in my district on legislative business.

If you have any questions please contact my Chief of Staff, Brett Michelin, at 319-2003.

Thank you for your consideration.

Sincerely,

SAM AANESTAD, Assembly Member
Third District

July 8, 2002

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

Dear Mr. Speaker: I respectfully request permission to be excused from check-in session on Tuesday, July 9, 2002. I will be away on legislative business. If you have any questions you can speak with Jill Archer, my secretary. Thank you for your assistance.

Sincerely,

MIKE BRIGGS, Assembly Member
Twenty-ninth District

July 8, 2002

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

Dear Mr. Speaker: I would like to request to be excused from Check in Session, Tuesday, July 9, and Wednesday, July 10, 2002 on legislative business. I will return on Thursday, July 11, 2002 for Assembly Floor Session. Thank you for your consideration.

Sincerely,

THOMAS M. CALDERON, Assembly Member
Fifty-eighth District

July 3, 2002

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-In Session on Tuesday and Wednesday, July 9 & 10, 2002 so that I may conduct legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

TONY CÁRDENAS, Assembly Member
Thirty-ninth District

July 9, 2002

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

Dear Mr. Speaker: I respectfully request to be excused from check in session on Tuesday, July 9th. I will be in my district on legislative business.

Thank you for your consideration of this request. If you have any questions, please contact me at 319-2025.

Sincerely,

DAVE COGDILL, Assembly Member
Twenty-fifth District

July 8, 2002

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

Dear Speaker Wesson: Please excuse me from check-in session on Tuesday, July 9, 2002. I will be attending to legislative business in the district.

Thank you.

Sincerely,

LOU CORREA, Assembly Member
Sixty-ninth District

July 8, 2002

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

Dear Mr. Speaker: I respectfully request to be excused from session on Tuesday, July 9, 2002 due to legislative business in my district.

Thank you for your consideration of this request. If you have any questions, please contact Michael Rubio of my staff at 319-2030.

Sincerely,

DEAN FLOREZ, Assembly Member
Thirtieth District

July 8, 2002

The Honorable Herb J. 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, July 9, 2002, and Wednesday, July 10, 2002. I will be on legislative business in my district.

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

July 8, 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 on Tuesday, July 9, 2002 and Wednesday, July 10, 2002, due to legislative business in my district. I will be returning to Sacramento on Thursday, July 11, 2002, in time for Assembly Floor Session.

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

July 8, 2002

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

Dear Speaker Wesson,

I am writing to request that I be excused for check-in on Tuesday, July 9, 2002 due to legislative commitments in my district. If you should have any questions, please do not hesitate to contact Julie Sauls at 319-2015.

Thank you for your attention to this matter.

Sincerely,

LYNNE LEACH, Assembly Member
Fifteenth District

July 8, 2002

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

Dear Mr. Speaker: I am writing to request that I be excused from Check-in Session on July 9 and 10 due to legislative business in my district. I would like to waive per diem for both days. I will be back in Sacramento if Floor Session is called on either day.

Thanking you in advance for your consideration of my request.

Sincerely,

ABEL MALDONADO, Assembly Member
Thirty-third District

July 8, 2002

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

Dear Speaker Wesson: I would like to respectfully request that I be excused from check-in on Tuesday, July 9, 2002 because I will be in my district office on legislative business. I will be returning Wednesday, July 10, 2002.

Thank you for your prompt attention to my request. Please contact Connie Bosserman in my office at (916) 319-2038 if you have any questions.

Sincerely,

KEITH S. RICHMAN, M.D., Assembly Member
Thirty-eighth District

July 8, 2002

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

Dear Speaker Herb Wesson,

I respectfully request to be excused from Check-in Session on Tuesday, July 9, 2002. I will be in my district meeting with the San Mateo County Clerk-Recorder to discuss my bill, AB 2832 Election Reform: voter file and initiative signatures.

