

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, July 10, 2002**

**TWO HUNDRED THIRTIETH SESSION DAY  
FIVE HUNDRED EIGHTY-FOURTH 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  
Wednesday, July 10, 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—64:

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

Quorum present.

**At 2:34 p.m., Hon. John Dutra, 20th 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, Aroner, Calderon, Canciamilla, Hertzberg, Horton, Shelley, Simitian, and Zettel.*

*On legislative business, and waiving per diem: Assembly Members Kehoe\* and Maldonado.*

*On personal business, and waiving per diem: Assembly Members Florez, Migden, and Runner.*

*Because of death in their families: Assembly Members Cedillo and Nation.*

(\*NOTE: For further explanation by Assembly Member Kehoe relative to per diem during the 2002 Budget delay, see Assembly Journal, page 7202.)

**EXPLANATIONS OF ABSENCE**

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

July 8, 2002

*Speaker Herb Wesson  
California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: Please excuse me from Assembly Check-in Session on Wednesday, July 10, for legislative business in my district. Thank you for consideration of this request.

Sincerely,

DION ARONER, Assembly Member  
Fourteenth District

July 9, 2002

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

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

Sincerely,

JOSEPH CANCIAMILLA, Assembly Member  
Eleventh District

July 8, 2002

*Hon. Herb Wesson  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from check-in session, Wednesday, July 10, 2002 for legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

CHRISTINE KEHOE, Assembly Member  
Seventy-sixth District

July 10, 2002

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

Dear Speaker Wesson,

I respectfully request to be excused from Check-in Session on Wednesday, July 10, 2002. I will be working on legislative business in my district.

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

Sincerely,

KEVIN SHELLEY, Assembly Member  
 Twelfth District

(NOTE: For letters explaining the absences of Assembly Members Aanestad, Calderon, Hertzberg, Horton, Maldonado, Simitian, and Zettel on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for July 9, 2002.)

#### COMMUNICATIONS

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

July 9, 2002

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

Dear Mr. Speaker,

I respectfully request that my Assembly per diem be waived for the period of July 5th, 2002, through August 4th, 2002.

Thank you for your attention to this request. Should you have any questions regarding this request or would like any additional information, please contact myself or Sheri Pemberton of my staff at 319-2053.

Sincerely,

GEORGE NAKANO, Assembly Member  
 Fifty-third District

#### RESOLUTIONS

The following resolutions were offered:

**HOUSE RESOLUTION NO. 65—Wesson.** Relative to commending the Honorable George C. Runner, Jr.

**HOUSE RESOLUTION NO. 66—Wesson.** Relative to commending the Honorable Dennis A. Cardoza.

**HOUSE RESOLUTION NO. 67—Wesson.** Relative to commending the Honorable Bill Leonard.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

July 10, 2002

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

Senate Bill No. 1162

Senate Bill No. 1384

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

STEINBERG, Chairman

**SENATE BILL NO. 1162**—An act to add Article 1.5 (commencing with Section 92605) to Chapter 6 of Part 57 of the Education Code, relating to the University of California.

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. 1384**—An act relating to water, 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 10, 2002

