

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 16, 2003

TENTH SESSION DAY

FORTY-SIXTH 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
Thursday, January 16, 2003

The Assembly met at 8:30 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Mountjoy moved a quorum call of the Assembly. Motion carried. Time, 8:31 a.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 8:41 a.m., Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

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

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

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Alternate Chaplain Rev. Ivan L. Williams, Sr.:

Our Father in Heaven, We pray this morning that Thou wilt teach us all how to live, that we may provide an example to all the world that all men and women are created equal in Your sight. Yet we confess before Thee that bigotry, injustice, and intolerance still plagues us in this land.

We pray, O God, that brother and sisterhood along with fairness, justice, love, and the spirit to do good will reign supreme in these halls of legislation. We thank You this morning for allowing us to stand in the legacy of one of Your sons named Martin Luther King, Jr., a man who left for us his life, mettle, and deeds. Your Son, O God, a drum major for justice.

We ask that in this place the striving for justice will be for all the people, and by people that California and America will be a better place for all of Your people and we ask this in the name of our God.—AMEN!

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Ridley-Thomas 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 Members Calderon, Campbell, Houston, and Maddox.

EXPLANATIONS OF ABSENCE

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

January 14, 2003

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

Dear Mr. Speaker: I am writing today to request to be excused from Session, Thursday, January 16, 2003 and Check in Session, Friday, January 17, 2003 to attend legislative business in my district office. If you have any questions please contact Tiffany Morrison at (916) 319-2058.

Sincerely,

RONALD S. CALDERON, Assembly Member
Fifty-eighth District

January 13, 2003

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

Dear Speaker Wesson: I respectfully request permission to travel to my district and be excused from Assembly Floor Session on Thursday, January 16th and Friday, January 17th due to legislative business in my district.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 319-2070.

Sincerely,

JOHN CAMPBELL, Assembly Member
Seventieth District

January 14, 2003

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Thursday, January 16, 2003 due to legislative business in the district.

If you have any questions, please contact Sarah Sprouse in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY HOUSTON, Assembly Member
Fifteenth District

January 7, 2003

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

Dear Mr. Speaker: I respectfully request authorization to be absent from check-in session on Thursday, January 16 and session on Friday, January 17, 2003. I will be traveling to my district on legislative business.

Thank you for your consideration of my request.

Sincerely,

KEN MADDOX, Assembly Member
Sixty-eighth District

COMMUNICATIONS

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

January 16, 2003

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 Jackie Goldberg to replace Assemblymember Joe Canciamilla on the Assembly Budget Subcommittee #3—Resources for today's hearing only.

Sincerely,

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

The following communications were presented by the Chief Clerk from:

Grantland Johnson, Secretary, Health and Human Services Agency, dated December 27, 2002, regarding delay in submitting a report concerning a study of trends affecting the need for long-term care services and other supportive services for the elderly and younger adults with disabilities.

(Pursuant to Assembly Bill 452, Chapter 895, Statutes of 1999)

Referred by the Speaker to the Committee on Aging and Long Term Care.

Steven W. Mayberg, Ph.D., Director, Department of Mental Health, dated December 5, 2002, transmitting information in lieu of the report on the Status of Dual Diagnosis Pilot Projects for Culturally Diverse Adults with Co-Occurring Mental Illness and Substance-Related Disorders.

(Pursuant to Assembly Bill 2877, Chapter 93, Statutes of 2000)

Referred by the Speaker to the Committee on Budget.

Chris D. Janzen, Director, Administrative Services Division, Department of Justice, dated December 13, 2002, relative to delay in submitting Report on Juvenile Court and Probation Statistical System.

(Pursuant to Penal Code Section 13012.5)

Referred by the Speaker to the Committee in Public Safety.

2001–02 Annual Disabled Veterans Business Enterprise Report

Above transmitted report, together with letter of transmittal from Teresa Becher, Interim Director, Business, Transportation and Housing Agency, dated December 18, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**2001–02 Annual Disabled Veterans Business Enterprise Report
(Pursuant to Public Contract Code Section 10115.5 and
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Office of Housing and Community Development, dated December 27, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Financial Status of the Regional Centers for
Fiscal Years 2000–01 and 2001–02
(Pursuant to Assembly Bill 2780, Chapter 310, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated December 12, 2002, referred by the Speaker to the Committee on Budget.

