

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 13, 2003

SEVENTH SESSION DAY

FORTY-THIRD 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
Monday, January 13, 2003

The Assembly met at 12 Noon.
Hon. Christine Kehoe, 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 Chan moved a quorum call of the Assembly.
Motion carried. Time, 12:01 p.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 12:09 p.m., Speaker pro Tempore Kehoe declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—78:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chan	Houston	Montanez	Spitzer
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Correa	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

PRAYER

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

O God, By Your blessing, You bring good results to honest labor. Look with mercy upon our endeavors this day, Lord. Grant us calmness of mind and steadiness of purpose, that we may do Your will in this short life and inherit Your kingdom in the world to come.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Cogdill 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 Jerome E. Horton.

Because of illness: Assembly Member Cox.

EXPLANATIONS OF ABSENCE

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

January 13, 2003

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 Assembly Floor Session on Monday, January 13, 2003, due to legislative business in my district. I will be returning to Sacramento on Wednesday, January 15, 2003, in time for Check-In 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

COMMUNICATIONS

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

January 9, 2003

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: Please be advised that on January 9, 2003, the Assembly Committee on Rules met and approved the following item:

Standing Committee Jurisdictions for the 2003–04 Legislative Session (6–0)

Please ensure that this action is printed in the Assembly Journal.

Sincerely,

JOE NATION
Chair

**ASSEMBLY
STANDING COMMITTEE JURISDICTIONS**

Aging and Long-Term Care
Agriculture
Appropriations
Arts, Entertainment, Sports, Tourism, and Internet Media
Banking and Finance
Budget
Business and Professions
Education
Elections, Redistricting and Constitutional Amendments
Environmental Safety and Toxic Materials
Governmental Organization
Health
Higher Education
Housing and Community Development
Human Services
Insurance
Jobs, Economic Development and the Economy
Judiciary
Labor and Employment
Local Government
Natural Resources
Public Employees, Retirement and Social Security
Public Safety
Revenue and Taxation
Rules
Transportation
Utilities and Commerce
Veterans Affairs
Water, Parks and Wildlife

AGING AND LONG-TERM CARE

Area Agencies on Aging
Department of Aging
Long term care services
Older Americans Act
Older Californians Act
Senior citizens advocacy activities
Senior Legislature
Services for seniors in residential and day settings
State Commission on Aging

AGRICULTURE

Agriculture
Agricultural chemicals
Agricultural commodities and commissions
Department of Food and Agriculture
Department of Pesticide Regulation
Economic poisons
Expositions and fairs
Food labeling
Labeling of agricultural commodities
Livestock and poultry
Marketing law
Milk and milk products
Pest management and pesticides
Veterinarians, agricultural issues

APPROPRIATIONS

Fiscal bills
General obligation bond acts
Revenue bonds

*ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND
INTERNET MEDIA*

Arts
Athletics, State Athletic Commission
Entertainment
Internet Media
Motion picture industry
Museums
Tourism

BANKING AND FINANCE

California Pollution Control Financing Authority
Charitable and cooperative corporation law
Consumer finance and credit reporting
Corporate securities law
Financial institutions
Foreign banking
Foreign investments in California financial institutions
Formation of new corporate entities
Franchises, except for arbitration of disputes between
franchisor/franchisee
Industrial development bonds

Insurance finance and lending practices
Real property finance
State investment practices

BUDGET

Budget bill
Deficiency bills
State mandated claims bills
Current fiscal year appropriations for new projects
Budget trailer bills which are not referred to a policy committee
Bills which establish state budget policy and procedures
Judgement and settlement bills

BUSINESS AND PROFESSIONS

Administrative Procedure Act and Office of Administrative Law
Charitable solicitation
Consumer protection
Creation of new regulatory agencies
Department of General Services
Governmental efficiency and cost control
Licensing of health care professionals
Occupational licensing
Product labeling, except agricultural and medical
Property acquisition, state and local
Property acquisition law
State governmental organization and reorganization
State printing and binding contracts
State procurement
Sunsetting of boards and commissions
Weights and measures
Vocational education
Veterinarians, licensing issues

