

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 29, 2003
SEVENTEENTH SESSION DAY
FIFTY-NINTH 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
Wednesday, January 29, 2003

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—75:

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
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Shirley	Maze	Samuelian
Chavez	Houston	McCarthy	Spitzer
Chu	Jackson	Montanez	Steinberg
Cogdill	Keene	Mountjoy	Strickland
Cohn	Kehoe	Mullin	Vargas
Correa	Koretz	Nakanishi	Wiggins
Cox	La Malfa	Nakano	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

Quorum present.

At 2:03 p.m., Speaker pro Tempore Christine Kehoe, 76th 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 Corbett and Simitian.

On personal business, and waiving per diem: Assembly Member Nation.

Because of illness: Assembly Members Chan and Jerome E. Horton.

EXPLANATIONS OF ABSENCE

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

January 28, 2003

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

Dear Mr. Speaker: I would like to request permission to be excused from check-in session on Wednesday, January 29, 2003. I have District business to attend to.

Thank you for your consideration in 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 29, 2003

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

Dear Speaker Wesson,

This is a request to be excused from Check-In Session on Wednesday, January 29, 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

COMMUNICATIONS

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

January 29, 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 Alan Lowenthal to replace Assemblymember Wilma Chan on the Assembly Aging and Long-Term Care Committee.

Sincerely,

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

January 29, 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 Sally Lieber to the Assembly Health Committee, increasing the size of the committee from 24 to 25 members.

Sincerely,

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

January 29, 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 removed Assemblymembers Joe Simitian and Tom Harman from the Assembly Local Government Committee, reducing the size of the committee from 11 to 9 members.

Sincerely,

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

January 29, 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 Wilma Chan to the Assembly Transportation Committee, increasing the size of the committee from 19 to 20 members.

Sincerely,

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

January 29, 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 Patricia Wiggins to fill the vacancy on the Assembly Veterans Affairs Committee. I have also appointed Assemblymembers Simon Salinas and Todd Spitzer to the committee, increasing the membership from 12 to 14.

Sincerely,

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

January 29, 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 Small Business for the 2003–04 Regular Session and have appointed Assemblymember Dario Frommer as the Chair.

Sincerely,

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

January 29, 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 the Urban Child:

Assemblymember Russ Bogh
Assemblymember Lynn Daucher
Assemblymember Loni Hancock
Assemblymember John Longville
Assemblymember Abel Maldonado
Assemblymember Bill Maze
Assemblymember Fabian Nunez
Assemblymember Sarah Reyes
Assemblymember Mark Ridley-Thomas
Assemblymember Juan Vargas
Assemblymember Patricia Wiggins
Assemblymember Leland Yee

Sincerely,

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

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

January 29, 2003

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

Greg Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California

Dear Mr. Wilson and Mr. Schmidt: Please be advised that the Assembly and Senate contingents of the Joint Committee on Fisheries and Aquaculture were polled, respectively, on January 28, 2003, and approved the following item:

Selection of Assemblymember Patty Berg as Chair, and Senator Dede Alpert as Vice Chair, of the Joint Committee on Fisheries and Aquaculture.

Please ensure that this action is printed in the Journal.

Sincerely,
 PATTY BERG
 Chair, Joint Committee on Fisheries and Aquaculture

SPECIAL COMMITTEE MEETINGS

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

Joint Committee to Develop a Master Plan for Education, on Tuesday, February 4, 2003, at 10 a.m.;

Public Safety, on Wednesday, February 5, 2003, at 1:30 p.m.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 211—Maze. An act to amend Sections 218 and 275 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 212—Maze. An act to amend Sections 52122, 52123, 52124, 52124.5, and 52126 of the Education Code, relating to class size.

ASSEMBLY BILL NO. 213—Leslie. An act to add Section 11713.65 to the Vehicle Code, relating to vehicle dealers.

ASSEMBLY BILL NO. 214—Shirley Horton. An act to add Section 1051 to the Military and Veterans Code, and to add and repeal Article 11.5 (commencing with Section 18826) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 215—Leslie. An act to amend Section 530.5 of the Penal Code, relating to identity theft.

ASSEMBLY BILL NO. 216—Chan. An act to add Article 6 (commencing with Section 23500) to Chapter 3 of Division 9 of the Business and Professions Code, and to add Chapter 4.5 (commencing with Section 11759.7) to Part 1 of Division 10.5 of the Health and Safety Code, relating to alcohol recovery and prevention.

ASSEMBLY BILL NO. 217—Cohn. An act to amend Section 17076.10 of the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 218—Simitian. An act to amend Section 65582 of the Government Code, relating to local planning.

ASSEMBLY BILL NO. 219—Reyes. An act to amend Section 39001 of the Health and Safety Code, relating to air quality.

ASSEMBLY BILL NO. 220—Leslie. An act to amend Sections 45102 and 45256 of, and to add Section 45127.5, to the Education Code, relating to school employees.

ASSEMBLY BILL NO. 221—Koretz (Principal coauthor: Senator Dunn) (Coauthors: Chu, Hancock, Lieber, Maldonado, Nation, and Vargas) (Coauthor: Senator Kuehl). An act to amend Sections 17537.3, 22952, 22956, 22958, and 22963 of, and to add Section 22964 to, the Business and Professions Code, and to amend Section 308 of the Penal Code, relating to tobacco.

ASSEMBLY BILL NO. 222—Corbett. An act to add Chapter 12.5 (commencing with Section 20020) to Part 11 of the Education Code, relating to financing a public library construction and renovation program, making an appropriation therefor, and by providing the funds necessary therefor through an election for, and the issuance and sale of, bonds of the State of California, and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 223—Diaz. An act to amend Section 98.2 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 224—Kehoe and Cohn (Coauthors: Harman, Levine, Wiggins, and Yee) (Coauthors: Senator Soto). An act to add Title 1.3D (commencing with Section 1748.35) to Part 4 of Division 3 of the Civil Code, relating to identification.

ASSEMBLY BILL NO. 225—Frommer. An act to add Section 17280.7 to the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 226—Vargas and Koretz. An act to amend Section 10110.1 of, and to add Section 10110.4 to, the Insurance Code, relating to life insurance.

ASSEMBLY BILL NO. 227—Vargas. An act to add Section 1861.17 to the Insurance Code, relating to credit information.

ASSEMBLY BILL NO. 228—Leslie. An act to amend Sections 52122, 52123, 52124, 52124.5, and 52126 of the Education Code, relating to class size.

AUTHOR'S AMENDMENTS **Committee on Public Safety**

January 29, 2003

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 2

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

LENO, Chairman

ASSEMBLY BILL NO. 2—An act to add Section 3043.6 to the Penal Code, and to add Section 1767.9 to the Welfare and Institutions Code, relating to victims.

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 Health**

January 29, 2003

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

Assembly Bill No. 23

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

FROMMER, Chairman

ASSEMBLY BILL NO. 23—An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

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 Arts, Entertainment, Sports, Tourism, and Internet Media

Date of Hearing: January 28, 2003

Mr. Speaker: Your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports:

Assembly Concurrent Resolution No. 3

With the recommendation: Be adopted.

COHN, Chairwoman

Above resolution ordered to third reading.

Date of Hearing: January 28, 2003

Mr. Speaker: Your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports:

House Resolution No. 5

With the recommendation: Be adopted.

COHN, Chairwoman

Above resolution ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, January 30, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 29, 2003**

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

AB RN

2 0301372

23 0301276

Daily Total: 2

Cumulative Total: 13

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