**Disabled Veteran Business Enterprise Participation
Contracting Report for Fiscal Year 2001–02
(Pursuant to Public Contract Code Section 10115.5 and
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Andrea E. Tuttle, Director, Department of Forestry and Fire Protection, referred by the Speaker to the Committee on Utilities and Commerce.

**Medi-Cal Providers on Probation—
2001 Report, January 1, 2000 through December 31, 2000
(Pursuant to Welfare and Institutions Code, Section 14124.12)**

**Medi-Cal Providers on Probation—
2002 Report, January 1, 2001 through December 31, 2001
(Pursuant to Welfare and Institutions Code, Section 14124.12)**

Above transmitted reports, together with letters of transmittal from Diana M. Bonta, R.N., Dr. P.H., Director, Department of Health Services, dated December 17, 2002, referred by the Speaker to the Committee on Health.

**AUTHOR'S AMENDMENTS
Committee on Aging and Long-Term Care**

January 16, 2003

Mr. Speaker: The Chair of your Committee on Aging and Long-Term Care reports: Assembly Bill No. 41

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

DAUCHER, Chairwoman

ASSEMBLY BILL NO. 41—An act to add Section 9400.5 to the Welfare and Institutions Code, relating to aging, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 Rules**

January 16, 2003

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

Assembly Concurrent Resolution No. 1

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

NATION, Chairman

ASSEMBLY CONCURRENT RESOLUTION NO. 1—Relative to California Holocaust Memorial Week.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS
Committee on Education**

January 16, 2003

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

Assembly Bill No. 42

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

GOLDBERG, Chairwoman

ASSEMBLY BILL NO. 42—An act to amend Section 52124 of the Education Code, relating to public schools.

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 Rules**

Date of Hearing: January 16, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 4

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

NATION, Chairman

Above resolution ordered to second reading.

Date of Hearing: January 16, 2003

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 6

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly

<i>Bill No.</i>	<i>Committee</i>
80 -----	P.E.,R. & S.S.
81 -----	Ins.
82 -----	Rev. & Tax.
83 -----	E.S. & T.M.
84 -----	U. & C.
85 -----	P.E.,R. & S.S.
86 -----	Ed.
87 -----	Ins.
88 -----	Jud.
89 -----	L. & E.
91 -----	P.E.,R. & S.S.
92 -----	P.E.,R. & S.S.
93 -----	W.,P. & W. and E.S. & T.M.
95 -----	Jud.
96 -----	Ed.
97 -----	Ed.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
1 -----	Ins.
2 -----	Jud.

REQUEST FOR PHOTOGRAPHER

Assembly Member Jerome E. Horton was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

ADJOURN IN MEMORY

Assembly Member Wyland was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ron Bird, of San Diego.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Virgil G. Thomas, of Sacramento.

(Assembly Rule 45.5 suspended.)

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

ASSEMBLY CONCURRENT RESOLUTION NO. 12 (Jerome E. Horton)—
Relative to Dr. Martin Luther King, Jr. Day.

At 9:10 a.m., Hon. Jerome E. Horton, 51st District, presiding
Resolution read, and presented by Assembly Member Dymally.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 12**

Assembly Member Dymally was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 12.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Dymally was granted unanimous consent to take up Assembly Concurrent Resolution No. 12, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 12, as Amended
ASSEMBLY CONCURRENT RESOLUTION NO. 12—Relative to Dr. Martin Luther King, Jr. Day.

Resolution read, as amended, and adopted.
Resolution ordered printed, and transmitted to the Senate.

**RECESS FOR CEREMONY IN OBSERVATION OF
DR. MARTIN LUTHER KING, JR. DAY**

By unanimous consent, at 9:46 a.m., Acting Speaker Jerome E. Horton declared the Assembly recessed to permit the introduction of the Lee Family, of Sacramento, whereupon they gave a musical performance for the Members of the Assembly in honor and celebration of Dr. Martin Luther King’s birthday.