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

Sincerely,

KEVIN SHELLEY, Assembly Member
Twelfth District

June 25, 2002

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

Dear Speaker Wesson,

This is a request to be excused from Session on Tuesday, July 9 and Wednesday, July 10, 2002. I have legislative business in the district. Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member
 Twenty-first District

July 8, 2002

Speaker Herb Wesson
Office of the Speaker
State Capitol, Room 219
Sacramento, California

Dear Speaker Wesson: Please excuse me from check-in session on Tuesday, July 9, 2002 and Wednesday, July 10, 2002, and grant me permission to travel to my District Office on legislative business.

Thank you for your consideration.

Respectfully,

CARL WASHINGTON, Assembly Member
 Fifty-second District

July 8, 2002

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

Dear Mr. Speaker: Please excuse me from check-in session on July 9, 2002 and July 10, 2002. I will be in my district conducting legislative business.

Thank you for your assistance.

Sincerely,

CHARLENE ZETTEL, Assembly Member
 Seventy-fifth District

REPORTS

The following reports were presented by the Chief Clerk:

**Education and Training Standards for
 All Judicial Officers Conducting Hearings in Juvenile Dependency Matters
 (Pursuant to Welfare and Institutions Code Section 304.7)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council, dated June 7, 2002, referred by the Speaker to the Committee on Public Safety.

**Summary of 2000 Urban Water Management Plans
(Pursuant to Water Code Section 10644)**

Above transmitted report, together with letter of transmittal from Thomas M. Hannigan, Director, Department of Water Resources, dated July 1, 2002, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Environmental Justice Program Implementation Report
(Pursuant to Supplemental Language of the Budget Act of 2001–2002,
Item 0555-001-0001)**

Above transmitted report, together with letter of transmittal from Winston H. Hickox, Agency Secretary, Environmental Protection Agency, dated June 24, 2002, referred by the Speaker to the Committee on Budget.

**Learning-Teaching-Leading.
Report of the Professional Development Task Force**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated June 19, 2002, referred by the Speaker to the Committee on Education.

**Real Time Metering Program
(Pursuant to Assembly Bill 29X, Chapter 8, 2001)**

Above transmitted report, together with letter of transmittal from William J. Keese, Chairman, California Energy Commission, dated June 25, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

Research on Housing Needs for Older Americans

Above transmitted report, together with letter of transmittal from Elizabeth Clemmer, Associate Director, Public Policy Institute, dated June 25, 2002, referred by the Speaker to the Committee on Housing and Community Development.

**Quarterly Progress Report for
the Office of Criminal Justice Planning Evaluation Division
(Pursuant to Supplemental Language of
the Budget Act of 1998–1999, Item 8100-001-001)**

Above transmitted report, together with letter of transmittal from Michael L. Levy, Acting Chief Deputy Director, Office of Criminal Justice Planning, dated June 27, 2002, referred by the Speaker to the Committee on Budget.

**Pilotage Rate Recommendations
(Pursuant to Harbors and Navigation Code
Sections 1201, 1190, and 1191)**

Above transmitted report, together with letter of transmittal from Captain P. A. Moloney, Executive Director, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun, dated June 27, 2002, referred by the Speaker to the Committee on Natural Resources.

**California's Self-Determination Pilot Projects for
Individuals with Developmental Disabilities
(Pursuant to Senate Bill 1038, Chapter 1043, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated July 8, 2002, referred by the Speaker to the Committee on Human Services.

Employment Training Panel 2002-03 Strategic Plan

Above transmitted report, together with letter of transmittal from Peter McNamee, Executive Director, Employment Training Panel, dated June 28, 2002, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Increasing Opportunities for Children and Families:
Program Evaluation Report
Reviewing the American Indian Early Childhood Education Program
(Pursuant to Education Code Section 52060 et seq.)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated June 27, 2002, referred by the Speaker to the Committee on Education.

