

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 30, 2003**  
**EIGHTEENTH SESSION DAY**  
**SIXTIETH 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  
Thursday, January 30, 2003

The Assembly met at 8:30 a.m.  
Hon. Leland Yee, Assistant 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 Laird moved a quorum call of the Assembly.  
Motion carried. Time, 8:31 a.m.  
The Assistant Speaker pro Tempore directed the Sergeant at Arms to  
close the doors, and to bring in the absent Members.

#### Quorum Present

At 8:33 a.m., Assistant Speaker pro Tempore Yee declared a quorum  
of the Assembly present.

The roll call was completed, and the following answered to their  
names—77:

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

**PRAYER**

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

*Lord, Give us patience and steadfastness in adversity; strengthen our weakness; comfort us in trouble and distress. When we do face the difficult moments in our lives, give us a willing and cheerful mind, that we may gladly suffer and bear all things for Your sake.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Yee, 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 Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Calderon and Salinas.*

*Because of illness: Assembly Member Jerome E. Horton.*

**EXPLANATIONS OF ABSENCE**

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

January 29, 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 30, 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 24, 2003

*The Honorable Herb J. Wesson, Jr., Speaker*

*California State Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Speaker Wesson: I respectfully request to be excused from Floor Session on Thursday, January 30, 2003. I will be in my district attending to legislative business that cannot be rescheduled. Please feel free to contact Emilee Ford in my Capitol Office regarding this request.

Sincerely,

SIMÓN SALINAS, Assembly Member  
Twenty-eight District

**COMMUNICATIONS**

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

January 30, 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 California Infrastructure for the 2003–04 Regular Session and have appointed Assemblymember Lloyd Levine as the Chair.

Sincerely,

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

January 30, 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 California's Nursing Shortage for the 2003–04 Regular Session and have appointed Assemblymember Paul Koretz as the Chair.

Sincerely,

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

January 30, 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 John Longville to the Select Committee on Community Colleges.

Sincerely,

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

January 30, 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 Gang Violence and Juvenile Crimes for the 2003–04 Regular Session and have appointed Assemblymember Jerome Horton as the Chair.

Sincerely,

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

January 30, 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 High School and Collegiate Athletics for the 2003–04 Regular Session and have appointed Assemblymember Lloyd Levine as the Chair.

Sincerely,

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

**REQUEST FOR PHOTOGRAPHER**

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 30, 2003

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

Assembly Bill No. 2

Assembly Bill No. 23

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 30, 2003

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

Assembly Concurrent Resolution No. 3

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**SPECIAL COMMITTEE MEETINGS**

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

Natural Resources, to convene Jointly with Environmental Safety and Toxic Materials on Monday, February 10, 2003, in Thousand Oaks;

Health, Environmental Safety and Toxic Materials, and the Select Committee on California Children’s School Readiness and Health, to convene Jointly on February 19, 2003, at 9 a.m., in Room 4202;

Select Committee on California Children’s School Readiness and Health, on Friday, March 14, 2003, at 10 a.m., in Livermore.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 229—Pacheco.** An act to amend Section 20111 of the Public Contract Code, relating to school district contracts.

**ASSEMBLY BILL NO. 230—Leno.** An act to add Section 3057.3 to the Penal Code, relating to paroles.

**ASSEMBLY BILL NO. 231—Steinberg.** An act to amend Section 11155 of, to add Sections 18901.6, 18901.9, and 18901.10 to, and to repeal Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 232—Chan.** An act to add Article 3 (commencing with Section 127400) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to hospitals.

**ASSEMBLY BILL NO. 233—Cogdill.** An act to amend Section 11379.7 of the Health and Safety Code, and to amend Sections 666.7 and 11160 of the Penal Code, relating to controlled substances.

**ASSEMBLY BILL NO. 234—Corbett.** An act to amend Sections 17276 and 24416 of, and to add Sections 17276.8 and 24416.8 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 235—Cogdill (Coauthors: Benoit, Dutton, Maze, Pacheco, Plescia, and Runner).** An act relating to school transportation.

**ASSEMBLY BILL NO. 236—Bermudez.** An act to add Section 2076 to the Business and Professions Code, relating to medicine.

**ASSEMBLY BILL NO. 237—Bermudez.** An act to amend Section 1253.3 of the Unemployment Insurance Code, relating to unemployment compensation benefits, and making an appropriation therefor.

**ASSEMBLY BILL NO. 238—Oropeza.** An act relating to parks and resources.

**ASSEMBLY BILL NO. 239—Bates.** An act to add Section 667.95 to the Penal Code, relating to identity theft.

**ASSEMBLY BILL NO. 240—Reyes.** An act to add Section 43021.5 to the Public Resources Code, relating to solid waste.

**ASSEMBLY BILL NO. 241—Pacheco.** An act to amend Section 27388 of the Government Code, relating to law enforcement.

**ASSEMBLY BILL NO. 242—Liu (Principal coauthor: Senator Alpert).** An act to add Sections 44225.1, 44227.8, 44304, 44308.5, 44830.4, and 45062 to, and to add Chapter 1.5 (commencing with Section 99050) to Part 65 of, the Education Code, and to amend Section 3543.2 of, and to add Section 3543.9 to, the Government Code, relating to teachers.

#### **AUTHOR'S AMENDMENTS Committee on Judiciary**

January 30, 2003

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

Assembly Bill No. 29

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

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 29**—An act to add Section 6302.5 to the Family Code, relating to protective orders.

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 30, 2003

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

Assembly Concurrent Resolution No. 14

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

NATION, Chairman

**ASSEMBLY CONCURRENT RESOLUTION NO. 14**—Relative to a Day of Remembrance.

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

**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>
76 -----	Jud. and L. & E.
117 -----	Trans.
155 -----	Pub. S.
156 -----	Higher Ed.
157 -----	L. Gov.
158 -----	Pub. S.
159 -----	Jud.
160 -----	Rev. & Tax.
161 -----	Pub. S.
163 -----	Ed.
164 -----	Ed.
165 -----	Ed.
167 -----	Jud.
168 -----	Pub. S.
169 -----	B. & F.
170 -----	B. & P.
172 -----	L. Gov.
173 -----	G.O.
174 -----	Higher Ed.
175 -----	Health
176 -----	V.A.
177 -----	E.,R. & C.A.

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
8 -----	Higher Ed.
15 -----	Rls.

*Assembly Joint*

<i>Resolution No.</i>	<i>Committee</i>
3 -----	Higher Ed.

*House*

<i>Resolution No.</i>	<i>Committee</i>
11 -----	Rls.

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

**HOUSE RESOLUTION NO. 10 (Liu)**—Relative to Lunar New Year Celebration.  
Resolution read.

**Members Made Coauthors of  
House Resolution No. 10**

Assembly Member Liu was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 10.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Aghazarian, Bates, Benoit, Berg, Bermudez, Bogh, Campbell, Canciamilla, Chavez, Cogdill, Corbett, Correa, Cox, Daucher, Diaz, Dutra, Dutton, Dymally, Firebaugh, Frommer, Garcia, Goldberg, Hancock, Harman, Houston, Jackson, Keene, Kehoe, La Malfa, La Suer, Laird, Leno, Leslie, Levine, Lieber, Longville, Lowenthal, Maldonado, Matthews, Maze, McCarthy, Montanez, Mountjoy, Mullin, Nation, Negrete McLeod, Nunez, Oropeza, Pacheco, Parra, Pavley, Plescia, Reyes, Richman, Ridley-Thomas, Runner, Samuelian, Simitian, Spitzer, Steinberg, Strickland, Vargas, Wesson, Wolk, and Wyland.

**Request for Unanimous Consent**

Assembly Member Liu was granted unanimous consent to take up House Resolution No. 10, as amended, without reference to print or file.

**Consideration of House Resolution No. 10, as Amended**

**HOUSE RESOLUTION NO. 10**—Relative to Lunar New Year Celebration.  
Resolution read, as amended, and adopted.

**RECESS FOR SPECIAL OBSERVANCE OF  
CHINESE NEW YEAR**

At 8:42 a.m., Assistant Speaker pro Tempore Yee declared the Assembly recessed for a special ceremony.

Assembly Members Liu, Chan, Goldberg, Nakano, and Chu offered remarks in observance of Chinese New Year. Assembly Member Chu then invited the Lee-Jet-Don Lion Dancers of Sacramento, to perform for the Members of the Assembly.

**RECONVENED**

At 9 a.m., the Assembly reconvened.  
Hon. Leland Yee, Assistant Speaker pro Tempore of the Assembly, presiding.

**At 9:01 a.m., Speaker pro Tempore Kehoe, 76th District, presiding**

**RECESS**

By unanimous consent, at 9:01 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 9:25 a.m., the Assembly reconvened.  
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.



**ANNOUNCEMENTS**

Speaker pro Tempore Kehoe announced the following session schedule:

Monday, February 3, Floor Session, 11 a.m.;  
Tuesday, February 4–Thursday, February 6, Check-in Session,  
7 a.m., and Floor Session upon Call of Speaker;  
Friday, February 7, Floor Session, 8:30 a.m.;  
Tuesday, February 11, Floor Session, 11 a.m.

**ADJOURN IN MEMORY**

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 Sue E. Case, of Sacramento.

Assembly Member Frommer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anthony “Tony” Madrid, of Stockton.

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 Evelyn Trout, of Lemon Grove.

Assembly Member Maldonado was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Maria Arredondo, of Santa Monica.

**MOTION TO ADJOURN**

At 9:26 a.m., Assembly Member Cohn moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:26 a.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 30, 2003

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

Senate Bill No. 22

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

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 22**—An act to repeal Sections 5 and 8 of Chapter 1154 of the Statutes of 2002, relating to mining, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Cohn, the Assembly adjourned until 11 a.m., Monday, February 3, 2003, out of respect to the memory of Sue E. Case, on motion of Assembly Member Cox; out of respect to the memory of Maria Arredondo, on motion of Assembly Member Maldonado; out of respect to the memory of Evelyn Trout, on motion of Assembly Member Shirley Horton; and out of respect to the memory of Anthony "Tony" Madrid, on motion of Assembly Member Frommer.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 30, 2003**

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

**AB RN**

29 0306838

**ACR RN**

14 0306706

**Daily Total: 2**

**Cumulative Total: 16**

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