

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 6, 2002

**TWO HUNDRED FORTY-FIRST SESSION DAY
SIX HUNDRED ELEVENTH 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
Tuesday, August 6, 2002

The Assembly met at 11 a.m.
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Matthews moved a quorum call of the Assembly.
Motion carried. Time, 11:01 a.m.
The Assistant Speaker pro Tempore directed the Sergeant at Arms to
close the doors, and to bring in the absent Members.

RECESS

By unanimous consent, at 11:03 a.m., Assistant Speaker pro Tempore
Kehoe declared the Assembly recessed.

CAUCUS ANNOUNCEMENTS

Assembly Member Strickland announced that the Republican
Caucus would meet today, at 11:30 a.m., in the Tom Bane Rules
Committee Room.

Assembly Member Keeley announced that the Democratic Caucus
would meet at 12:15 p.m., in the Assembly Lounge.

RECONVENED

At 3:23 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the
Assembly, presiding.

QUORUM PRESENT

At 3:23 p.m., Assistant Speaker pro Tempore Kehoe declared the quorum call of the Assembly present.

The roll call was completed, and the following answered to their names—76:

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

PRAYER

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member Cogdill, of the 25th Assembly District:

Please pray with me. Father we thank You for this beautiful day and for the opportunities that You give us, as Californians and as the Representatives of the people of this State, to meet together, in this grand House, and to decide the people's business. We just pray, Lord, that You give us the wisdom today and that the decisions we make will please You. Be with all of us today, Father, in Jesus' name I pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, and in the absence of objection, Attorney General Bill Lockyer 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 Firebaugh, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

Because of illness: Assembly Member Leach.

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

The following Assembly Members were excused for the day, and their per diem was waived: Briggs and Leonard.

COMMUNICATIONS

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

August 5, 2002

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

Dear Mr. Speaker: This letter will inform you that I will be accepting per diem beginning today, Monday, August 5, 2002.

If you have any questions, please do not hesitate to call me.

Respectfully,

DARIO FROMMER, Assembly Member
Forty-third District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 6, 2002

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

Assembly Concurrent Resolution No. 225

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, August 6, 2002

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

Assembly Concurrent Resolution No. 237

Assembly Concurrent Resolution No. 238

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

SPECIAL COMMITTEE MEETINGS

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

Joint Committee on Preparing California for the 21st Century, on Tuesday, August 13, 2002, at 3 p.m., in Room 113.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 240—Aroner. Relative to adoption.

AUTHOR'S AMENDMENTS
Committee on Water, Parks and Wildlife

August 6, 2002

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
 Senate Bill No. 712

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

CANCIAMILLA, Chairman

SENATE BILL NO. 712—An act to add Sections 10632.1 and 10913 to, the Water Code, relating to water supply.

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

August 6, 2002

Mr. Speaker: The Chair of your Committee on Appropriations reports:
 Senate Bill No. 1045

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

STEINBERG, Chairman

SENATE BILL NO. 1045—An act to add Sections 11139.6, 11139.7, and 11139.8 to the Government Code, relating to public employment and contracting.

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

August 6, 2002

Mr. Speaker: The Chair of your Committee on Appropriations reports:
 Senate Bill No. 1983

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

STEINBERG, Chairman

SENATE BILL NO. 1983—An act to add Section 22261 to, and to repeal and add Section 24300 of, the Education Code, relating to state teachers' retirement.

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 Business and Professions

Date of Hearing: August 6, 2002

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 898
 Senate Bill No. 1386
 Senate Bill No. 2023

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

CORREA, Chairman

Above bills re-referred to the Committee on Appropriations.

Committee on Utilities and Commerce

Date of Hearing: August 5, 2002

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Joint Resolution No. 45

With amendments with the recommendation: Amend, and be adopted as amended.

WRIGHT, Chairman

Above resolution ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: August 6, 2002

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 2082

With the recommendation: That the Senate amendments be concurred in.

LONGVILLE, Chairman

Above bill ordered to unfinished business.

Date of Hearing: August 6, 2002

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Constitutional Amendment No. 9

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

LONGVILLE, Chairman

Above resolution re-referred to the Committee on Appropriations.

ACTION RESCINDED ON SENATE BILL NO. 1578

Assembly Member Firebaugh was granted unanimous consent to rescind the action whereby the Assembly, on July 3, 2002 (Assembly Journal, page 7185), passed Senate Bill No. 1578, and whereby the bill was ordered transmitted to the Senate.

SENATE BILL NO. 1832 TAKEN UP BY UNANIMOUS CONSENT FOR SECOND READING

Assembly Member Firebaugh was granted unanimous consent to take up Senate Bill No. 1832 without reference to file, for the purpose of reading the bill a second time.

SENATE BILL NO. 1832—An act to make an appropriation in augmentation of the Budget Act of 2001, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time.

SENATE BILL NO. 1834 TAKEN UP BY UNANIMOUS CONSENT FOR SECOND READING

Assembly Member Firebaugh was granted unanimous consent to take up Senate Bill No. 1834 without reference to file, for the purpose of reading the bill a second time.

SENATE BILL NO. 1834—An act to amend Sections 14556.5, 14556.8, and 14556.9 of, and to add and repeal Section 14556.75 of, the Government Code, to add Section 99310.6 to the Public Utilities Code, and to amend Sections 183, 188.10, 2182, and 2182.1 of, and to add Section 183.3 to, the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY JOINT RESOLUTION NO. 37—Relative to major league baseball.

