

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, January 17, 2003**

**ELEVENTH SESSION DAY**

**FORTY-SEVENTH 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  
Friday, January 17, 2003

The Assembly met at 6 a.m.

Hon. Rebecca Cohn, Assembly Member, 24th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The following were placed upon the morning roll call—51:

Aghazarian	Diaz	La Malfa	Nakano
Benoit	Dutra	La Suer	Nation
Berg	Dutton	Laird	Negrete McLeod
Bermudez	Dymally	Leno	Pacheco
Bogh	Frommer	Levine	Parra
Canciamilla	Garcia	Lieber	Plescia
Chavez	Hancock	Liu	Reyes
Chu	Harman	Longville	Ridley-Thomas
Cogdill	Haynes	Lowenthal	Runner
Cohn	Houston	Matthews	Spitzer
Correa	Jackson	Maze	Steinberg
Cox	Keene	Montanez	Vargas
Daucher	Koretz	Nakanishi	

Quorum present.

**At 11:21 a.m., Hon. John Longville, 62nd 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 Bates, Calderon, Campbell, Chan, Corbett, Firebaugh, Goldberg, Jerome E. Horton, Shirley Horton, Maddox, Maldonado, McCarthy, Mullin, Nunez, Oropeza, Pavley, Richman, Salinas, Samuelian, Simitian, Strickland, Wesson, Wiggins, and Yee.*

*On legislative business, and waiving per diem: Assembly Member Kehoe.*

*On personal business, and waiving per diem: Assembly Members Wolk and Wyland.*

*Because of illness: Assembly Members Leslie and Mountjoy.*

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

Dear Mr. Speaker,

The purpose of this letter is to respectfully inform you that I will be absent for check-in session, Friday, January 17th, 2003. I will be in my district on legislative business.

Thank you in advance for your prompt attention to this matter. Should you have any questions, please contact my Chief of Staff Cory Botts at 319-2073.

Sincerely,

PATRICIA C. BATES, Assembly Member  
Seventy-third District

January 13, 2003

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

Dear Speaker Wesson: I am requesting to be excused from Check-In Session on Friday, January 17, 2003, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

January 8, 2003

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

Dear Mr. Speaker: I would like to request permission to be excused from Session on Friday, January 17, 2003. I have Legislative business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns please feel free to call me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member  
Eighteenth District

January 14, 2003

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Friday, January 17, 2003. I have been invited to participate at the California Latino Caucus Institute for Public Policy in San Francisco on Thursday, January 16, 2003 and then will be staying for the Latino Legislative Caucus Retreat.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2050.

Sincerely,

MARCO ANTONIO FIREBAUGH, Assembly Member  
 Fiftieth District

January 14, 2003

*Speaker Herb Wesson*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: This letter is a request to be excused from Check-in on Friday, January 17, 2002. I will be traveling to my district office on legislative business.

Should you have any questions please do not hesitate to contact my Executive Assistant Bertha Mardueño at ext. 2045.

Sincerely,

JACKIE GOLDBERG, Assembly Member  
 Forty-fifth District

January 16, 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 Check-In Session on Friday, January 17, 2003, due to legislative business in my district. I will be returning to Sacramento on Tuesday, January 21, 2003, in time for Assembly Floor 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

January 13, 2003

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

Dear Speaker Wesson: This letter is to ask to be excused from check-in session, Friday January 17th as I will be returning to my district on legislative business. If you have any questions, please contact me at 319-2078.

Thank you in advance for your consideration.

Sincerely,

SHIRLEY A. HORTON, Assembly Member  
Seventy-eighth District

January 13, 2003

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session waiving per diem on Friday, January 17, 2003 due to legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

CHRISTINE KEHOE  
Speaker pro Tempore

January 15, 2003

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

Dear Mr. Speaker: I am writing to request that I be excused from Check-in Session on Friday, January 17, 2003, due to legislative business in my district.

Thanking you in advance for your consideration of my request.

Sincerely,

ABEL MALDONADO, Assembly Member  
Thirty-third District

January 9, 2003

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

Dear Speaker Wesson,

I am writing to request that I be excused from check-in on Friday January 17th, 2003 due to business in my district.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Julie Sauls at 319-2032.

Sincerely,

KEVIN McCARTHY, Assembly Member  
 Thirty-second District

January 15, 2003

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

Dear Mr. Wesson: This letter is to be excused from Assembly Check-in Session on Friday, January 17, 2003 due to legislative business.

Your attention to matter would be greatly appreciated.

Sincerely,

GENE MULLIN, Assembly Member  
 Nineteenth District

January 16, 2003

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from check-in session on Friday, January 17. I will be attending a breakfast honoring Dr. Martin Luther King, Jr. in my district.

Thank you for your immediate assistance in this request.

Sincerely,

FABIAN NUÑEZ, Assembly Member  
 Forty-sixth District

January 7, 2003

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

Dear Mr. Speaker: I am writing to request to be excused from Session on January 17, 2003, for legislative business in the District.

Please contact my Chief of Staff, Val Dolcini, if you have any further questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member  
 Fifty-fifth District

January 13, 2003

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

Dear Mr. Speaker: I respectfully request permission to be excused from Assembly Check-in Session on Friday, January 17, 2003. I have several very important district events to attend that I can not miss.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

FRAN PAVLEY, Assembly Member  
Forty-first District

January 13, 2003

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

Dear Speaker Wesson: I respectfully request to be excused from check-in Friday January 17, 2003 so that I can attend to legislative business in my district dealing with the Los Angeles healthcare crisis.