EDUCATION

Adult education
Certificated employees of schools and teacher salaries
Charter schools
Leasing of school property
K-12 education
Pupil records
School buses and crossing guards
School facilities and finance

ELECTIONS, REDISTRICTING AND CONSTITUTIONAL AMENDMENTS

California Political Reform Act
Campaign finance
Constitutional amendments
Elections
Redistricting

ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Department of Pesticide Regulation
Drinking water regulation, toxic contamination of water
Emergency response relating to hazardous materials

- Hazardous waste regulation and remediation
- Pesticides: processed food and public health
- Proposition 65
- Regulation of consumer products containing toxic substances under the Sherman Food, Drug and Cosmetics Law
- Toxic air contaminants and indoor air quality
- Toxic substances and hazardous materials, except for workplace safety
- Underground storage tank regulation and cleanup

GOVERNMENTAL ORGANIZATION

- Alcoholic Beverage Control
- Emergency services, excluding medical emergencies
- Fire safety, excluding residential building standards
- Gaming
- Horse racing
- Natural disasters
- Offices of the Governor, Lieutenant Governor, State Controller, and State Treasurer
- Open meetings laws as they affect state government
- Public records and Public Records Act
- State Fire Marshal
- State holidays, seals, and official acts
- State Lottery
- Tobacco products

HEALTH

- Alcohol and drug abuse treatment
- Developmental disabilities
- Health care
- Licensing of health care facilities
- Mental health, except mentally disordered offenders
- Prescriptions
- Public health programs

HIGHER EDUCATION

- Academic research partnerships with the private sector
- Community college job training programs
- Postsecondary education, financial aid and campuses

HOUSING AND COMMUNITY DEVELOPMENT

- Condominium conversions
- Discrimination in housing
- Housing rehabilitation
- Mobile homes
- Public finance of housing
- Redevelopment
- Rent control
- Residential building standards
- Structural fire safety
- Subdivision Map Act re: housing

HUMAN SERVICES

- Children's programs and services
- Foster care

Licensing and regulation of community & child care facilities
 Public assistance (General Assistance, CalWORKs, and SSI/SSP)
 Services for developmentally disabled Californians
 Services for physically disabled Californians
 Department of Social Services programs

INSURANCE

Disability insurance
 Insurance
 Insurance investment, excluding finance, lending and lending practices
 Unemployment compensation
 Vehicle financial responsibility
 Workers' compensation

JOB, ECONOMIC DEVELOPMENT, AND THE ECONOMY

Business advocacy within California and the United States
 Business advocacy of import/export trade
 California-Mexico relations
 California overseas trade offices
 Department of Information Technology
 Development and expansion of new technologies, except energy
 Development of international high tech markets
 Economic disaster relief
 Economic impact reports
 Effect of balance of trade issues on California
 Enterprise Zones
 Expansion of overseas markets
 Foreign investments by California
 Foreign investments in California
 Impacts of federal budget on high tech projects
 Impacts of federal budget on international trade
 Information technology
 Industrial innovation and research
 International capital, including capital formation
 International trade, research and import/export finance
 Interstate commerce
 Seaports and physical infrastructure
 Sister state agreements and friendship agreements with other nations
 Small business development and operations
 State and local economic development

JUDICIARY

Administration of justice and court personnel
 Administrative procedure
 Adoptions
 Arbitration of disputes between franchisor/franchisee
 Civic Code
 Code of Civil Procedure
 Condemnation
 Confidentiality of court records
 Eminent Domain
 Enforcement of judgements

- Evidence Code, excluding criminal procedure
- Family Law
- Landlord/tenant relations
- Legal notices
- Liens
- Notary Public
- Probate Code
- Product liability
- Property acquisition (private property acquired by state agency)
- Public administration of estates
- State Bar
- Trade restraints
- Tort liability

LABOR AND EMPLOYMENT

- Agricultural Labor Relations Act
- Discrimination in employment
- Employment Development Department
- Unemployment insurance—length of coverage
- Workplace safety regulations and Cal-OSHA

