CALIFORNIA LEGISLATURE 2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 23, 2003

FOURTEENTH SESSION DAY

FIFTY-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 Thursday, January 23, 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 Wolk 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 8:42 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—79:

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

PRAYER

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

Blessed Lord, Refresh us all who carry heavy burdens, with Your presence and Your power. Quiet our minds and ease our hearts by bringing us close to things infinite and eternal. Lead our footsteps to Your path, from darkness into light, that in Your light we may see light. And crown us as Your servants by making us springs of strength and joy to all whom we serve.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Strickland 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 Member was granted leave of absence for the day:

On legislative business: Assembly Member Garcia.

EXPLANATIONS OF ABSENCE

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

January 16, 2003

Assembly Speaker Herb Wesson State Capitol, Room 219 Sacramento, California

Dear Speaker Wesson,

I am respectfully requesting that I be excused from session on Thursday January 23, 2003. I need to be in my district for legislative business.

Should you have any questions please contact me or my Chief of Staff, Justin Matheson at (916) 319-2080.

Sincerely,

BONNIE GARCIA, Assembly Member Eightieth District

COMMUNICATIONS

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

January 22, 2003

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

RE: Select Committee on the Future of California's Health

Dear Dotson: Please be advised that I have changed the name of the Select Committee on Future of Health Care in California to the Select Committee on the Future of California's Health for the 2003–04 Regular Session. Assemblymember Rebecca Cohn remains as the Chair. Sincerely,

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

January 23, 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 Children's Physical and Mental Well-being in Diverse California Communities for the 2003–04 Regular Session and have appointed Assemblymember Leland Yee as the Chair.

Sincerely,

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

January 23, 2003

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

Dear Dotson: Please be advised that I am dissolving the recently created Select Committee on Workers Compensation, effective immediately.

Sincerely,

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

January 23, 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 Water Management, Storage, Conservation and Supply for the 2003–04 Regular Session and have appointed Assemblymember Ronald Calderon as the Chair.

Sincerely,

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

The following reports were presented by the Chief Clerk:

School Renovation, IDEA and Technology Program **State Progress Report** (Pursuant to 2002-03 Budget Act, Item 6110-202-0890)

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Department of Education, dated January 13, 2003, referred by the Speaker to the Committee on Budget.

Report on Legislation Enacted in 2002 with State-Mandated Local Program Implications (Pursuant to Government Code Section 17562(e)3)

Above transmitted report, together with letter of transmittal from Betty T. Yee, Chief Deputy Director, Department of Finance, dated January 14, 2003, referred by the Speaker to the Committee on Local Government.

Annual Program Evaluation Plan and Overview Fiscal Years 2002-2003 through 2004-2005 (Pursuant to Supplemental Language of the Budget Act of 1998)

Above transmitted report, together with letter of transmittal from Wayne Strumpfer, Interim Executive Director, Office of Criminal Justice Planning, dated January 15, 2003, referred by the Speaker to the Committee on Budget.

Initial Assessment of the Health and Condition of California's Lands and Natural Resources 2002 Report—California Legacy Project

Above transmitted report, together with letter of transmittal from Mary D. Nichols, Secretary, Resources Agency, dated December 19, 2002, referred by the Speaker to the Committee on Natural Resources.

An Evaluation of the Gang Violence Suppression Program First Evaluation Report: Steps Taken to Ensure Submission of Accurate Data and Availability of Source Documentation (Pursuant to Supplemental Language in the 2002 Budget Act)

Above transmitted report, together with letter of transmittal from Wayne Strumpfer, Interim Executive Director, Office of Criminal Justice Planning, dated December 31, 2002, referred by the Speaker to the Committee on Budget.

Quarterly Progress Report for the Office of Criminal Justice Planning (OCJP) Evaluation Unit, October 1, 2002 through December 30, 2002 (Pursuant to 1998–99 Supplemental Budget Language Item 8100-001-001)

Above transmitted report, together with letter of transmittal from Wayne Strumpfer, Interim Executive Director, Office of Criminal Justice Planning, dated December 31, 2002, referred by the Speaker to the Committee on Budget.

