

CALIFORNIA LEGISLATURE
2001-02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 13, 2002

**TWO HUNDRED FORTY-FIFTH SESSION DAY
SIX HUNDRED EIGHTEENTH 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 13, 2002

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th 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—73:

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

Quorum present.

At 1:46 p.m., Hon. Rebecca Cohn, 24th 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 Hertzberg, Leslie, Migden, Shelley, and Washington.

On personal business, and waiving per diem: Assembly Member Nakano.

Because of illness: Assembly Member John Campbell.

EXPLANATIONS OF ABSENCE

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

August 12, 2002

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

Dear Speaker Wesson: Please accept this request to be excused from Check-In Session on Tuesday, August 13, 2002. I will be on legislative business in my district.

Should you have any questions, please feel free to have your staff contact Toni Nakashima in my Capitol Office.

Thank you in advance for your consideration of this request.

Very truly yours,

ROBERT M. HERTZBERG
Speaker Emeritus

August 13, 2002

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

Dear Mr. Speaker: I respectfully request permission to be excused from check-in today, August 13, 2002 due to legislative business. Should you have any questions, please contact my office at (916) 319-2004.

Thank you for your attention to this request.

Sincerely,

TIM LESLIE, Assembly Member
Fourth District

August 13, 2002

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

Dear Mr. Speaker: I am respectfully requesting to be excused from check in session August 13, 2002 for legislative business in my district.

If you have any questions, please contact Anglea Alves at 319-2013.

Thank you.

Sincerely,

CAROLE MIGDEN, Assembly Member
Thirteenth District

August 12, 2002

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

Dear Mr. Speaker Wesson: I respectfully request that I be excused from Session on Tuesday, August 13, 2002. I will be 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

August 12, 2002

*Speaker Herb Wesson
Office of the Speaker
State Capitol, Room 219
Sacramento, California*

Dear Speaker Wesson: Please excuse me from check-in session on Tuesday, August 13, 2002 and Wednesday, August 14, 2002; and grant me permission to travel to my District on legislative business.

Thank you for your consideration.

Respectfully,

CARL WASHINGTON, Assembly Member
Fifty-second District

COMMUNICATIONS

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

August 13, 2002

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

Dear Dotson: Please be advised that I have appointed Assemblymember Dion Aroner to replace Assemblymember Wilma Chan on the Assembly Health Committee for today's hearing only.

Sincerely,

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

August 13, 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 Christine Kehoe to replace Assemblymember Carl Washington on the Health Committee for today only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the Assembly

August 13, 2002

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

Dear Dotson: Please be advised that I have appointed Assemblymember Judy Chu to fill the vacancy on the Joint Committee on Preparing California for the 21st Century for today's hearing only.

Sincerely,

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 13, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Joint Resolution No. 57

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, August 13, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 2744

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, August 13, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 2183

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 12, 2002

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(14) as it relates to Senate Bill No. 1350.

JEROME E. HORTON

Above request ordered transmitted to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

Date of Hearing: August 12, 2002

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1296

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

DUTRA, Chairman

Above bill ordered to unfinished business.

Date of Hearing: August 12, 2002

Mr. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 234

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

DUTRA, Chairman

Above resolution re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS****ASSEMBLY CONCURRENT RESOLUTION NO. 215**—Relative to public postsecondary education.

Resolution read; amendments proposed by the Committee on Appropriations read and adopted, resolution ordered reprinted and to be returned to the second reading file.

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bills Nos. 1210, 1353, 1448, 1470, 1821, and 1239 ordered to third reading;**Senate Bills Nos. 399, 879, and 1699** ordered to the Consent Calendar.**SECOND READING OF SENATE BILLS****SENATE BILL NO. 849**—An act to amend Sections 8670.37.58, 8670.40, 8670.54, and 8670.55 of, and to add Sections 8670.41 and 8670.42 to, the Government Code, relating to oil spills.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1982—An act to amend Section 15432 of the Government Code, to amend Sections 1502, 1523.1, and 1531.2 of, and to repeal Section 1502.2 of, the Health and Safety Code, relating to community care facilities.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

SENATE BILL NO. 1365—An act to amend Sections 18795 and 18796 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 2053—An act to amend Section 44321 of the Health and Safety Code, relating to air resources.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1264—An act to amend Sections 11157 and 11320.3 of the Welfare and Institutions Code, relating to human services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1278—An act to amend Section 4425 of, and to repeal Section 4427 of, the Business and Professions Code, relating to pharmacies.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1411—An act to amend Section 1373.4 of the Health and Safety Code, and to amend Section 10119.5 of the Insurance Code, relating to health care coverage.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1785—An act to amend Sections 4140, 4142, 4145, and 4147 of, and to repeal Section 4146 of, the Business and Professions Code, and to amend Sections 11364 and 11364.5 of the Health and Safety Code, relating to hypodermic needles and syringes.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1912—An act to amend Section 1347 of the Health and Safety Code, relating to health care service plans.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1247—An act relating to historic preservation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1471—An act to add Section 234 to the Labor Code, relating to wages.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1507—An act to amend Section 34505.9 of the Vehicle Code, relating to intermodal chassis.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1949—An act to add Chapter 4.7 (commencing with Section 13292) to Division 7 of the Water Code, relating to the State Water Resources Control Board and the California regional water quality control boards.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

SENATE BILL NO. 2100—An act to amend Section 31751 of, and to add Sections 31639.95, 31755.1, 31755.2, and 31755.3 to, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

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 returned to the second reading file, and to be placed upon the Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 14, 2002.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 13, 2002**

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

ACR RN
215 0215508

SB RN
849 0215706
1247 0215644
1264 0215855
1278 0215975
1365 0215767
1411 0215947
1471 0215759
1507 0215827
1785 0215880
1912 0215879
1949 0215772
1982 0215766
2100 0215837

Daily Total: 14
Cumulative Total: 6031

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