LOCAL GOVERNMENT

- Administration of special districts
- Benefit assessments, special taxes and local alternative revenue sources
- City and county organization and powers
- Joint exercise of powers
- Local agency formation commissions
- Municipal Improvement Acts of 1911, 1913, etc.
- Ralph M. Brown Act
- Subdivisions
- Uniform accounting and reporting procedures for local agencies

NATURAL RESOURCES

- Beverage Container Recycling Act
- California Environmental Quality Act
- Coastal Act, Coastal Commission and Coastal Conservancy
- Coachella Valley Mountains Conservancy
- Department of Conservation programs
- Energy conservation, research, development, and demonstration and siting of power plants
- Forestry
- Harbors
- Lake Tahoe Conservancy
- Solid waste management, except hazardous substances
- Stationary source air pollution
- Natural Community Conservation Planning Act (land use planning)
- Oil Spill Prevention and Response Act
- San Francisco Bay Conservation and Development Commission
- Santa Monica Mountains Conservancy
- State lands
- Subdivision Map Act re: timber, coastal, agricultural land use

- Tidelands and submerged lands
- Vessel traffic management systems (VTMS)
- Wild and scenic rivers

PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY

- Classified school employees
- Judges Retirement Law
- Public employee collective bargaining
- Public retirement administration and investment strategy

PUBLIC SAFETY

- Asset forfeiture
- Controlled substances
- Crime victims and restitution
- Criminal procedure
- Driving under the influence
- Felony offenses and those misdemeanor violations not incidental to the subject of another committee
- Grand juries
- Impoundment of vehicles
- Inspection of stolen vehicles
- Juvenile law
- Peace officers
- Penal Code
- Qualifications of counsel in criminal matters
- Youth authority and prisons—construction and discipline

REVENUE AND TAXATION

- All matters relating to taxation

RULES

- Business of the Legislature

TRANSPORTATION

- California Highway Patrol
- Drivers' licenses
- Highways and airports
- Mass transit systems
- Mobile sources of air pollution
- School bus safety and maintenance
- Seaports and physical infrastructure
- Transit authority
- Transportation financing
- Vehicles, aircraft, and vessels—operation, safety, equipment, transfer of ownership, licensing and registration
- Vehicle weight restrictions

UTILITIES AND COMMERCE

- Common carriers
- Expansion of overseas markets
- International trade, research and import/export finance
- Intrastate commerce
- Public Utilities Commission, rate increases regulated by the PUC
- Telecommunications

Trucking regulated by the PUC
 Women and minority business enterprises (WMBE)

VETERANS AFFAIRS

Cal-Vet loan program
 Department of Veterans Affairs
 National Guard
 State military
 Veterans

WATER, PARKS AND WILDLIFE

Department of Water Resources
 Drought relief
 Fish and game
 Flood control
 Native plants
 Natural Community Conservation Planning Act
 Parks and recreation
 State Historical Resources Commission
 State Water Resources Control Board
 Stream resource management
 Water and water supply planning
 Water rights and water banks
 Wildlife

PROPOSED INITIATIVES

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Personal Income Taxes. Collection. Procedures.
 Initiative Statute. SA SA2002RF0023**

Referred by the Speaker to the Committee on Revenue and Taxation.

The following communications were presented by the Chief Clerk, from:

Paula Higashi, Executive Director, Commission on State Mandates, dated December 12, 2002, regarding information relative to a Petition for Rulemaking: Cost Accounting Principles, Procedures, and Standards, and referencing availability of petition at their website.

(Pursuant to California Code of Regulations, Title 2, Section 1189.1)

Referred by the Speaker to the Committee on Budget.

Ralph Chandler, Deputy Director, Department of General Services, dated January 10, 2002; Copy of memo which was originally sent to Board and Commission Heads, Department Directors, State Contracting and Purchasing Officials, and Small Business and DVBE Advocates/Liaisons, relative to training for contracting and purchasing officials responsible for completing DVBE reports to the Governor and Legislature.

