

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 28, 2003

SIXTEENTH SESSION DAY

FIFTY-EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 28, 2003

The Assembly met at 1:30 p.m.
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 Shirley Horton moved a quorum call of the Assembly.

Motion carried. Time, 1:31 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 1:52 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—79:

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

PRAYER

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

O Lord Our God, Grant that Your eyes may watch over us this day. Spread the wings of Your grace to protect us and extend Your holy hand to bless us. May Your Holy Spirit abide with us as we pray, to inspire us with hope, to strengthen us in humility and to nurture us in love.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Nakano 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:

Because of a death in his family: Assembly Member Campbell.

COMMUNICATIONS

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

January 27, 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 Assemblymembers Judy Chu, Jackie Goldberg, Darrell Steinberg, Greg Aghazarian and Mark Wyland to fill the vacancies on the Joint Committee to Develop a Master Plan for Education—Kindergarten through University. Also, please note that I have designated Assemblymembers Jackie Goldberg and Carol Liu to serve as Co-Vice Chairs of the Committee.

Sincerely,

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

January 28, 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 the following members to the Select Committee on Community Colleges for the 2003–04 Regular Session:

Assemblymember Bonnie Garcia
 Assemblymember Jackie Goldberg
 Assemblymember Jerome Horton
 Assemblymember Christine Kehoe
 Assemblymember Paul Koretz
 Assemblymember John Laird
 Assemblymember Carol Liu
 Assemblymember Alan Nakanishi
 Assemblymember Robert Pacheco
 Assemblymember Steven Samuelian

Sincerely,

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

REPORTS

The following reports were presented by the Chief Clerk:

**Board of Vocational Nursing and Psychiatric Technicians Report
 (Pursuant to Business and Professions Code
 Division 2, Chapter 1, Article 11, Section 800)**

Above transmitted report, together with letter of transmittal from Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer, Board of Vocational Nursing and Psychiatric Technicians, dated December 12, 2002, referred by the Speaker to the Committee on Business and Professions.

**Department of Consumer Affairs (draft)
 2001–2002 Annual Report
 (Pursuant to Business and Professions Code Section 327)**

Above transmitted report, together with letter of transmittal from Kathleen Hamilton, Director, Department of Consumer Affairs, dated December 19, 2002, referred by the Speaker to the Committee on Business and Professions.

**Annual Project Activity Report Concerning the
 Renewable Energy Program,
 for July 1, 2001–June 30, 2002
 (Pursuant to Supplemental Report of the 1999 Budget Act)**

Above transmitted report, together with letter of transmittal from James D. Boyd, Commissioner and Associate Member Renewables Committee, California Energy Commission, dated January 8, 2003, referred by the Speaker to the Committee on Budget.

**Annual Disabled Veteran-Owned Business Enterprise
Participation Report for Fiscal Year 2000–2001
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, dated December 30, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Race, Ethnicity, and Gender in Contracting and Procurement
for the period January 1, 2002 through June 30, 2002
(Pursuant to Assembly Bill 1084, Chapter 882, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated January 8, 2003, referred by the Speaker to the Committee on Business and Professions.

**Specific Information Relevant to
State of California Salaries of Female-Dominated Classifications
December 2001 Report
(Pursuant to Government Code Section 19827.2)**

Above transmitted report, together with letter of transmittal from Bob Painter, Chief, Policy and Operations Division, Department of Personnel Administration, dated January 15, 2003, referred by the Speaker to the Committee on Labor and Employment.

**Summary of Federal Income Tax Changes—2002
(Pursuant to Revenue and Taxation Code Section 19522)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated January 22, 2003, referred by the Speaker to the Committee on Revenue and Taxation.

**Quarterly Hazardous Waste Fee Revenue Report
October 1, 2002 through December 31, 2002
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from James E. Speed, Executive Director, Board of Equalization, dated January 23, 2003, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 28, 2003

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

Assembly Concurrent Resolution No. 13

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 199—Oropeza (Principal coauthors: Senators Alarcon, Romero, and Torlakson). An act to add Chapter 7 (commencing with Section 99560) to Part 11 of Division 10 of the Public Utilities Code, relating to transit employer-employee relations.

ASSEMBLY BILL NO. 200—Richman. An act to add Sections 4474.2, 4474.3, 4474.35, 4474.4, 4474.5, 4474.6, 4474.7, 4474.8, and 4630.5 to the Welfare and Institutions Code, relating to developmental centers.

ASSEMBLY BILL NO. 201—Samuelian. An act to amend Section 12070 of the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 202—Corbett. An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

ASSEMBLY BILL NO. 203—Lieber. An act to add Section 14079.6 to the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 204—Nation. An act to amend Section 31164 of, and to add Sections 31165, 31166, and 31167 to, the Public Resources Code, and to add Section 9250.20 to the Vehicle Code, relating to the State Coastal Conservancy.

ASSEMBLY BILL NO. 205—Goldberg, Kehoe, Koretz, Laird, and Leno (Principal Coauthor: Wesson) (Principal coauthor: Senator Kuehl) (Coauthors: Chu, Hancock, Levine, Lieber, Longville, Lowenthal, Nation, Nunez, Oropeza, Pavley, and Steinberg) (Coauthors: Senators Burton, Cedillo, and Vasconcellos). An act to amend Sections 297, 298, and 298.5 of, to add Sections 299.1, 299.2, and 299.3 to, and to repeal and add Section 299 of, the Family Code, to amend Section 14771 of the Government Code, and to amend Section 18521 of the Revenue and Taxation Code, relating to domestic partnerships.

ASSEMBLY BILL NO. 206—Richman. An act to add Division 112 (commencing with Section 130500) to the Health and Safety Code, relating to public health, and making an appropriation therefor.

ASSEMBLY BILL NO. 207—Maze. An act to add Section 594.37 to the Penal Code, relating to vandalism.

ASSEMBLY BILL NO. 208—Harman. An act to amend Section 56886 of the Government Code, relating to local agency formation.

ASSEMBLY BILL NO. 209—Leslie. An act to amend Section 54.3 of the Civil Code, relating to disabled persons.

ASSEMBLY BILL NO. 210—Nation (Coauthor: Koretz). An act to add Section 1365.95 to the Civil Code, and to add Article 4 (commencing with Section 118960) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to tobacco.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 18—Leno. Relative to Spay Day USA 2003.

ASSEMBLY JOINT RESOLUTION NO. 5—Parra (Principal coauthor: Dutton) (Principal coauthor: Senator Machado). Relative to the Vietnam Veterans Memorial Education Center.

ADJOURN IN MEMORY

Assembly Member Samuelian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Ferdinandi, of Fresno.

(Assembly Rule 45.5 suspended.)

RECESS

By unanimous consent, at 2:01 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 5:52 p.m., the Assembly reconvened.

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

ADJOURN IN MEMORY

Assembly Member Haynes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his mother-in-law, Vada Davis, of Colorado Springs, CO.
(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Houston was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles Boyce Last, of Brentwood.

MOTION TO ADJOURN

At 5:58 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.
Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:58 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 5:58 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned until 7 a.m., Wednesday, January 29, 2003, out of respect to the memory of John Ferdinand, on motion of Assembly Member Samuelian; out of respect to Vada Davis, on motion of Assembly Member Haynes; and out of respect to the memory of Charles Boyce Last on motion of Assembly Member Houston.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk