

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 3, 2003
NINETEENTH SESSION DAY
SIXTY-FOURTH 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
Monday, February 3, 2003

The Assembly met at 11 a.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 Cox moved a quorum call of the Assembly.
Motion carried. Time, 11:01 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 11:10 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	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	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	Pacheco	

PRAYER

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

Merciful God, As we gather this day, we pause to remember the astronauts aboard the Space Shuttle *Columbia* who died tragically two days ago as they were making their return from a 16-day science mission in space. As people of faith, love and hope, we remember these crew members who were a magnificent mosaic of humanity and who heroically exemplified our ability to strive for achievement and progress for all the people of this planet.

Also on this day and in the days to come, we pray for our President and our national leaders; and we ask You, Lord, to grant them wisdom and strength as they address the needs that follow this national tragedy. Those who serve our country and our communities are exposed to grave danger each day as they serve. Lord, keep us mindful of their offering and their sacrifice.

May Your heavenly grace, O God, protect all of us and may Your presence bring us comfort and peace.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Ridley-Thomas 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 Haynes.

COMMUNICATIONS

The following communications were 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 Assemblymember John Longville to fill the vacancy on the Assembly Public Safety Committee.

Sincerely,

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

January 27, 2003

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

RE: Appointment of Barbara Lockert, Cecelia Mansfield
and Harold Boyd, Jr.
to No Child Left Behind Liaison Team

Dear Mr. Wilson: Please be advised I have appointed Ms. Barbara Lockert, Ms. Cecelia Mansfield and Mr. Harold Boyd, Jr. to the No Child Left Behind Liaison Team. These are pleasure term appointments for Ms. Lockert and Ms. Mansfield starting December 4, 2002 and the expiration date is December 4, 2004. It is also a pleasure term appointment for Mr. Harold Boyd, Jr. starting January 27, 2003 and his expiration date is January 27, 2005.

Sincerely,

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

January 31, 2003

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

Dear Dotson: Please be advised that I created the Assembly Select Committee on Title IX for the 2003–04 Regular Session and have appointed the following members to serve on the committee:

Speaker Herb J. Wesson, Jr., Co-Chair
Assemblymember Hannah-Beth Jackson, Co-Chair
Assemblymember Jenny Oropeza, Co-Vice Chair
Assemblymember Darrell Steinberg, Co-Vice Chair
Assemblymember Judy Chu
Assemblymember Rebecca Cohn
Assemblymember Marco Firebaugh
Assemblymember Jackie Goldberg
Assemblymember Christine Kehoe
Assemblymember Carol Liu
Assemblymember Gloria Negrete McLeod
Assemblymember Cindy Montanez
Assemblymember Robert Pacheco
Assemblymember Fran Pavley
Assemblymember Sarah Reyes
Assemblymember Juan Vargas
Assemblymember Patricia Wiggins

Sincerely,

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

REPORTS

The following reports were presented by the Chief Clerk:

**Lottery's Purchase of Goods and Services
through the Department of General Services,
and Contracts Awarded for more than \$100,000 during the
2001-2002 Fiscal Year
(Pursuant to Government Code Section 8880.56(b)(5))**

Above transmitted report, together with letter of transmittal from Joan Wilson, Director, California Lottery, dated January 6, 2003, referred by the Speaker to the Committee on Governmental Organization.

**California Low Cost Automobile Insurance Program
Annual Report
(Pursuant to Senate Bills 171 and 527, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Richard J. Manning, CAARP Regional Director, California Automobile Assigned Risk Plan, dated January 10, 2003, referred by the Speaker to the Committee on Insurance.

**School Facility Program Costs Avoided Per Pupil
by Use of Year-Round Education
(Pursuant to Education Code Section 42263(d)(3))**

Above transmitted report, together with letter of transmittal from Luisa M. Park, Executive Officer, Office of Public School Construction, State Allocation Board, dated January 17, 2003, referred by the Speaker to the Committee on Education.

**Concealable Firearms Charges in California
Fiscal Year 2001-2002
(Pursuant to Penal Code Section 12025 and 12031)**

Above transmitted report, together with letter of transmittal from Chris D. Janzen, Director, Administrative Services Division, Department of Justice, dated January 21, 2003, referred by the Speaker to the Committee on Public Safety.