Resolution read; amendments proposed by the Committee on Arts, Entertainment, Sports, Tourism, and Internet Media read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1818—An act to add Section 3339 to the Civil Code, to add Chapter 17.3 (commencing with Section 7285) to Division 7 of Title 1 of the Government Code, to add Chapter 1 (commencing with Section 24000) to Division 20 of the Health and Safety Code, and to add Chapter 4 (commencing with Section 1400) to Division 4 of the Labor Code, relating to employment laws.

Bill read second time, and ordered to third reading.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 433, on request of Assembly Member Firebaugh, on behalf of Assembly Member Oropeza.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 1849 (Committee on Budget and Fiscal Review)—An act to amend Sections 17276.3, 23457, 24348, 24416.3, 24449, and 40016 of, to add Article 4 (commencing with Section 30133) to Chapter 2 of Part 13 of Division 2 of, and to add and repeal Sections 17041.1 and 19444 of, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend by Assembly Member Wesson

Assembly Member Wesson moved the adoption of amendments.

Amendments read.

**Motion to Table Wesson Amendments
to Senate Bill No. 1849**

Assembly Member Cogdill moved that the amendments offered by Assembly Member Wesson to Senate Bill No. 1849 be laid upon the table.

Assembly Member Wyman seconded the motion.

Motion lost by the following vote:

AYES—20

Aanestad	Cogdill	La Suer	Richman
Ashburn	Cox	Leslie	Strickland
Bates	Daucher	Pacheco, Robert	Wyland
Campbell, Bill	Harman	Pacheco, Rod	Wyman
Campbell, John	Hollingsworth	Pescetti	Zettel

NOES—47

Alquist	Correa	Koretz	Salinas
Aroner	Diaz	Liu	Shelley
Calderon	Dutra	Longville	Simitian
Canciamilla	Firebaugh	Lowenthal	Steinberg
Cardenas	Frommer	Matthews	Strom-Martin
Cardoza	Goldberg	Migden	Thomson
Cedillo	Havice	Nakano	Vargas
Chan	Hertzberg	Nation	Washington
Chavez	Horton	Negrete McLeod	Wayne
Chu	Jackson	Oropeza	Wiggins
Cohn	Keeley	Pavley	Mr. Speaker
Corbett	Kehoe	Reyes	

**Further Consideration of Wesson Amendments to Senate Bill No. 1849
Point of Order**

Assembly Member Wayne arose to the following point of order:

Assembly Member Hollingsworth is not limiting debate to the merits of the proposed amendments to Senate Bill No. 1849.

Ruling by Assistant Speaker pro Tempore Kehoe

The Assistant Speaker pro Tempore ruled the point of order well-taken.

Further Consideration of Wesson Amendments to Senate Bill No. 1849

The question being on the adoption of the amendments offered by Assembly Member Wesson to Senate Bill No. 1849.

Amendments adopted by the following vote:

AYES—50

Alquist	Diaz	Liu	Shelley
Aroner	Dutra	Longville	Simitian
Calderon	Firebaugh	Lowenthal	Steinberg
Canciamilla	Florez	Matthews	Strom-Martin
Cardenas	Frommer	Migden	Thomson
Cardoza	Goldberg	Nakano	Vargas
Cedillo	Havice	Nation	Washington
Chan	Hertzberg	Negrete McLeod	Wayne
Chavez	Horton	Oropeza	Wiggins
Chu	Jackson	Papan	Wright
Cohn	Keeley	Pavley	Mr. Speaker
Corbett	Kehoe	Reyes	
Correa	Koretz	Salinas	

NOES—24

Aanestad	Cogdill	La Suer	Pescetti
Ashburn	Cox	Leslie	Richman
Bates	Daucher	Maddox	Strickland
Bogh	Harman	Maldonado	Wyland
Campbell, Bill	Hollingsworth	Pacheco, Robert	Wyman
Campbell, John	Kelley	Pacheco, Rod	Zettel

Bill ordered reprinted, and to be returned to the third reading file.

ADJOURN IN MEMORY

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Jefferds, of Walnut Creek.

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 Julian Francis Sherwood Foster, of Santa Ana.

Assembly Member Matthews was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lurdes A. Madrid, of Stockton.

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

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
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.

ADJOURN IN MEMORY

Assembly Member Strickland was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Chick Hearn, of Encino.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Assistant Speaker pro Tempore Kehoe announced the following schedule:

Wednesday, August 7, 2002—Floor session, 11 a.m.;

Thursday, August 8, 2002—Floor session, 9 a.m.;

Friday, August 9, 2002—Session upon Call of the Speaker.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Senate Bill No. 1849, Motion to Table Wesson Amendments: Harman, Pescetti, and Wyland—Aye.

Senate Bill No. 1849, Wesson Amendments: Harman—No.

MOTION TO ADJOURN

At 6 p.m., Assembly Member Cohn moved that the Assembly do now adjourn.

Assembly Member Reyes seconded the motion.

Motion carried.

ADJOURNMENT

At 6 p.m., pursuant to the motion by Assembly Member Cohn, the Assembly adjourned until 11 a.m., Wednesday, August 7, 2002, out of respect to the memory of Mary Jefferds, on motion of Assembly Member Aroner; out of respect to the memory of Julian Francis Sherwood Foster, on motion of Assembly Member Bill Campbell; out of respect to the memory of Lurdes A. Madrid, on motion of Assembly Member Matthews; out of respect to the memory of Robert Handleman, on motion of Speaker Wesson; and out of respect to the memory of Chick Hearn, on motion of Assembly Member Strickland.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 6, 2002**

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

AJR RN

37 0214362

SB RN

712 0215491

1045 0215475

1849 0215514

1983 0215427

Daily Total: 5**Cumulative Total: 5932**

O