Referred by the Speaker to the Committee on Utilities and Commerce.

REPORTS

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

99028.1

December 11, 2002

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by Chapter 479, Statutes of 1999, the Bureau of State Audits (bureau) presents its audit report concerning the procurement of a single, statewide automated child support system by the Department of Child Support Services (department) with the Franchise Tax Board (board) acting as its agent. The statute requires the bureau to monitor the evaluation and selection process for any signs of bias or favoritism toward any bidder.

This report describes the progress made during the past 2 years toward procuring a single, statewide automated child support system. While a team made up of personnel from the department and the board used a predefined and approved performance-based contracting approach, it received only one final proposal for the main system. The proposal included a total system cost estimate of over \$1.3 billion covering 10 years. Following an example from a previous state procurement where only a single proposal was received, the project team hired a consultant to examine the reasonableness of the cost, the results of which are still confidential.

During our evaluation of the process used by the project team to score the proposal, nothing came to our attention that would cause us to conclude that the team deviated from the evaluation criteria, nor did anything come to our attention to indicate that the project team materially deviated from the predefined evaluation process, resulting in bias or favoritism toward any potential bidders.

For the main procurement, the project team needs to complete contract negotiations, a feasibility study of viable options, and obtain approvals. Recent uncertainties may cause the contract award for the main system to extend from February 2003 to July 2003. Furthermore, the project team still needs to complete the procurement of the state disbursement unit, the second part of California's procurement of a single, statewide automated child support system that is less complex and in the early stages of the process.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Human Services.

California State Auditor

2002-010
December 17, 2002

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by Chapter 310, Statutes of 1995, the Bureau of State Audits presents its audit report concerning the Department of Transportation's (department) revenues and expenditures authorized by the Seismic Retrofit Bond Act of 1996 (Bond Act). This report concludes that the department has ensured that seismic retrofit projects funded with bond proceeds are consistent with the purpose of the Bond Act. In addition, the department has continued to reimburse the State Highway Account (highway account) and the Consolidated Toll Bridge Fund (toll bridge fund) for expenditures incurred during fiscal years 1994-95 and 1995-96 as required by the Bond Act. As of June 30, 2002, the department has reimbursed the highway account \$78.1 million and the toll bridge fund \$79,000. According to the department, it intends to complete the reimbursement process for the highway account and the toll bridge fund before the Bond Act expires in 2005.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Transportation.

California State Auditor

2001-015
January 2, 2003

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by Chapter 111, Statutes of 2001, the Bureau of State Audits presents its audit report concerning the Department of Social Services' (Social Services) Statewide Fingerprint Imaging System (SFIS), which was designed to detect duplicate-aid fraud.

This report concludes that Social Services implemented SFIS without determining the extent of duplicate-aid fraud through the State. In its eagerness to implement SFIS, Social Services based its estimates of the savings that SFIS would produce on an evaluation of Los Angeles County's fingerprint imaging system, rather than conducting its own statewide study. We have concerns that the methods Los Angeles County used to develop its savings estimate do not allow for the results

to be extrapolated statewide. Further, Social Services' use of this data assumes that conditions in Los Angeles County hold true in other counties. Similar concerns were expressed by the United States Department of Agriculture as early as 1998.

Social Services did not implement SFIS in a manner that would allow it to collect key statewide data during its implementation of SFIS. Therefore, we are unable to determine whether SFIS generates enough savings from deterring individuals from obtaining duplicate aid to cover the estimated \$31 million the State has paid for SFIS or the estimated \$11.4 million the State will likely pay each year to operate it. Further, the exact cost of SFIS is unknown because Social Services does not track the counties' administrative costs. Social Services estimated the total administrative costs that all counties except Los Angeles incurred for fiscal year 2000–01 would be roughly \$1.8 million, yet Riverside County told us that its estimated costs for the same fiscal year were roughly \$1.4 million. Therefore, Social Services may be understating the cost of implementing and operating SFIS substantially.

The primary benefits that the State derives from continuing to use SFIS are the proven effectiveness of fingerprint imaging technology to identify duplicate fingerprints and its ability to identify applicants who may travel from county to county seeking duplicate aid. However, opponents of SFIS raise what appear to be valid concerns. For example, they question whether the benefits of SFIS outweigh its potential negative effects on the Food Stamp program, such as the fear it may provoke in immigrant populations. Therefore, the State must weigh these factors in deciding whether to continue SFIS.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Budget.

The following reports were presented by the Chief Clerk:

**Public Interest Energy Research Program Semi-Annual Report
(Pursuant to Public Resources Code Section 25620.5(h))**

Above transmitted report, together with letter of transmittal from Arthur H. Rosenfeld, Commissioner and Presiding Member and John L. Geesman, Commissioner and Associate Member Research, Development and Demonstration Committee, California Energy Commission, dated November 27, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Contracting Report:
Disabled Veteran Business Enterprise and Small Business Participation
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from R. Thomas Kraus, Acting Secretary, Department of Veterans Affairs, dated December 10, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Fall 2001 Classroom and Teaching Laboratory Utilization—
University of California
(Pursuant to Supplemental Report to the Budget Act of 2002–03)**

Above transmitted report, together with letter of transmittal from Larry Hershman, Vice President for Budget, University of California, dated December 12, 2002, referred by the Speaker to the Committee on Budget.

**California State Lottery Fund:
Financial Statements, September 30, 2002
(Pursuant to Government Code Section 8880.22)**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Chief, Finance Department, California Lottery Commission, dated December 12, 2002, referred by the Speaker to the Committee on Governmental Organization.

**Second Quarterly Low-Income Home Energy Assistance Program Report
(CAL LIHEAP)
(Pursuant to Senate Bill 5X, Chapter 7, Statutes of 2001–02
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from Timothy M. Dayonot, Director, Department of Community Services and Development, dated March 13, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Third Quarterly Low-Income Home Energy Assistance Program Report
(CAL LIHEAP)
(Pursuant to Senate Bill 5X, Chapter 7, Statutes of 2001–02
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from Timothy M. Dayonot, Director, Department of Community Services and Development, dated June 20, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Fourth Quarterly Low-Income Home Energy Assistance Program Report
(CAL LIHEAP)
(Pursuant to Senate Bill 5X, Chapter 7, Statutes of 2001–02
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from Timothy M. Dayonot, Director, Department of Community Services and Development, dated September 3, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**California Consumer Power and Conservation Financing Authority
Revenue Report
(Pursuant to Budget Act 2002–03, Item 8665-0010-0465)**

Above transmitted report, together with letter of transmittal from Laura R. Doll, Chief Executive Officer, Consumer Power Conservation Financing Authority, dated December 16, 2002, referred by the Speaker to the Committee on Budget.

**May 2002 Unemployment Insurance (UI) Fund Forecast
(Pursuant to Unemployment Insurance Code Section 995)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated December 3, 2002, referred by the Speaker to the Committee on Insurance.

**Child Abuser Vertical Prosecution Program
Final Evaluation Report
(Pursuant to Penal Code Section 999(y))**

Above transmitted report, together with letter of transmittal from Wayne Strumpfer, Interim Executive Director, Office of Criminal Justice Planning, dated December 13, 2002, referred by the Speaker to the Committee on Public Safety.

**Kapiloff Land Bank Report
(Pursuant to Public Resources Code Section 861)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated December 11, 2002, referred by the Speaker to the Committee on Natural Resources.

**Cal-PERS Basic Financial Statements for
the Fiscal Year Ended June 30, 2002
Independent Auditors' Report
(Pursuant to Government Code Section 20228)**

Above transmitted report, together with letter of transmittal from William Dale Crist, President, Board of Administration, California Public Employees' Retirement System, dated December 13, 2002, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**California Commission on Tax Policy in the New Economy
Interim Report
(Pursuant to Senate Bill 1933, Chapter 619, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from William J. Rosendahl, Chair, California Commission on Tax Policy in the New Economy, dated November 25, 2002, referred by the Speaker to the Committee on Revenue and Taxation.