**Metropolitan Water District of Southern California
Annual Report
(Pursuant to Metropolitan Water District Act Section 127)**

Above transmitted report, together with letter of transmittal from Ronald R. Gastelum, Chief Executive Officer, Metropolitan Water District of Southern California, dated January 23, 2003, referred by the Speaker to the Committee on Local Government.

**Report on Deferred Maintenance Needs
(Pursuant to Public Resources Code Section 5096.322(a))**

Above transmitted report, together with letter of transmittal from Ruth Coleman, Acting Director, Department of Parks and Recreation, dated January 9, 2003, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Annual Report to the Fund Participants
Concerning the School Employees Fund
Fiscal Year Ending June 30, 2002
(Pursuant to Unemployment Insurance Code Section 832)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated January 23, 2003, referred by the Speaker to the Committee on Insurance.

SPECIAL COMMITTEE MEETINGS

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

Aging and Long-Term Care to convene jointly with Senate Subcommittee on Aging, on Tuesday, February 18, 2003, at 2 p.m., in Room 4203;

Housing and Community Development to convene jointly with Senate Committee on Housing and Community Development, on Wednesday, February 19, 2003;

Judiciary, on March 4, 2003, at 8:30 a.m., in Room 4202;

Governmental Organization, on Wednesday, March 12, 2003, at 1:30 p.m., in Room 4202.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 3, 2003

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

Assembly Concurrent Resolution No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, February 3, 2003

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

Assembly Bill No. 29

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 243—Vargas. An act to amend Section 19827.5 of the Government Code, relating to state employees, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 244—Maze. An act to amend Sections 510, 554, 556, and 1182.1 of, to add Section 1183.5 to, and to repeal Sections 500, 511, 513, 514, 515.5, 515.6, and 517 of, the Labor Code, relating to wages.

ASSEMBLY BILL NO. 245—Cohn. An act to add Section 243.9 to the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 246—Cox. An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 247—Cox (Coauthors: Benoit, Bogh, Cogdill, Dutton, Haynes, Houston, La Suer, Leslie, Maze, Plescia, Runner, Samuelian, Strickland, and Wyland) (Coauthors: Senators Ackerman, Johnson, and Knight). An act to add Section 14218.3 to the Elections Code, relating to elections.

ASSEMBLY BILL NO. 248—Nunez. An act to amend Sections 6988 and 6989 of the Food and Agricultural Code, relating to advisory boards.

ASSEMBLY BILL NO. 249—Matthews. An act to add Section 69432.6 to the Education Code, relating to student financial aid.

ASSEMBLY BILL NO. 250—Maddox. An act to amend Section 7520.1 of the Business and Professions Code, relating to private investigators.

ASSEMBLY BILL NO. 251—Parra. An act relating to economic development.

ASSEMBLY BILL NO. 252—Jackson. An act to add Section 7647 to the Family Code, relating to paternity.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY JOINT RESOLUTION NO. 6—Diaz and Liu. Relative to Korean immigrants.

HOUSE RESOLUTION NO. 15—Laird. Relative to children’s dental health.

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>
123	B. & P.
179	Hum. S.
180	Aging & L.T.C.
181	Pub. S.
182	Jud.
183	Health
184	Trans.
187	Pub. S.
188	E.,R. & C.A.
189	Rev. & Tax.
190	E.,R. & C.A.
191	Pub. S.
192	L. Gov.
195	Ed.
196	L. & E.
197	G.O.
198	Trans.
199	P.E.,R. & S.S.
200	Hum. S.
202	B. & P.
203	Health
205	Jud.
206	Health
207	Pub. S.
208	L. Gov.
209	Jud.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
16	Ed.
17	Trans.
18	Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
4	Jud.
5	V.A.

House

<i>Resolution No.</i>	<i>Committee</i>
13	Rls.
14	Rls.

AUTHOR'S AMENDMENTS
Committee on Transportation

February 3, 2003

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

Assembly Bill No. 77

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

DUTRA, Chairman

ASSEMBLY BILL NO. 77—An act to amend Section 170048 of the Public Utilities Code, relating to airports.