RECONVENED

At 9:56 a.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

ADJOURN IN MEMORY

Assembly Member Wiggins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Glenn Hill, of Santa Rosa.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced the following session schedule:

Friday, January 17, 2003, Check-in Session, 6 a.m.–3 p.m.;

Tuesday, January 21, 2003, Floor Session, 1 p.m.

SPECIAL COMMITTEE MEETINGS

Assembly Member Corbett was granted unanimous consent that the Committee on Judiciary be permitted to hold a special meeting on Tuesday, January 21, 2003, at 12:30 p.m., prior to Floor session, for the purpose of setting Assembly Joint Resolution No. 2 for hearing.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Simitian announced that Budget Subcommittee No. 2 would meet today, upon adjournment of Floor session, in Room 447.

Assembly Member Pavley announced that Budget Subcommittee No. 3 would meet today, at 11 a.m., in Room 444.

ADJOURN IN MEMORY

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gordon Logan, of Willits.

Assembly Member Canciamilla was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Clarence Fornwald and Donald Landrum, of Pittsburg; Roger Payton, of Concord; and Rev. Floyd Waddell, of Antioch.

Assembly Member Cox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jerry Brannigan, of Sacramento County.

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Walter Josephs, of Oakland.

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 Henry Solis Silva, of Del Rey.

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 Sidney Holden, of Los Angeles.

MOTION TO ADJOURN

At 10 a.m., Assembly Member Goldberg moved that the Assembly do now adjourn.

Assembly Member Strickland seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10 a.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. 131—Jerome Horton. An act to amend Section 12012.75 of the Government Code, relating to tribal gaming, and making an appropriation therefor.

ASSEMBLY BILL NO. 132—Chavez. An act to amend Section 18724 of the Revenue and Taxation Code, relating to designated taxpayer contributions.

ASSEMBLY BILL NO. 133—Bogh. An act to add Section 20441.5 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

ASSEMBLY BILL NO. 134—Cohn. An act to amend Section 273.5 of the Penal Code, relating to crime.

ASSEMBLY BILL NO. 135—Reyes. An act to amend Section 207 of the Penal Code, relating to kidnapping.

ASSEMBLY BILL NO. 136—Kehoe. An act to add Section 4850.2 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 137—Correa, Dymally, and Lieber (Principal coauthor: Maze) (Coauthors: Bermudez, Cohn, Daucher, Frommer, Harman, Longville, Maddox, Matthews, Montanez, Nation, Nunez, Parra, Pavley, Reyes, Spitzer, Strickland, Wiggins, and Wyland) (Coauthors: Senators Florez, McPherson, Ortiz, and Scott). An act to repeal Section 18724 of the Revenue and Taxation Code, relating to designated taxpayer contributions.

ASSEMBLY BILL NO. 138—Lowenthal. An act to add Section 2076 to the Business and Professions Code, relating to physicians and surgeons.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 14—Nakano, Shirley Horton, and Nakanishi (Principal coauthors: Chan, Chu, Liu, and Yee). Relative to a Day of Remembrance.

HOUSE RESOLUTION NO. 9—Firebaugh. Relative to arts education.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Goldberg, the Assembly adjourned until 6 a.m., Friday, January 17, 2003, out of respect to the memory of Ron Bird, on motion of Assembly Member Wyland; out of respect to the memory of Virgil G. Thomas, on motion of Assembly Member Mountjoy; out of respect to the memory of Glenn Hill, on motion of Assembly Member Wiggins; out of respect to the memory of Gordon Logan, on motion of Assembly Member Berg; out of respect to the memory of Clarence Fornwald, Donald Landrum, Roger Payton and Rev. Floyd Waddell, on motion of Assembly Member Canciamilla; out of respect to the memory of Jerry Brannigan, on motion of Assembly Member Cox; out of respect to the memory of Walter Josephs, on motion of Assembly Member Mountjoy; out of respect to the memory of Henry Solis Silva, on motion of Assembly Member Reyes; and out of respect to the memory of Robert Sidney Holden, on motion of Speaker Wesson.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 16, 2003**

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

AB RN

41 0301504

42 0301193

ACR RN

1 0301270

Daily Total: 3

Cumulative Total: 4

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