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

Senate Bill No. 1316

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

STEINBERG, Chairman

**SENATE BILL NO. 1316**—An act to amend Sections 6079.1, 6152, 6302.5, 6324, 6341, 6405, 22391, 22455, and 25361 of, and to repeal Section 6365 of, the Business and Professions Code, to amend Sections 52.1, 1181, 1789.24, 1812.105, 1812.503, 1812.510, 1812.515, 1812.525, 1812.600, and 2924j of the Civil Code, to amend Sections 17, 32.5, 73e, 75, 77, 86.1, 116.210, 116.250, 116.950, 134, 166, 170.5, 170.6, 170.9, 179, 194, 195, 198.5, 201, 215, 217, 234, 274a, 394, 396, 403, 403.010, 404, 404.3, 404.9, 422.30, 575, 594, 628, 632, 668, 670, 701.530, 701.540, 904.5, 1060, 1068, 1085, 1103, 1132, 1141.11, 1141.12, 1208.5, 1281.5, 1420, 1607, 1609, 1710.20, 1775.1, and 2015.3 of, and to repeal Sections 34, 85.1, 199, 199.2, 199.3, 199.5, 200, 402, 655, 1052, 1052.5, and 1141.29 of, and to repeal Chapter 5 (commencing with Section 81) of Title 1 of Part 1 of, the Code of Civil Procedure, to amend Section 420 of the Corporations Code, to amend Sections 48295, 69763.1, and 69763.2 of the Education Code, to amend Sections 13.5, 327, 2212, 8203, 11221, 13107, 13109, and 13111 of, and to repeal Section 325 of, the Elections Code, to amend Sections 300, 452.5, and 1061 of the Evidence Code, to amend Sections 4252, 7122, 7134, 8613, 8614, 8702, 8714.5, 8818, 9200, and 17521 of, and to repeal Sections 240.5 and 6390 of, the Family Code, to amend Section 210 of the Fish and Game Code, to amend Sections 30801, 31503, 31621, and 31622 of the Food and Agricultural Code, and to amend Sections 945.3, 1770, 3501.5, 6103.5, 6520, 6701, 6704, 12989, 15422, 16265.2, 20437, 20440, 23220, 23396, 25100.5, 26608.3, 26625, 26625.2, 26625.3, 26625.4, 26638.2, 26638.4, 26638.5, 26638.6, 26638.7, 26638.8, 26638.9, 26638.10, 26638.11, 26639.2, 26639.3, 26665, 26671.1, 26671.4, 26671.5, 26671.6, 26671.8, 26827.1, 26835.1, 26856, 27081, 27464, 27706, 29610, 31520, 31662.6, 31663, 41803.5, 50920, 53069.4, 53075.6, 53075.61, 61601.1, 68071, 68072, 68073, 68074.1, 68082, 68090.7, 68093, 68105, 68108, 68115, 68152, 68202, 68206.2, 68502.5, 68562, 68620, 69508.5, 69510, 69510.5, 69510.6, 69580, 69581, 69582, 69582.5, 69583, 69584, 69584.5, 69585, 69585.5, 69585.7, 69586, 69587, 69588, 69589, 69590, 69590.5, 69590.7, 69591, 69592, 69593, 69594, 69595, 69595.5, 69596, 69598, 69599, 69599.5, 69600, 69601, 69602, 69603, 69604, 69605, 69605.5, 69606, 69610, 69611, 69649, 69741, 69743, 69744, 69744.5, 69941, 69942, 69944, 69952, 69955, 71305, 71380, 71382, 71384, 71601, 71620, 71674, 72110, 72116, 72190, 72190.1, 72190.2, 72301, 72403,

72407, 73301, 74820.2, 74820.3, 75076.2, 75103, 75602, 76200, 76238, 76245, 77003, 77007, 77008, 82011, 84215, and 91013.5 of, to amend and repeal Sections 72114.2 and 72115 of, to amend and renumber Section 72194.5 of, to add Sections 26638.12, 26639.7, 26672, 69580.3, 69580.7, 69581.3, 69581.7, 69582.3, 69583.5, 69584.7, 69585.9, 69588.3, 69588.7, 69589.3, 69589.7, 69591.3, 69591.7, 69593.5, 69598.5, 69600.5, 69601.3, 69601.7, 69604.3, 69604.5, 69604.7, 69840, 69916, 69917, and 70219 to, to add Article 13 (commencing with Section 70141.11) to Chapter 5 of, Article 1 (commencing with Section 71002), Article 2 (commencing with Section 71042.5), Article 3 (commencing with Section 71094), Article 5 (commencing with Section 71180), and Article 7 (commencing with Section 71265) to Chapter 6 of, Article 1 (commencing with Section 72004) to Chapter 8 of, Chapter 9 (commencing with Section 72708) to, Article 9.5 (commencing with Section 73660), Article 11.6 (commencing with Section 73750), Article 27 (commencing with Section 74602), Article 31 (commencing with Section 74784), and Article 40 (commencing with Section 74984) to Chapter 10 of, Title 8 of, to repeal Sections 23296, 23398, 23579, 26608.4, 26608.5, 26625.1, 26625.10, 26625.11, 26625.12, 26625.13, 26625.14, 26625.15, 26639.1, 26667, 26668, 26800, 31555, 68077, 68083, 68096, 68520, 68540, 68542, 68542.5, 68546, 68611, 68618.5, 69607, 69608, 69609, 69613, 69614, 69615, 69648, 69750, 69753, 69801, 69890, 69891.1, 69891.5, 69892, 69892.1, 69893.5, 69894, 69894.1, 69894.6, 69895, 69896, 69897, 69898, 69899.5, 69900, 69901, 69903.3, 69904, 69906, 69908, 69911, 69912, 69915, 69945, 69957, 69958, 69959, 70214.5, 70214.6, 72053.5, 72111, 72113, 72114.2, 72150, 72151, 72190.5, 72191, 72192, 72194, 72195, 72196, 72198, 72199, 72400, 72404, 72405, 72406, 72408, 73300, 74820.4, 74820.5, 74820.6, 74820.7, 74820.8, 74820.9, 74820.10, 74820.11, 74820.12, 74820.13, 74820.14, and 75095.5 of, to repeal Article 1.5 (commencing with Section 26630) of Chapter 2 of Part 3 of Division 2 of Title 3 of, and Article 13 (commencing with Section 70140) of Chapter 5 of, Article 1 (commencing with Section 71001), Article 2 (commencing with Section 71040), Article 3 (commencing with Section 71080), Article 4 (commencing with Section 71140), Article 5 (commencing with Section 71180), Article 6 (commencing with Section 71220), and Article 7 (commencing with Section 71260) of Chapter 6 of, Article 1 (commencing with Section 72000), Article 6 (commencing with Section 72230), Article 7 (commencing with Section 72270), and Article 10 (commencing with Section 72450) of Chapter 8 of, Chapter 9 (commencing with Section 72600) of, Chapter 9.1 (commencing with Section 73075) of, and Chapter 9.2 (commencing with Section 73100) of, Article 1.5 (commencing with Section 73330), Article 2 (commencing with Section 73340), Article 3.1 (commencing with Section 73400), Article 4 (commencing with Section 73430), Article 5 (commencing with Section 73480), Article 6 (commencing with Section 73520), Article 7.5 (commencing with Section 73580), Article 8 (commencing with Section 73600), Article 9.5 (commencing with Section 73660), Article 9.7 (commencing with Section 73671), Article 10 (commencing with Section 73680), Article 11 (commencing with Section 73701), Article 11.6 (commencing with Section 73750), Article 13 (commencing with Section 73820), Article 14 (commencing with Section 73870), Article 17.1 (commencing with Section 74010), Article 18 (commencing with Section 74020), Article 21.5 (commencing with Section 74190), Article 21.6 (commencing with Section 74205) Article 25.1 (commencing with Section 74355), Article 26 (commencing with Section 74500), Article 27 (commencing with Section 74600), Article 28.5 (commencing with Section 74660), Article 29 (commencing with Section 74690), Article 29.5 (commencing with Section 74700), Article 31 (commencing with Section 74780), Article 32 (commencing with Section 74800), Article 32.5 (commencing with Section 74830), Article 33 (commencing with Section 74840), Article 34 (commencing with Section 74860), Article 35 (commencing with Section 74900), and Article 41 (commencing with Section 74993) of Chapter 10 of Title 8 of, and to repeal and add Sections 26639 and 74820.1 of, and to repeal and add Article 4 (commencing with Section 71141) to Chapter 6 of, and Article 3 (commencing with Section 73390), Article 7 (commencing with Section 73560), Article 9 (commencing with Section 73640), Article 10.5 (commencing with Section 73698), Article 11.5 (commencing with Section 73730), Article 12 (commencing with Section 73770), Article 12.2 (commencing with Section 73783.1), Article 12.3 (commencing with Section 73784) Article 12.5 (commencing with Section 73790), Article 16 (commencing with Section 73950), Article 20 (commencing with Section 74130), 25 (commencing with Section 74340), Article 28 (commencing with Section 74640), Article 29.6 (commencing with Section 74720), Article 30 (commencing with Section 74740), Article 30.1 (commencing with Section 74760), Article 35.5 (commencing with Section 74915), Article 36 (commencing with Section 74920), Article 37 (commencing with Section 74934), Article 38 (commencing with Section 74948), Article 39 (commencing with Section 74960), and Article 40 (commencing with Section 74993) to

Chapter 10 of, the Government Code, to amend Section 515 of the Harbors and Navigation Code, to amend Sections 1428, 1543, 1568.0823, 1569.43, 102247, and 103625 of the Health and Safety Code, to amend Section 11706 of the Insurance Code, to amend Sections 98, 98.1, 98.2, 1181, 1701.10, 2691, and 5600 of the Labor Code, to amend Section 395.3 of the Military and Veterans Code, to amend Sections 28, 808, 810, 830.1, 851.8, 859a, 869, 870, 924.4, 932, 933, 938.1, 987.2, 1000, 1000.5, 1050, 1089, 1203.1b, 1203.1c, 1203.6, 1214, 1237.5, 1240.1, 1281a, 1428, 1463, 1524.1, 1538.5, 3075, 3076, 3085.1, 3607, 4007, 4008, 4009, 4010, 4012, 4024.1, 4112, 4301, 4303, 4304, 4852.18, 6031.1, 13151, and 14154 of, and to repeal Sections 1034, 1429.5, and 1462 of, the Penal Code, to amend Sections 1513, 1821, 1826, 1827.5, 1851, and 15688 of the Probate Code, to amend Section 14591.5 of the Public Resources Code, to amend Section 5411.5 of the Public Utilities Code, to amend Section 19707 of the Revenue and Taxation Code, to amend Sections 5419, 6619, 6621, 6622, 6623, and 8266 of the Streets and Highways Code, to amend Section 1815 of the Unemployment Insurance Code, to amend Sections 9805, 9806, 9872.1, 10751, 11102.1, 11203, 11301.5, 11710.2, 27362, 40256, 40502, 40506.5, 40508.6, 42003, 42008, 42008.5, and 42203 of the Vehicle Code, and to amend Sections 246, 255, 270, 601.4, 656, 661, 742.16, 872, 1737, 5205, 6251, and 14172 of, the Welfare and Institutions Code, relating to court unification.

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 California Legislature:*

I am signing Assembly Bill 1358 which would allow the Department of Social Services to grant an "inactive" licensing status to child care facilities that are inoperative for a period of time, and would prohibit the Department from inspecting families with inactive licenses except when the Department believes the facility is operating with an inactive license.

Allowing a childcare provider to place their license on inactive status will support childcare providers as they transition through temporary crises, while encouraging them to resume child care services and contribute to the child care resources available in California communities. I am directing the Department of Social Services to implement this bill within existing resources.

Sincerely,

GRAY DAVIS

#### ADJOURNMENT

At 4 p.m., the Assembly adjourned until 9 a.m., Thursday, July 11, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 10, 2002**

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

<b>SB</b>	<b>RN</b>	
1162	0214079	
1316	0214431	
1384	0214085	
<b>Daily Total:</b>		<b>3</b>
<b>Cumulative Total:</b>		<b>5799</b>

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