

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, July 16, 2002**

**TWO HUNDRED THIRTY-THIRD SESSION DAY  
FIVE HUNDRED NINETIETH 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, July 16, 2002

The Assembly met at 7 a.m.

Hon. Dean Florez, Assembly Member, 30th 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:

Aanestad	Cox	Koretz	Pescetti
Ashburn	Diaz	La Suer	Reyes
Bates	Dickerson	Leonard	Runner
Bogh	Dutra	Leslie	Salinas
Briggs	Firebaugh	Liu	Steinberg
Calderon	Florez	Maddox	Strickland
Campbell, John	Frommer	Matthews	Strom-Martin
Canciamilla	Goldberg	Migden	Washington
Cardenas	Harman	Mountjoy	Wiggins
Cardoza	Havice	Nakano	Wright
Chan	Hertzberg	Nation	Wyland
Chavez	Hollingsworth	Negrete McLeod	Wyman
Chu	Jackson	Oropeza	Mr. Speaker
Cogdill	Keeley	Pacheco, Rod	
Cohn	Kehee	Papan	
Corbett	Kelley	Pavley	

Quorum present.

**At 1:54 p.m., Speaker pro Tempore Keeley, 27th 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 Alquist, Horton, Leach, Longville, Robert Pacheco, Richman, Shelley, Simitian, Vargas, and Zettel.*

*On legislative business, and waiving per diem: Assembly Members Correa, Maldonado, and Wayne.*

(\*NOTE: For further explanation by Assembly Member Wayne relative to per diem during the 2002 Budget delay, see Assembly Journal, page 7167.)

*On personal business, and waiving per diem: Assembly Members Aroner, Bill Campbell, and Daucher.*

*Because of illness in their families: Assembly Members Lowenthal \* and Thomson.\**

(\*NOTE: For further explanation by Assembly Member Lowenthal relative to per diem during the 2002 Budget delay, see Assembly Journal, page 7202; for further explanation by Assembly Member Thomson relative to waiver of per diem for the 2001–02 Session, see Assembly Journal, page 162.)

*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 11, 2002

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

Dear Mr. Speaker: I request that I be excused from Check-in Session on Tuesday, July 16 and Wednesday July 17, 2002 for legislative business. The Annual Meeting of CSG-WEST will be in Lake Tahoe, California on July 16 through 19, 2002. As Chair of the meeting on July 17, and as a current officer and Immediate Past Chair of CSG-WEST, it is important that I participate in their annual meeting.

Thank you for your consideration of this request. If you have any questions, please feel free to call me at 319-2022.

Sincerely,

ELAINE ALQUIST, Assembly Member  
Twenty-second District

July 16, 2002

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

Dear Speaker Wesson: I am writing to respectfully request that I be excused from check-in session on Tuesday, July 16, 2002 to attend to legislative business in the district, waiving per diem.

Thank you for your consideration of my request. Should you have any questions, please contact Amy O’Gorman at (916) 319-2069.

Sincerely,

LOU CORREA, Assembly Member  
Sixty-ninth District

July 12, 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 16, 2002 and Wednesday, July 17, 2002, due to legislative business in my district. I will be returning to Sacramento on Thursday, July 18, 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 15, 2002

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

Dear Mr. Speaker: I respectfully request that I be excused from Check-in Sessions on Tuesday and Wednesday, July 16 and 17, 2002 due to Legislative business in my District.

Thank you for your consideration of this request. Should you have any questions please contact Julie Sauls at 319-2015.

Sincerely,

LYNNE C. LEACH, Assembly Member  
Fifteenth District

July 15, 2002

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

Dear Mr. Speaker: Please excuse me from Check-In Session for Tuesday, July 16th, and Wednesday, July 17th, for the purpose of conducting legislative business in my district.

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

Respectfully,

JOHN LONGVILLE, Assembly Member  
Sixty-second District

July 15, 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 16 and 17 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 15, 2002

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

Dear Speaker Wesson: I respectfully request that I be excused from Assembly Check-In Session for Tuesday, July 16, 2002 through Wednesday, July 17, 2002. I have legislative business in my district that requires my attendance and will unfortunately prevent me from attending check-in session. Should you have any questions regarding my absence, please do not hesitate to contact my office at (916) 319-2060.

Thank you in advance for your consideration of this matter.

Sincerely,

BOB PACHECO, Assembly Member  
Sixtieth District

July 15, 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 16, 2002 because I will be in my district office on legislative business. I will be returning Wednesday, July 17, 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 16, 2002

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

Dear Mr. Speaker: I respectfully request that I be excused from check-in Session on Tuesday, July 16, 2002 and Wednesday, July 17, 2002. I will be working on legislative business in my district.

If you have any questions, please do not hesitate to contact my office. Thank you for your assistance in this matter.