**Disabled Veterans Business Enterprise Report—
July 1, 2001 through June 30, 2002
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Lynne S. Coffin State Public Defender, Office of State Public Defender, dated December 19, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Department of General Services Quarterly Report on
Capital Area East End Complex
(Pursuant to Government Code Section 8169.5)**

Above report referenced in communication from Clothilde V. Hewlett, Interim Director, Department of General Services, dated December 9, 2002, stating availability of report at DGS website. Referred by the Speaker to the Committee on Business and Professions.

**Quarterly Report Concerning
Methyl Tertiary Butyl Ether (MTBE) Use in California Gasoline
(July 1–September 30, 2002)
(Pursuant to Senate Bill 1001, Chapter 814, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, California Energy Commission, dated November 22, 2002, referred by the Speaker to the Committee on Natural Resources.

**Inventory of California Greenhouse Gas Emissions and Sinks:
1990–1999**

(Pursuant to Senate Bill 1771, Chapter 1018, Statutes of 2000)

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, California Energy Commission, dated November 22, 2002, referred by the Speaker to the Committee on Natural Resources.

**California Recycle Underutilized Sites
(Cal ReUSE) Program**

(Pursuant to Health and Safety Code Section 44525.7)

Above transmitted report, together with letter of transmittal from Eric D. Thomas, Deputy Executive Director, California Pollution Control Financing Authority, dated December 30, 2002, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Sustainable Communities Grant and Loan Program
Annual Report of Activities 2002**

(Pursuant to Health and Safety Code Sections 44525.6)

Above transmitted report, together with letter of transmittal from Eric D. Thomas, Deputy Executive Director, California Pollution Control Financing Authority, dated December 30, 2002, referred by the Speaker to the Committee on Local Government.

**Agency Representation by the Department of Water Resources's
California Energy Resources Scheduling Division
Before the Federal Energy Regulatory Commission
(Pursuant to Budget Act 2002, Item 3860-001-3100)**

Above transmitted report, together with letter of transmittal from Thomas M. Hannigan, Director, Department of Water Resources, dated November 26, 2002, referred by the Speaker to the Committee on Budget.

**California Department of Water Resources
Activities and Expenditures Report—Quarter Ended September 30, 2001
(Pursuant to Chapter 4, AB 1x, Statutes of 2001)**

**California Department of Water Resources, Scheduling Division
Activities and Expenditures Report, Quarter Ended March 31, 2002
(Pursuant to Chapter 4, AB 1x, Statutes of 2001)**

**California Department of Water Resources, Scheduling Division
Annual Report for Calendar Year 2001
(Pursuant to Chapter 4, AB 1x, Statutes of 2001)**

**California Department of Water Resources, Scheduling Division
Activities and Expenditures Report, Quarter Ended June 30, 2002
(Pursuant to Chapter 4, AB 1x, Statutes of 2001)**

Above transmitted reports, together with letter of transmittal from Thomas M. Hannigan, Director, Department of Water Resources, dated October 31, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: January 13, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 12

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

NATION, Chairman

Above resolution ordered on file.

SPECIAL COMMITTEE MEETINGS

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

Governmental Organization on Wednesday, February 26, 2003, at 1:30 p.m., in Room 4202.

REFERENCE OF BILLS TO COMMITTEE

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

*Assembly**Bill No.**Committee*

1	-----	Aging & L.T.C.
2	-----	Pub. S.
5	-----	L. Gov.
6	-----	Pub. S.
8	-----	Ed.
9	-----	Health
10	-----	Health and L. Gov.
11	-----	J., E.D. & E.
12	-----	Ed.
13	-----	Trans.
14	-----	B. & P.
15	-----	Ed.
16	-----	Nat. Res.
17	-----	Jud.
18	-----	Jud.
21	-----	H. & C.D.
24	-----	H. & C.D.
26	-----	Pub. S.
27	-----	Pub. S.
28	-----	G.O. and E.S. & T.M.
29	-----	Jud.
30	-----	Health
31	-----	Ed.
32	-----	H. & C.D.
33	-----	Trans.
34	-----	Pub. S.
35	-----	L. Gov. and H. & C.D.
36	-----	Ed.
37	-----	Health
38	-----	Ed.
39	-----	Pub. S.
40	-----	Higher Ed.
41	-----	Aging & L.T.C.
42	-----	Ed.