Thank you for your prompt attention to my request. Please contact Connie Bosserman in my office at (916) 319-2038 if you have any questions.

Sincerely,

KEITH S. RICHMAN, M.D., Assembly Member  
Thirty-eighth District

January 13, 2003

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

Dear Speaker Wesson: I am writing to request permission to be excused from Session on Friday, January 17, 2003. I will be in my district on legislative business. If you have any questions about this request, please feel free to contact Emilee Ford in my Capitol Office at 319-2028. As always, thank you for your assistance.

Best wishes,

SIMÓN SALINAS, Assembly Member  
Twenty-eighth District

January 14, 2003

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

Dear Speaker Wesson: I am respectfully requesting to be excused from Check-in Session on Friday, January 17. I will be in Fresno on Legislative Business. Should you have any questions regarding my absence, please do not hesitate to contact my office at (916) 319-2029. Thank you in advance for your consideration in this matter.

Sincerely,

STEVE SAMUELIAN, Assembly Member  
Twenty-ninth District

January 13, 2003

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

Dear Speaker Wesson,

This is a request to be excused from Check-In Session on Friday, January 17, 2003. I have legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member  
Twenty-first District

January 14, 2003

*Hon. Herb Wesson*  
*Speaker of the Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from Assembly Check-In Session on Friday, January 17, 2003. I have legislative business in my District Office.

If you have any questions regarding this request, please contact Tim Anaya in my Capitol Office at 319-2037.

Sincerely,

TONY STRICKLAND, Assembly Member  
Thirty-seventh District

January 17, 2003

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

Dear Dotson: This is to advise you that I will be absent from Session today for legislative business in my district.

Sincerely,

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



January 7, 2003

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

Dear Mr. Speaker: Please accept this letter as a request to be excused from Assembly Check-in Session on Friday, January 17, 2003. I had committed to opening an educational forum in my district before the legislative schedule was announced.

Thank you for your consideration.

Sincerely,

PATRICIA WIGGINS, Assembly Member  
Seventh District

January 15, 2003

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

Dear Mr. Speaker: This letter is to respectfully inform you that I will be absent from Sacramento on Friday, January 17 to attend to duties in my District.

Respectfully,

LELAND Y. YEE, PH.D., Assembly Member  
Twelfth District

(NOTE: For letters explaining the absences of Assembly Members Calderon, Campbell, and Maddox on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 16, 2003.)

**COMMUNICATIONS**

The following communications were 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: Please be advised that I have created the Select Committee on I-5/710 Freeway Expansion for the 2003–04 Regular Session and have appointed Assemblymember Rudy Bermudez as the Chair.

Sincerely,

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

January 16, 2003

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

Dear Dotson: Please be advised that I have created the Select Committee on Prison Construction and Operations for the 2003–04 Regular Session and have appointed Assemblymember Rudy Bermudez as the Chair.

Sincerely,

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

January 16, 2003

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

Dear Dotson: Please be advised that I have created the Select Committee on Professional Sports for the 2003–04 Regular Session and have appointed Assemblymember Mark Ridley-Thomas as the Chair.

Sincerely,

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

January 16, 2003

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

Dear Dotson: Please be advised that I have created the Select Committee on Sustainability for the 2003–04 Regular Session and have appointed Assemblymember Patty Berg as the Chair.

Sincerely,

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

January 17, 2003

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

Dear Dotson: Please be advised that I have appointed Assemblymember Jenny Oropeza as a member of the Assembly Governmental Organization Committee, increasing the size of the committee from 25 to 26 members.

Sincerely,

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

January 17, 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 Patty Berg to the Joint Committee on Fisheries and Aquaculture as my designee as chair of the committee.

Sincerely,

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

January 17, 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 created the Select Committee on Exposition Park for the 2003–04 Session and have appointed Assemblymember Mark Ridley-Thomas as the Chair.

Sincerely,

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 17, 2003

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

Assembly Bill No. 41

Assembly Bill No. 42

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 17, 2003

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

Assembly Concurrent Resolution No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 139—Corbett.** An act relating to transportation.

**ASSEMBLY BILL NO. 140—Levine.** An act to amend Sections 2800.1, 2800.2, and 2800.3 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 141—Cohn.** An act relating to domestic violence prevention.

**ASSEMBLY BILL NO. 142—Kehoe.** An act to amend Section 32645 of the Public Resources Code, relating to the San Diego River Conservancy.

**ASSEMBLY BILL NO. 143—Cohn.** An act relating to domestic violence.

**ASSEMBLY BILL NO. 144—Correa (Coauthors: Harman, Maddox, and Spitzer).** An act to repeal Section 31470.10 of the Government Code, relating to county employees' retirement.

**ASSEMBLY BILL NO. 145—Lowenthal.** An act to add Section 6035.5 to the Penal Code, relating to probation officers.

**ASSEMBLY BILL NO. 146—Kehoe.** An act to amend Section 4055 of the Family Code, relating to child support.

#### MESSAGES FROM THE SENATE

Senate Chamber, January 17, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Concurrent Resolution No. 12

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

#### ADJOURNMENT

At 3 p.m., the Assembly adjourned until 1 p.m., Tuesday, January 21, 2003.

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GEORGE NAKANO, Democratic Caucus Chair

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 17, 2003**

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

**ACR RN**

4 0301811

**Daily Total: 1**

**Cumulative Total: 5**

O