

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, July 11, 2002

**TWO HUNDRED THIRTY-FIRST SESSION DAY
FIVE HUNDRED EIGHTY-FIFTH 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
Thursday, July 11, 2002

The Assembly met at 9 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 Calderon moved a quorum call of the Assembly.
Motion carried. Time, 9:01 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 9:08 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—76:

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

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

Lord, You love with an everlasting love because You are love. You are present everywhere and fill all things, even when we cannot feel Your presence. Teach us to love without wanting control. Help us to be patient in love when love is not returned. May we love our friends and also our enemies, now and forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Cardenas 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 Chan, seconded by Assembly Member Strickland.

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 Member Firebaugh.

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

Because of a death in his family: Assembly Member Cedillo.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

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 Thursday, July 11, 2002. I will be in Washington D.C. on legislative business.

Thank you in advance for your consideration. Should you have any questions or comments, I can be reached at (916) 319-2050.

Sincerely,

MARCO ANTONIO FIREBAUGH, Assembly Member
Fiftieth District

COMMUNICATIONS

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

July 11, 2002

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

Dear Mr. Speaker: Given that the Constitutional deadline for passage of the budget has long passed and a new fiscal year has begun without adoption of a budget, I hereby waive my per diem allowance beginning today.

While I am very supportive of your outstanding leadership to overcome the obstructionist tactics of the Assembly Republican Caucus, I do not feel it is appropriate for members of this house to accept per diem when we have failed to meet the Constitutional deadline, as is our duty as legislators. Had we been able to complete our work on time, we would not be entitled to per diem.

Your cooperation and understanding is appreciated.

Respectfully,

DARIO FROMMER, Assembly Member
Forty-third District

SPECIAL COMMITTEE MEETINGS

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

Select Committee on North Bay Transportation and Housing, on July 19, 2002, at 10 a.m.;

Select Committee on CALFED to convene jointly with Assembly Committee on Water, Parks and Wildlife and Senate Committee on Agriculture and Water Resources, on July 16, 2002, at 9:30 a.m., in Room 4203;

Select Committee on Biotechnology, on July 23, 2002.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, July 11, 2002

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(12) as it relates to Senate Bill No. 1246.

REBECCA COHN

Above request ordered transmitted to the Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

HOUSE RESOLUTION NO. 68—Wesson. Relative to commending the Honorable Carole Migden.

HOUSE RESOLUTION NO. 69—Wesson. Relative to commending the Honorable Thomas M. Calderon.

HOUSE RESOLUTION NO. 70—Wesson. Relative to commending the Honorable Bill Campbell.

HOUSE RESOLUTION NO. 71—Wesson. Relative to commending the Honorable Kevin Shelley.

HOUSE RESOLUTION NO. 72—Wesson. Relative to commending the Honorable Elaine Alquist.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
228 -----	L. Gov.

<i>House</i>	
<i>Resolution No.</i>	<i>Committee</i>
54 -----	Rls.

**AUTHOR’S AMENDMENTS
Committee on Appropriations**

July 11, 2002

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 1809

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

STEINBERG, Chairman

SENATE BILL NO. 1809—An act to amend Section 1300 of, and to add Section 1260.3 to, the Business and Professions Code, relating to healing arts, 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 Rules**

July 11, 2002

Mr. Speaker: The Chair of your Committee on Rules reports:
House Resolution No. 54

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

NATION, Chairman

HOUSE RESOLUTION NO. 54—Relative to Freedom Week.

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 11, 2002

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

Assembly Bill No. 1493

And reports the same correctly enrolled, and presented to the Governor on the 11th day of July, 2002, at 9:30 a.m.

E. DOTSON WILSON, Chief Clerk

REQUEST FOR PHOTOGRAPHER

Speaker Wesson and Assembly Members Runner and Koretz were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

Request for Privileges of the Floor

Assembly Member Runner was granted unanimous consent that the privileges of the Floor be granted to his wife, Sharon Runner, and their daughter Rebekah.

Assembly Member Koretz was granted unanimous consent that the privileges of the Floor be granted to his wife, Gail Koretz, and their daughter Rachel.

JOINT RULE 62(a) WAIVED

Assembly Member Chan was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 222 for hearing in the Committee on Public Employees, Retirement and Social Security, upon adjournment of Floor session today.

CAUCUS ANNOUNCEMENTS

At 9:14 a.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 9:14 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 9:55 a.m., the Assembly reconvened.

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

RECESS

By unanimous consent, at 9:57 a.m., Speaker pro Tempore Keeley declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Jackson introduced Hon. Jim Kasper, from the North Dakota House of Representatives and Chris Larsen, CEO of E-Loan.

RECONVENED

At 9:59 a.m., the Assembly reconvened.

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

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 3048, on request of Assembly Member Thomson.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Thomson announced her intention to request that Senate Bill No. 842 be removed from the inactive file.

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

SENATE BILL NO. 1019 (Torlakson)—An act to amend Section 5499.4 of the Business and Professions Code, to amend Sections 1253.5, 1258, 5019, 5303, 5324, 5325, 5380, 5421, 15148, 15359.1, 19420, and 35001 of the Education Code, to amend Sections 307, 308, 8040, 9094, 10500, 10540, 11002, and 18546 of, and to repeal Section 311 of, the Elections Code, to amend Sections 6070, 6076, 6077, 6078, 6215, and 8456 of the Food and Agricultural Code, to amend Sections 4005, 23687, 23731, 25201, 25526, 25537, 26922, 27504.1, 29965, 30003, 36507, 65009, 66499.22, 71081, 76106, 81011.5, 84101, and 88001 of the Government Code, to amend Sections 5831, 5861, 5863, 5864, 5865, 5866, 5867, 5872, 5873, 5874, 6020, 6031, 6035, 6039, 6044, 6045, 6053, 6054, 6055, 6056, and 6230 of the Harbors and Navigation Code, to amend Section 5053 of the Insurance Code, to amend Sections 1170, 1174, 1176, 1179, 1180, 1181, 1182, 1185, 1191, and 1255 of the Military and Veterans Code, to amend Section 6005 of the Penal Code, to amend Section 1865 of the Probate Code, to repeal Sections 4876, 9977, and 13021 of the Public Resources Code, to amend Sections 11825, 12816, 15702, 15703, 15704, 15705, 15706, 15794, 15796, 15842, 15956, 26405, 26654, 27405, 27424, 28746, 28747, 28747.4, 28750.4, 29664, 29714, 31405, 31411, 50033, 50039, 70033, 90773, 90933, 95163, 95194, 98043, 98100, 101170, 101285, 101286, 101287, and 101295 of the Public Utilities Code, to amend Sections 909, 1181, 1186, 3111, 3112.5, 3114, 5026, 8653, 9019, 11302, 19090, 19092, 19093, 19094, 25206, 27044, 27045, 27046, 27047, 27048, 27062, 27063, 27080, 27082, 27100, 27102, 27109, 27123, and 27322 of the Streets and Highways Code, to amend Sections 9368, 9386, 20740, 20911, 22970.10, 22970.20, 22970.25, 30230, 30778, 31133, 34053, 35005, 35048, 35049, 35050, 35051, 35052, 35053, 41303, 45274, 45275, 45276, 50752, 50805, 50816, 50817, 50954, 60080, 60082, 60083, 60095, 60211, 60212, 60213, 60430, 60431, 60434, 60440, 70033, 70041, 71120, 71125, 71126, 71127, 71128, 71129, 71130, 71132, 71133, 71461, and 71463 of, and to repeal Sections 30061, 60049, 71031, and 71135 of, the Water Code, and to amend Sections 4117, 4457, 4804, and 5110 of the Welfare and Institutions Code, relating to local government.

Bill read third time.

Motion to Amend

Assembly Member Wiggins moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 2063 (Brulte)—An act to add Chapter 1.77 (commencing with Section 5097.993) to Division 5 of the Public Resources Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Hollingsworth moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**UNFINISHED BUSINESS
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 773 and 1830 and Assembly Bills Nos. 2079 and 425 were continued until the next legislative day.