California Transportation Commission's 2002 Annual Report to the California Legislature (Pursuant to Government Code Sections 14535–14536)

Above transmitted report, together with letter of transmittal from Kirk Lindsey, Chair, California Transportation Commission, dated January 6, 2003, referred by the Speaker to the Committee on Transportation.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 23, 2003

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

Assembly Bill No. 46
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly	
Bill No.	Committee
19	Pub. S. and Trans.
22	Hum. S.
23	Health
25	B. & P.
66	W.,P. & W. and E.S. & T.M.
	Rev. & Tax.
	H. & C.D.
114	Trans.
115	Ed.
116	B. & P.
118	Pub. S.
119	Higher Ed.
	E.S. & T.M.
121	E.S. & T.M.
122	Rev. & Tax.
124	Ed.
125	Pub. S.
126	B. & P.
127	L. Gov.
128	Rev. & Tax.
130	Trans.
131	G.O.
132	Rev. & Tax.
133	P.E.,R. & S.S.
134	Pub. S.

135	Pub. S.
136	Ins.
137	Rev. & Tax.
138	В. & Р.
Assembly Concurrent	
Resolution No.	Committee
13	Rls.
14	Rls.
House	
Resolution No.	Committee
9	Rls.
	AUTHOR'S AMENDMENT

AUTHOR'S AMENDMENTS Committee on Education

January 23, 2003

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

Assembly Bill No. 8

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

GOLDBERG, Chairwoman

ASSEMBLY BILL NO. 8—An act to add and repeal Article 3.8 (commencing with Section 52055.70) to Chapter 6.1 of Part 28 of the Education Code, relating to Riverside County Office of Education, 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 Public Employees, Retirement and Social Security

January 23, 2003

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 55

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

NEGRETE McLEOD, Chairwoman

ASSEMBLY BILL NO. 55—An act to amend Sections 31485.7 and 31485.8 of, and to add Section 31658 to, the Government Code, relating to county employees' retirement, 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 Housing and Community Development

January 23, 2003

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 32

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

LOWENTHAL, Chairman

ASSEMBLY BILL NO. 32-An act to add and repeal Section 50517.15 of the Health and Safety Code, relating to housing.

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.

REQUEST FOR PHOTOGRAPHER

Speaker Wesson was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

ADJOURN IN MEMORY Moment of Silence

Assembly Member Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his sister, Suzanne Campbell McGaughey, of Los Angeles, and that the Assembly observe a moment of silence in her honor.

(Assembly Rule 45.5 suspended.)

CONSIDERATION OF SPECIAL ORDER—HOUSE RESOLUTION NO. 6

The hour having arrived, House Resolution No. 6 was taken up.

(NOTE: Special Order set for 8:30 a.m.)

HOUSE RESOLUTION NO. 6 (Dymally)—Relative to Bill Greene.

Resolution read.

Members Made Coauthors of House Resolution No. 6

Assembly Member Dymally was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 6.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Dymally was granted unanimous consent to take up House Resolution No. 6, as amended, without reference to print or file.

Consideration of House Resolution No. 6, as Amended

HOUSE RESOLUTION NO. 6—Relative to Bill Greene.

Resolution read, as amended, and adopted.

CAUCUS ANNOUNCEMENTS

At 8:57 a.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 8:57 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 9:26 a.m., the Assembly reconvened.

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

RECESS

By unanimous consent, at 9:30 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 9:36 a.m., the Assembly reconvened.

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

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 38—An act relating to the West Fresno Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

THIRD READING OF ASSEMBLY BILLS

HOUSE RESOLUTION NO. 8 (Firebaugh)—Relative to Nurse Anesthetists. Resolution read.

Members Made Coauthors of House Resolution No. 8

Assembly Member Firebaugh was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 8.

ROLL CALL

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Firebaugh was granted unanimous consent to take up House Resolution No. 8, as amended, without reference to print or file.

Consideration of House Resolution No. 8, as Amended

HOUSE RESOLUTION NO. 8—Relative to Nurse Anesthetists.

Resolution read, as amended, and adopted.

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 Mamie Johnson, of Sacramento.

(Assembly Rule 45.5 suspended.)

COMMITTEE MEETING ANNOUNCEMENTS

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

Assembly Member Oropeza announced that the Committee on Budget would meet today, upon adjournment of Floor session, in Room 4202, and on Monday, January 27, 2003.

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced the following session schedule:

Monday, January 27, 2003, Floor Session, 11 a.m.;

Tuesday, January 28, 2003, Check-in Session, 7 a.m. (Floor Session upon Call of the Speaker);

Wednesday, January 29, 2003, Check-in Session, 7 a.m. (Floor Session upon Call of the Speaker);

Thursday, January 30, 2003, Floor Session, 8:30 a.m.;

Friday, January 31, 2003, Floor Session, upon Call of the Speaker.