43	-----	Aging & L.T.C. and Health
44	-----	Jud.
45	-----	Trans.
47	-----	Nat. Res.
48	-----	Ed.
49	-----	Pub. S.
50	-----	Pub. S.
51	-----	L. Gov.
52	-----	Ed.
53	-----	L. Gov.
54	-----	Ed.
55	-----	P.E.,R. & S.S.
56	-----	Ed.
57	-----	Pub. S.
58	-----	E.S. & T.M.
59	-----	A.,E.,S.,T. & I.M.
60	-----	Higher Ed.
61	-----	Ed.
62	-----	Trans.
63	-----	Rev. & Tax.
64	-----	Higher Ed.
65	-----	W.,P. & W.
67	-----	P.E.,R. & S.S.
70	-----	Pub. S.
72	-----	Hum. S.
73	-----	B. & F.
74	-----	Pub. S.
75	-----	P.E.,R. & S.S.
78	-----	Ed.
79	-----	B. & P.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
1	----- Rls.
2	----- Trans.
3	----- A.,E.,S.,T. & I.M.
4	----- Rls.
6	----- Rls.
7	----- Trans.
10	----- Ed.
11	----- Rls.
12	----- Rls.

House

<i>Resolution No.</i>	<i>Committee</i>
5	----- A.,E.,S.,T. & I.M.
6	----- Rls.

JOINT RULE 62(a) WAIVED

Assembly Member Firebaugh was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 38 for hearing in the Committee on Education on Wednesday, January 15, 2003.

ADJOURN IN MEMORY

Assembly Member Bogh was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Officer Doug Jacobs, of Riverside Police Department.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Richman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Samuel Morro Dana, of Irvine.

(Assembly Rule 45.5 suspended.)

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

(NOTE: Bills introduced on Friday, January 10, 2003.)

ASSEMBLY BILL NO. 100—Oropeza. An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 101—La Suer. An act to amend Sections 6455 and 10471 of the Business and Professions Code, to amend Sections 704.090, and 2033.5 of the Code of Civil Procedure, to amend Section 13963 of the Government Code, to amend Sections 243, 262, 273.5, 273.6, 422.95, 484.1, 550, 1202.4, 1203, 1203.044, 1203.097, 1203.1, 1203.1d, 1203.2, 1203.3, 1214, 1463.18, 2085.5, and 3000 of, to add Title 8.5 (commencing with Section 1230) to Part 2 of, and to repeal Sections 1202.42, 1202.43, 1202.45, 1202.46, 1214.5 of, the Penal Code, and to amend Sections 730.6, 1752.81, 1752.82, and 1766.1 of the Welfare and Institutions Code, relating to restitution.

ASSEMBLY BILL NO. 102—Pacheco and Harman (Principal coauthor: Bates). An act to amend Section 17204 of, and to add Chapter 6 (commencing with Section 17300) to Part 2 of Division 7 of, the Business and Professions Code, relating to unfair competition.

ASSEMBLY BILL NO. 103—Reyes. An act to add Section 4168 to the Business and Professions Code, relating to pharmaceuticals.

ASSEMBLY BILL NO. 104—Lowenthal. An act to add Section 1365.2 of the Civil Code, relating to common interest developments.

ASSEMBLY BILL NO. 105—Wiggins (Coauthors: Berg, Lowenthal, Matthews, Pavley, Reyes, Salinas, and Wolk). An act to repeal Division 10.25 (commencing with Section 10278) and Division 10.4 (commencing with Section 10285) of the Public Resources Code, relating to agricultural lands, and making an appropriation therefor.

ASSEMBLY BILL NO. 106—Corbett. An act to amend Section 22171 of the Education Code, relating to state teachers' retirement.