At 10:10 a.m., Speaker Wesson, 47th District, presiding

SPECIAL CEREMONY HONORING RETIRING MEMBERS

At 10:11 a.m., a special ceremony was convened to honor Members retiring from the California State Assembly.

Without objection, family members and special guests of honorees were permitted on the Floor of the Assembly.

The following resolution was read:

House Resolution No. 65

By Assembly Member Wesson

Relative to commending the Honorable George C. Runner, Jr.

WHEREAS, The tenure of the Honorable George C. Runner, Jr., with the California State Assembly is drawing to a close following six years of exemplary service, and it is appropriate at this time to highlight the many achievements of his illustrious career and to extend to him the highest commendations of the people of the state; and

WHEREAS, Elected to the California State Assembly in 1996, George Runner represented the 36th Assembly District, which includes the cities of Lancaster, Palmdale, and Santa Clarita in Los Angeles County; and

WHEREAS, Assembly Member Runner brought distinction to himself on the Assembly Republican leadership team, first as Minority Whip, and then as Vice Chair of the Assembly Budget Committee for four consecutive years; and

WHEREAS, He has served on the Assembly Committees on Appropriations, Health, and Housing and Community Development and as a member of the Joint Committee on Fairs Allocation and Classification and was appointed to the Select Committee on Aerospace Industry, the Select Committee on Long-Term Planning for Commercial and General Aviation Airport Capacity, and the Joint Committee to Develop a Master Plan for Education; and

WHEREAS, Among Assembly Member Runner's successful legislative measures include his Categorical Reform bill, a pilot project which streamlines how funds are designated based on a school's individualized needs; the Military Family bill, which provides a permanent exemption from nonresident tuition at all University of California, California State University, and California Community Colleges for active military personnel and their families; his HOV Lane bill, which made the High Occupancy Vehicle lanes on State Route 14 available to single-occupant drivers during noncommuter hours; the Joint Strike Fighter tax credit, which provides \$250 million in tax credits for wages and equipment used in the production of the Joint Strike Fighter; and Proposition 11, authored by Assembly Member Runner in 1998, to allow local governments to enter into sales tax revenue sharing agreements; and

WHEREAS, Many California groups and organizations have recognized Assembly Member Runner's leadership, and his most recent honors include his designation as 2000 Legislator of the Year by the California Network of Educational Charters, Council of College and Military Educators, League of California Cities, and California State University, and 2000 Outstanding Legislator of the Year by the California State Sheriff's Association; and

WHEREAS, Prior to his election to the California State Assembly, George Runner was a member of the Lancaster City Council and served

as Vice Mayor and Mayor, whereupon during his mayoral term the California Business Journal named Lancaster California's No. 1 mid-size city with which to do business; and

WHEREAS, In 1977 he founded Desert Christian Schools, one of the largest private, interdenominational preschool through high schools in the state, and he currently is Chairman of the Board; and

WHEREAS, After attending local public schools in Lancaster, George Runner graduated from the University of Redlands with a Bachelor of Science degree in business management and he holds a graduate certificate in management from Azusa Pacific University; and

WHEREAS, He has held many local leadership positions, such as President of the League of California Cities, Desert/Mountain Division, member of the Board of the Lancaster Economic Development Corporation, and Antelope Valley YMCA, and he is a member of the Lancaster Rotary Club; and

WHEREAS, Assembly Member Runner and his wife Sharon are the proud parents of two children, a son, Micah, and a daughter, Rebekah; and

WHEREAS, Through his public service activities he has made a significant impact on the people of the 36th Assembly District and throughout the state, and he will be greatly missed by those individuals with whom he has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members express their commendations and appreciation to their colleague, the Honorable George C. Runner, Jr., for his outstanding record of dedicated service to his constituents and to all of the people of California, and convey to him best wishes for every success in his future endeavors.

Consideration of House Resolution No. 65 by Unanimous Consent

Without objection, House Resolution No. 65 was taken up, without reference to committee or file.

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

Resolution read and adopted unanimously.

Best Wishes Expressed

Farewell remarks and best wishes were offered by Assembly Members Bates, Cárdenas, and Maddox.

Select Committee on Escort Appointed

Speaker Wesson appointed Assembly Members Aanestad, Leach, Leonard, and Nakano as a Select Committee on Escort to escort Assembly Member Runner and his wife, Sharon Runner to the Rostrum, whereupon a resolution and special plaque was presented by Speaker Wesson expressing the best wishes of all Members of the Assembly as he departs the California State Assembly.

Assembly Member Runner then addressed the assemblage.

At 10:44 a.m., Speaker pro Tempore Keeley, 27th District, presiding

ANNOUNCEMENTS

Speaker pro Tempore Keeley announced the following session schedule:

Friday, July 12—Floor Session upon Call of Speaker;
Saturday, July 13—Floor Session upon Call of Speaker;
Sunday, July 14—Floor Session upon Call of Speaker;
Monday, July 15—Floor Session, 11 a.m.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Havice announced that the Committee on Public Employees, Retirement and Social Security would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

SENATE BILL NO. 1637 (Romero)—An act to amend Sections 1524 and 1525 of the Penal Code, relating to search warrants.

Bill read third time.

Motion to Amend

Assembly Member Washington moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Wyman requested unanimous consent that a report from the Legislative Analyst be printed in the Journal.

Reply by Speaker pro Tempore Keeley

The Speaker pro Tempore replied that the report referenced by Assembly Member Wyman would be more appropriately printed in the Senate Journal as the report was pursuant to an inquiry by Senator Jim Brulte. Further, permission is granted to distribute the report to the Members' desks.

ADJOURN IN MEMORY

Speaker Wesson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect of the memory of William Joseph Brathwaite, of Los Angeles.

Assembly Member Briggs was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect of the memory of Augustine M. Garcia, of Woodlake.

Assembly Member Bill Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rafael Gallegos, of Santa Ana.

Assembly Member La Suer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Cleo Thompson Sr., of St. Louis, Missouri.

On behalf of Assembly Member Cedillo, Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Louis Solis, of Los Angeles.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pamela Jean Shoaf, of Lancaster.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John "Jack" Burby, of San Luis Obispo.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Hagan, of Davis, and Hugh O'Donnell, of Dixon.

MOTION TO ADJOURN

At 10:53 a.m., Assembly Member Goldberg moved that the Assembly do now adjourn.

Assembly Member John Campbell seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:54 a.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

INTRODUCTION OF GUESTS

Assembly Member Runner, of the 36th Assembly District, introduced his wife, Sharon Runner; daughter Rebekah; son and daughter-in-law, Micah and Sandy Runner; mother, Kay Runner; aunt and uncle, Don and Caryl Cooper, and their son, Wayne Cooper; and Jamie Tenorio.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Goldberg, the Assembly adjourned to reconvene upon Call of the Speaker, or at 11 a.m., Monday, July 15, 2002, out of respect to the memory of William Joseph Brathwaite, on motion of Speaker Wesson; out of respect to the memory of Augustine M. Garcia, on motion of Assembly Member Briggs; out of respect to the memory of Rafael Gallegos, on motion of Assembly Member Bill Campbell; out of respect to the memory of Cleo Thompson Sr., on motion of Assembly Member La Suer; out of respect to the memory of Louis Solis, on motion of Assembly Member Reyes; out of respect to the memory of Pamela Jean Shoaf, on motion of Assembly Member Runner; out of respect to the memory of John "Jack" Burby, on motion of Assembly Member Shelley; and out of respect to the memory of Robert Hagan and Hugh O'Donnell, on motion of Assembly Member Thomson.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 11, 2002**

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

HR RN
54 0214371

SB RN
1019 0214312
1637 0214423
1809 0214435
2063 0214363

Daily Total: 5
Cumulative Total: 5804

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