ADJOURN IN MEMORY

Assembly Member Chu was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Grace Bohlander, of Whittier and George Isamu Tamanaha, of Monterey Park.

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 Wanda M. Anfuso, of Spring Valley; William R. Charles, of Lemon Grove; and Charlotte Orr Merriam, of Chula Vista.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Dunlap and Melinda "Mindy" Ohler, of San Francisco.

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 Pamela Tate, 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 Al Rush, of Beverly Hills.

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

MOTION TO ADJOURN

At 9:43 a.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Chan, Correa, La Suer, Leslie, Benoit, Houston, Dutra, Runner, Goldberg, Maze, Reyes, Spitzer, Haynes, Campbell, and Wesson arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:13 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. 166—Cogdill. An act relating to state-mandated local programs.

ASSEMBLY BILL NO. 167—Harman. An act to amend Sections 1004, 6327, 8852, 9761, 9884, 10151, 10534, 11952, 13601, 19054, and 21401 of, and to amend and renumber Section 26112 of, the Probate Code, relating to probate.

ASSEMBLY BILL NO. 168—Maze. An act to amend Section 11198 of the Penal Code, relating to imprisonment.

ASSEMBLY BILL NO. 169—Chavez. An act to amend Section 22050 of, to amend and renumber Section 22754 of, and to add Sections 22012 and 22100.5 to, the Financial Code, relating to finance lending.

ASSEMBLY BILL NO. 170—Reyes. An act to amend Section 2732.1 of the Business and Professions Code, relating to nursing.

ASSEMBLY BILL NO. 171—Cohn. An act to amend Section 6276.24 of the Government Code, and to amend Section 14087.38 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 172—Nakanishi. An act to amend Section 30061 of the Government Code, relating to law enforcement.

ASSEMBLY BILL NO. 173—Dymally. An act to amend Section 19576 of the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 174—Calderon. An act to amend Section 76300 of the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 175—Cohn. An act to amend Section 1375.7 of the Health and Safety Code, relating to health care service plans.

ASSEMBLY BILL NO. 176—Nakano. An act to add Section 146.5 to the Military and Veterans Code, relating to the state militia.

ASSEMBLY BILL NO. 177—Oropeza. An act to add Sections 13312.5 and 14105.3 to the Elections Code, relating to elections.

ASSEMBLY BILL NO. 178—Oropeza. An act relating to medical privacy.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 15—Frommer. Relative to Colorectal Cancer Awareness Month.

HOUSE RESOLUTION NO. 11—Runner and Steinberg. Relative to Congenital Heart Defect Awareness Day.

HOUSE RESOLUTION NO. 12—Dymally. Relative to prostate cancer.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 23, 2003

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

Assembly Concurrent Resolution No. 12

And reports the same correctly enrolled, and presented to the Secretary of State on the 23rd day of January, 2003, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Water, Parks and Wildlife to convene jointly with Budget Subcommittee No. 3, on Tuesday, January 28, 2003, at 9 a.m.

REPORTS OF STANDING COMMITTEES Committee on Rules

Date of Hearing: January 23, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 1

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

Date of Hearing: January 23, 2003

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 7

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned until 11 a.m., Monday, January 27, 2003, out of respect to the memory of Suzanne Campbell McGaughey, on motion of Assembly Member Campbell; out of respect to the memory of Mamie Johnson, on motion of Assembly Member Mountjoy; out of respect to the memory of Grace Bohlander and George Isamu Tamanaha, on motion of Assembly Member Chu; out of respect to the memory of Wanda M. Anfuso, William R. Charles, and Charlotte Orr Merriam, on motion of Assembly Member Shirley Horton; out of respect to the memory of Mary Dunlap and Melinda "Mindy" Ohler, on motion of Assembly Member Leno; out of respect to the memory of Pamela Tate, on motion of Assembly Member Nakano; out of respect to the memory of Al Rush, on motion of Assembly Member Pavley; and out of respect to the memory of Charles P. Weisberg, on motion of Assembly Member Steinberg.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 23, 2003

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

AB RN 8 0301741 32 0300981 38 0301800 55 0302021

Daily Total: 4 **Cumulative Total:** 10