**2001 California's Worker's Compensation
Losses and Expenses
(Pursuant to Insurance Code Section 11759.1)**

Above transmitted report, together with letter of transmittal from David M. Bellusci, Senior Vice President and Chief Actuary, Workers Compensation Insurance Rating Bureau, dated June 30, 2002, referred by the Speaker to the Committee on Insurance.

**2001 Electronic Interceptions Report
(Pursuant to Penal Code Section 629.62)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated July 3, 2002, referred by the Speaker to the Committee on Public Safety.

**Living Logo Element of
the Adopt-A-Highway Program Report
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated July 2, 2002, referred by the Speaker to the Committee on Transportation.

**Resource Status Assessment and Trends Methodology
(Pursuant to Legislative Analyst's Office)**

Above transmitted report, together with letter of transmittal from Mary D. Nichols, Secretary, Resources Agency, dated July 3, 2002, referred by the Speaker to the Committee on Natural Resources.

**Department of Justice Special Report
(Pursuant to Senate Bill 1608, Chapter 624, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated July 3, 2002, referred by the Speaker to the Committee on Public Safety.

SPECIAL COMMITTEE MEETINGS

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

Public Employees, Retirement and Social Security on Thursday, July 11, 2002, during Floor session, or upon adjournment.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 232—Firebaugh. Relative to Truck Driver Appreciation Week.

AUTHOR'S AMENDMENTS**Committee on Judiciary**

July 9, 2002

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

Senate Bill No. 382

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

CORBETT, Chairwoman

SENATE BILL NO. 382—An act to add Section 51.13 to the Civil Code, relating to housing.

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**

July 9, 2002

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

Senate Bill No. 812

Senate Bill No. 2019

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

STEINBERG, Chairman

SENATE BILL NO. 812—An act to amend Sections 42801.1, 42823, 42840, and 42841 of the Health and Safety Code, relating to air pollution.

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. 2019—An act to add Section 685 to the Business and Professions Code, relating to student loans, 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.

AUTHOR'S AMENDMENTS**Committee on Appropriations**

July 9, 2002

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

Senate Bill No. 953

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

STEINBERG, Chairman

SENATE BILL NO. 953—An act to add Sections 2915.5, 2915.7, 4980.39, 4980.395, 4996.25, and 4996.26 to the Business and Professions Code, to add Article 6 (commencing with Section 51280) to Chapter 2 of Part 28 of Division 4 of Title 2 of, and to add Article 9 (commencing with Section 66085) to Chapter 2 of Part 40 of Division 5 of Title 3 of, the Education Code, to add Article 6 (commencing with Section 9910) to Chapter 2 of Part 1 of Division 3 of the Unemployment Insurance Code, to add Article 3 (commencing with Section 9118) to Chapter 2 of Division 8.5 of, to add Article 4 (commencing with Section 9685) to Chapter 10.5 of Division 8.5 of, to add Article 5 (commencing with Section 9687) to Chapter 10.5 of Division 8.5 of, to add Chapter 3.5 (commencing with Section 9250) to Division 8.5 of, and to add Chapter 8.5 (commencing with Section 9575) to Division 8.5 of, the Welfare and Institutions Code, relating to aging.

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 GOVERNOR

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

Governor's Office, Sacramento
July 9, 2002

To the Members of the Assembly:

AB 1330, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of AB 1330 as an emergency measure.

Sincerely,

GRAY DAVIS

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 9, 2002

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

Assembly Bill No. 1714

Assembly Bill No. 2182

Assembly Bill No. 1753

Assembly Bill No. 2846

Assembly Bill No. 1964

And reports the same correctly enrolled, and presented to the Governor on the 9th day of July, 2002, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 9, 2002

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

Assembly Bill No. 1330

Assembly Bill No. 1912

And reports the same correctly enrolled, and presented to the Governor on the 9th day of July, 2002, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, July 10, 2002.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 9, 2002**

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

SB	RN
382	0214314
812	0214413
953	0214372
2019	0214353

Daily Total:	4
Cumulative Total:	5796

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