Sincerely,

KEVIN SHELLEY, Assembly Member  
Twelfth District

July 15, 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 Check-in Session on Tuesday, July 16, and Wednesday, July 17, 2002. On July 16th I have legislative business in the district. On July 17th I have a medical appointment in the district.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member  
Twenty-first District

July 15, 2002

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

Dear Mr. Speaker: I respectfully request permission to return to San Diego on Tuesday, July 16 through Wednesday, July 17, 2002, to attend to legislative business in the district.

I will make arrangements to return to Sacramento on Thursday, July 18, before 8:00 a.m.

Thank you in advance for your consideration of this request.

Sincerely,

JUAN VARGAS, Assembly Member  
 Seventy-ninth District

July 12, 2002

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

Dear Mr. Speaker: I respectfully request permission to travel, not at the State's expense, from the Capitol to my district on Monday, July 15, 2002 for legislative business. I will return to the Capitol the morning of July 18, 2002.

Please call my office should you have any questions.

Sincerely,

HOWARD WAYNE, Assembly Member  
 Seventy-eighth District

June 4, 2002

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

Dear Mr. Speaker: I am requesting permission to be excused from session on legislative business on Tuesday, July 16, 2002, through Thursday, July 18, 2002.

The western division of the Council of State Governments (CSG-WEST) will be holding its 2002 annual meeting. I have been asked, as CSG-WEST Southern Border Committee Chairwoman, to head up several important panels.

Thank you for your consideration of this request. If you have any questions or concerns, please feel free to contact me at 319-2075.

Sincerely,

CHARLENE ZETTEL, Assembly Member  
 Seventy-fifth District

#### RESOLUTIONS

The following resolutions were offered:

**HOUSE RESOLUTION NO. 73—Wesson.** Relative to commending the Honorable David G. Kelley.

**HOUSE RESOLUTION NO. 74—Wesson.** Relative to commending the Honorable Louis J. Papan.

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

July 16, 2002

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 2090

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

STEINBERG, Chairman

**SENATE BILL NO. 2090**—An act to amend Sections 7153, 8113, 8282, 8387, 8395, and 10667 of, and to repeal Section 8210 of, the Fish and Game Code, and to amend Sections 8670.2, 8670.31, and 8670.33 of the Government Code, relating to public resources, 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 16, 2002

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 1582

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

STEINBERG, Chairman

**SENATE BILL NO. 1582**—An act to amend Section 20351 of the Public Contracts Code, to amend Section 99315.8 of the Public Utilities Code, to amend Sections 10753 and 10753.7 of the Revenue and Taxation Code, to amend Sections 188.8 and 384 of the Streets and Highways Code, and to amend Sections 11204, 16021 and 40508 of the Vehicle Code, relating to transportation.

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.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 16, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1965

And reports the same correctly enrolled, and presented to the Governor on the 16th day of July, 2002, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 222**—An act to add and repeal Sections 20677.6 and 20683.4 of the Government Code, relating to state employees, and making an appropriation therefor, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.



**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor were received and ordered printed in the Journal:

**Governor's Message—Assembly Bill No. 1982**

Governor's Office, Sacramento  
July 15, 2002

*To Members of the California State Assembly:*

Although this measure is flawed, I am signing AB 1982 on the condition that the author introduce a clean up measure that provides a mechanism for employees to pay back advanced disability payments should a disability claim be denied.

This bill, as currently drafted, does not require an employee to repay advanced disability payments should their claim be eventually denied. However, employers would still be reimbursed for the cost of making the advanced payments and the ultimate cost of those payments would be borne by the state and county retirement systems, thus creating significant fiscal impact.

This measure should be amended to provided for the employee to repay the retirement system in the event their claims are held invalid so as to avoid creating a reimbursable state mandate. I look forward to receiving clarifying legislation.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 137**

Governor's Office, Sacramento  
July 15, 2002

*To the Members of the California Legislature:*

I am signing AB 137 which clarifies how annexation protest and cancellation provisions apply to Williamson Act contracts that were entered into in 1968.

Contracts entered in 1968 pre-date many of the Williamson Act provisions that define valid protests, thus creating an ambiguity in the application of the law. This bill provides an equitable solution without compromising the integrity of the Williamson Act.

Further, provisions of this bill strengthen enforcement and cancellation provisions to ensure the protection of our agricultural lands. This bill requires the Department of Conservation to participate in LAFCO proceedings and comment on the adequacy of contract protests. This bill also increases the standard that must be met in order for a protest to be deemed valid.

I am signing this bill to provide clarity and certainty and address the unique circumstances of 1968 Williamson Act contracts.

Sincerely,

GRAY DAVIS

**ADJOURNMENT**

At 4:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, July 17, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 16, 2002**

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

<b>SB</b>	<b>RN</b>
222	0214544
1582	0214436
2090	0214191

<b>Daily Total:</b>	<b>3</b>
<b>Cumulative Total:</b>	<b>5812</b>

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