ASSEMBLY BILL NO. 107—Corbett. An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ADJOURN IN MEMORY

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bernice Anguillo, of San Leandro.

Assembly Member Shirley Horton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carol Waites, of San Diego.

Assembly Members Shirley Horton and Haynes were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sharen Burton, of Temecula.

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 Inez Bennett, of Stockton.

Assembly Member Montanez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David E. Garcia, of San Fernando.

Assembly Member Nakano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Albert Kopec, of Torrance.

Assembly Member Pavley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pete Barrett, of Santa Monica.

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 Hon. Robert "Bob" Kenyon, Former Mayor, of Selma, and Jeff Taylor, of Fresno.

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 Bucky Wolter, of Lancaster.

Assembly Member Simitian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Art Lynch, of Los Altos.

Assembly Member Yee was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Edna Welch, of San Francisco.

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced the following session schedule:

- Tuesday, January 14, 2003, Check-in Session, 7 a.m.–3 p.m.;
- Wednesday, January 15, 2003, Check-in Session, 7 a.m.–3 p.m.;
- Thursday, January 16, 2003, Floor Session, 8:30 a.m.;
- Friday, January 17, 2003, Check-in Session, 6 a.m.–3 p.m.;
- Tuesday, January 21, 2003, Floor Session, 1 p.m.

MOTION TO ADJOURN

At 12:20 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cohn seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:21 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 108—La Malfa. An act to amend Section 664 of the Penal Code, relating to attempted murder.

ASSEMBLY BILL NO. 109—Dymally. An act to amend Section 3543.5 of the Government Code, relating to public school employment.

ASSEMBLY BILL NO. 110—Oropeza. An act to add Title 6.6 (commencing with Section 13910) to, and to add a title healing to Part 4 of, the Penal Code, relating to child protection.

ASSEMBLY BILL NO. 111—Corbett. An act to amend Section 3044 of the Family Code, and to amend Section 273a of, and to add Title 10.5a (commencing with Section 14145) to Part 4 of the Penal Code, relating to child abuse.

ASSEMBLY BILL NO. 112—Goldberg. An act to amend Sections 667 and 1170.12 of the Penal Code, relating to sentencing.

ASSEMBLY BILL NO. 113—Chavez. An act to amend Section 12012.85 of the Government Code, relating to gaming.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 7—Jackson (Coauthor: Bates). Relative to National Mentoring Month.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento
January 13, 2003

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

Dear Speaker Wesson: I hereby designate Mike Gotch, Linda Adams, Terry Myrrdin, Pamela Oto, Casey Elliott and Pam Gibbs as persons on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Sincerely,

GRAY DAVIS

INTRODUCTION OF GUESTS

Assembly Member Runner, of the 36th Assembly District, introduced her husband, Hon. George Runner, former Member of the Assembly.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned until 7 a.m, Tuesday, January 14, 2003, out of respect to the memory of Officer Doug Jacobs, on motion of Assembly Member Bogh; out of respect to the memory of Samuel Morro Dana, on motion of Assembly Member Richman; out of respect to the memory of Bernice Anguillo, on motion of Assembly Member Corbett; out of respect to the memory of Carol Waites, on motion of Assembly Member Shirley Horton; out of respect to the memory of Sharen Burton, on motion of Assembly Members Shirley Horton and Haynes; out of respect to the memory of Inez Bennett, on motion of Assembly Member Matthews; out of respect to the memory of David E. Garcia, on motion of Assembly Member Montanez; out of respect to the memory of Albert Kopec, on motion of Assembly Member Nakano; out of respect to the memory of Hon. Robert "Bob" Kenyon and Jeff Taylor, on motion of Assembly Member Reyes; out of respect to the memory of Bucky Wolter, on motion of Assembly Member Runner; out of respect to the memory of Art Lynch, on motion of Assembly Member Simitian; out of respect to the memory of Edna Welch, on motion of Assembly Member Yee; and out of respect to the memory of Pete Barrett, on motion of Assembly Member Pavley.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

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