

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, August 7, 2002**

**TWO HUNDRED FORTY-SECOND SESSION DAY  
SIX HUNDRED TWELFTH 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, August 7, 2002

The Assembly met at 1:05 p.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, 1:06 p.m.  
The Assistant Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 1:35 p.m., Assistant Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—75:

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

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member Ed Chavez of the 57th Assembly District:

*Eternal God, Our Father,* For the gift of another day of service we are grateful. Grant us Thy wisdom and guidance as the events and tasks of this session draw to a close. Help us to resolve the complexities and diversities before us in the light of principles of truth, justice, and equity, knowing that no problem is really settled until it is settled right.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Dutra 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:

*On legislative business: Assembly Member Hollingsworth.*

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

**EXPLANATIONS OF ABSENCE**

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

August 6, 2002

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

Dear Mr. Speaker: I respectfully request an excused absence from Assembly session tomorrow, August 7, 2002. I will be on legislative business.

Thank you for your consideration.

Sincerely,

DENNIS HOLLINGSWORTH, Assembly Member  
Sixty-sixth District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

August 6, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on Urban Revitalization:

Assemblymember John Campbell  
 Assemblymember Wilma Chan  
 Assemblymember Manny Diaz  
 Assemblymember Dennis Hollingsworth  
 Assemblymember Jerome Horton  
 Assemblymember Alan Lowenthal

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

August 7, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Dick Dickerson to replace Assemblymember George Runner on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 7, 2002

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

Assembly Joint Resolution No. 37

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 241—Papan.** Relative to Macedonia.

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

August 7, 2002

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

Senate Bill No. 230  
 Senate Bill No. 1468  
 Senate Bill No. 1563  
 Senate Bill No. 1607  
 Senate Bill No. 1661

Senate Bill No. 1886  
 Senate Bill No. 1945  
 Senate Bill No. 2081  
 Senate Bill No. 2095

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

STEINBERG, Chairman

**SENATE BILL NO. 230**—An act to add Section 879.3 to the Public Utilities Code, relating to telecommunications.

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. 1468**—An act to amend Sections 65040.2, 65302, 65302.3, 65560, and 65583 of, and to add Section 65040.9 to, the Government Code, and to amend Section 21675 of the Public Utilities Code, relating to local planning.

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. 1563**—An act to amend Section 709 of, and to add and repeal Section 709.3 of, the Public Utilities Code, relating to telecommunications.

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. 1607**—An act to amend Section 11011.21 of, and to repeal and add Section 14672.14 of, the Government Code, to amend Section 3 of Chapter 625 of the Statutes of 1991, to amend Section 1 of Chapter 761 of the Statutes of 1976, and to amend Section 1 of Chapter 770 of the Statutes of 2000, relating to state property.

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. 1661**—An act to amend Sections 984, 2601, 2613, 2708, and 3254 of, and to add Chapter 7 (commencing with Section 3300) to Part 2 of Division 1 of, the Unemployment Insurance Code, relating to disability compensation, 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.

**SENATE BILL NO. 1886**—An act to amend the heading of Chapter 2 (commencing with Section 7300) of Part 3 of Division 5 of, to amend Sections 7301, 7301.5, 7303, 7304, 7305, 7306, 7307, 7308, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7320, 7321, 7321.5, and 7322 of, to add Sections 7300.1, 7300.2, 7300.3, 7300.4, 7301.1, 7302.1, 7302.2, 7309.1, 7311.1, 7311.2, 7311.3, 7311.4, 7323, 7324, 7324.1, and 7324.2 to, and to repeal and add Sections 7300 and 7302 of, the Labor Code, relating to equipment safety.

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. 1945**—An act to amend Section 12960 of the Government Code, relating to discrimination.

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. 2081**—An act to amend Sections 1814, 1819, and 1821 of, and to add Sections 1819.5, 3905.1, 3905.2, 14866.5, and 14866.51 to, the Financial Code, relating to money transmitters.

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. 2095**—An act to add Section 85505 to the Government Code, relating to the Political Reform Act of 1974.

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 Water, Parks and Wildlife**

August 7, 2002

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 1653

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

CANCIAMILLA, Chairman

**SENATE BILL NO. 1653**—An act to add Division 26.5 (commencing with Section 79400) to the Water Code, relating to water.

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 Water, Parks and Wildlife**

August 7, 2002

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 1993

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

CANCIAMILLA, Chairman

**SENATE BILL NO. 1993**—An act to amend Section 1736 of, and to add Section 1736.1 to, the Water Code, relating to water.

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 Jobs, Economic Development and the Economy**

Date of Hearing: August 6, 2002

Mr. Speaker: Your Committee on Jobs, Economic Development and the Economy reports:

Senate Concurrent Resolution No. 84

With the recommendation: Be adopted.

REYES, Chairwoman

Above resolution ordered to third reading.

Date of Hearing: August 6, 2002

Mr. Speaker: Your Committee on Jobs, Economic Development and the Economy reports:

Senate Concurrent Resolution No. 91

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

REYES, Chairwoman

Above resolution ordered to third reading.

#### **CAUCUS ANNOUNCEMENTS**

At 1:50 p.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 1:50 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

#### **RECONVENED**

At 2:33 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

#### **CONSIDERATION OF DAILY FILE**

##### **SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY JOINT RESOLUTION NO. 45**—Relative to the Independent System Operator.

Resolution read; amendments proposed by the Committee on Utilities and Commerce read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

##### **CONSIDERATION OF SENATE BILL NO. 1849 BY UNANIMOUS CONSENT**

Upon request of Assembly Member Firebaugh, Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 1849 out of order, for purpose of consideration.

**SENATE BILL NO. 1849 (Committee on Budget and Fiscal Review)**—An act to amend Sections 17052.2, 17053.84, 17276, 17276.3, 18662, 18663, 19136.8, 23457, 23684, 24348, 24416, 24416.3, and 24449 of, to add Article 4 (commencing with Section 30133) to Chapter 2 of Part 13 of Division 2 of, to add Part 14.5 (commencing with Section 33001) to Division 2 of, and to add and repeal Sections 7093.8 and 19444 of, the Revenue and Taxation Code, and to amend Section 13043 of the Unemployment Insurance Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Oropeza.

#### **Urgency Clause**

Urgency clause read.

**Request to Read Paper**

Assembly Member John Campbell was granted unanimous consent to read a paper on the Floor to assist in debate.

**Point of Personal Privilege**

Assembly Member Strickland arose to a point of personal privilege.

**Request to Read Paper**

Assembly Member Harman was granted unanimous consent to read a paper on the Floor to assist in debate.

Assembly Member Wesson was granted unanimous consent to read a paper on the Floor to assist in debate.

The question being on the adoption of the urgency clause.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Wesson moved a call of the Assembly.

Motion carried. Time, 4:37 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Strom-Martin announced that the Senate and Assembly Committees on Education would convene jointly today, upon adjournment of Floor session, in Room 4202.

**CAUCUS ANNOUNCEMENTS**

Assembly Member Strickland announced that the Republican Caucus would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.



**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 1849**

At 4:39 p.m., on motion of Assembly Member Wesson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 1849 refused adoption 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—21**

Aanestad	Cox	Maldonado	Wyland
Ashburn	Daucher	Mountjoy	Wyman
Bates	Harman	Pacheco, Robert	Zettel
Bogh	La Suer	Pacheco, Rod	
Campbell, John	Leach	Pescetti	
Cogdill	Maddox	Strickland	

**Motion to Reconsider Urgency Clause to Senate Bill No. 1849  
on Next Legislative Day**

Assembly Member Firebaugh moved to reconsider on the next legislative day the vote whereby the urgency clause to Senate Bill No. 1849 was this day refused adoption.

Senate Bill No. 1849 ordered to the unfinished business file.

**ADJOURN IN MEMORY**

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Liam Tamayo, of Sacramento.

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 Thomas D. Moulton, of Esparto.

**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 were continued until the next legislative day.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**Senate Bill No. 1849 and Urgency:** John Campbell—No.

**MOTION TO ADJOURN**

At 4:44 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Bogh seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 4:45 p.m., Assistant Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**INTRODUCTION OF GUESTS**

Assembly Member Washington, of the 52nd Assembly District, introduced Hon. Willard Murray, former Member of the Assembly.

**ADJOURNMENT**

At 4:45 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 9 a.m., Thursday, August 8, 2002, out of respect to the memory of Thomas D. Moulton, on motion of Assembly Member Thomson; and out of respect to the memory of Liam Tamayo, on motion of Assembly Member Steinberg.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 7, 2002**

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

<b>AJR</b>	<b>RN</b>
45	0215461
<b>SB</b>	<b>RN</b>
230	0215377
1468	0215442
1563	0215360
1607	0215498
1653	0215606
1661	0215561
1886	0215266
1945	0215607
1993	0215453
2081	0214852
2095	0215521

<b>Daily Total:</b>	<b>12</b>
<b>Cumulative Total:</b>	<b>5944</b>

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