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 Rules

Date of Hearing: February 3, 2003

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 13

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

Date of Hearing: February 3, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 14

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

REQUEST FOR PHOTOGRAPHER

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

RE-REFERENCE OF BILLS

Assembly Member Chan was granted unanimous consent that Assembly Bill No. 111 be re-referred from the Committee on Public Safety to the Committee on Judiciary and back to Public Safety.

ADJOURN IN MEMORY
Moment of Silence Observed

Assembly Members Nakano, Vargas, and Runner were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the astronauts of the space shuttle Columbia: Col. Rick D. Husband of the Air Force; Cmdr. William C. McCool of the Navy; Lt. Col. Michael P. Anderson of the Air Force; Dr. Kalpana Chawla; Navy doctors, Capt. David M. Brown and Cmdr. Laurel Salton Clark; and Israel's first space traveler, Col. Ilan Ramon.

The Assembly then observed a moment of silence in their honor.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Reyes and Samuelian were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Larry Bertao, of Fresno.

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 1 (Koretz)—Relative to California Holocaust Memorial Week.

Resolution read.

Assembly Rule 112 Suspended

Assembly Members Cohn and Firebaugh were granted unanimous consent that Assembly Rule 112 be temporarily suspended for the purpose of reading a paper on the Floor.

Members Made Coauthors of
Assembly Concurrent Resolution No. 1

Assembly Member Koretz was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 1.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aghazarian, Benoit, Berg, Bermudez, Bogh, Calderon, Campbell, Cogdill, Corbett, Correa, Daucher, Diaz, Dutra, Dutton, Dymally, Frommer, Garcia, Goldberg, Hancock, Harman, Jerome Horton, Shirley Horton, Houston, Jackson, Keene, Kehoe, La Malfa, La Suer, Leno, Leslie, Levine, Lieber, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Maze, McCarthy, Montanez, Mullin, Nakanishi, Nakano, Nation, Nunez, Oropeza, Parra, Plescia, Reyes, Richman, Ridley-Thomas, Runner, Salinas, Samuelian, Simitian, Spitzer, Strickland, Wesson, Wiggins, Wolk, Wyland, and Yee.

Request for Unanimous Consent

Assembly Member Koretz was granted unanimous consent to take up Assembly Concurrent Resolution No. 1, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 1, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 1—Relative to California Holocaust Memorial Week.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 13 (Jackson)—Relative to Girls and Women in Sports Week.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 13**

Assembly Member Jackson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 13.

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, Firebaugh, Frommer, Garcia, Goldberg, Hancock, Harman, Jerome Horton, Shirley Horton, Houston, Kehoe, Koretz, La Malfa, La Suer, Laird, Leno, Levine, Lieber, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Maze, McCarthy, Montanez, Mountjoy, Mullin, Nakanishi, Nakano, Nation, Negrete McLeod, Nunez, Pacheco, Parra, Pavley, Plescia, Reyes, Richman, Ridley-Thomas, Runner, Salinas, Samuelian, Simitian, Spitzer, Strickland, Vargas, Wiggins, Wolk, Wyland, and Yee.

Request for Unanimous Consent

Assembly Member Jackson was granted unanimous consent to take up Assembly Concurrent Resolution No. 13, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 13, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 13—Relative to Girls and Women in Sports Week.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate immediately.

RECESS

By unanimous consent, at 11:52 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Jackson introduced LaKeysia Beene, goalkeeper for the San Jose CyberRays Women's Professional Soccer Team and Edna Campbell, guard for the Sacramento Monarchs Women's Professional Basketball Team in recognition of Girls and Women in Sports Week.

RECONVENED

At 11:55 a.m., the Assembly reconvened.

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

RECESS

By unanimous consent, at 11:55 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 12:19 p.m., the Assembly reconvened.

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

ADJOURN IN MEMORY

Assembly Member Canciamilla was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alphonse "Red" Cappucini, of Pittsburg.

Assembly Member Dutton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nina Hooker, of Woodland.

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 Gene Wingard, of Pasadena.

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 Wynonia M. Johnston, of Chula Vista.

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 Maria.

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 Robert T. McLean, of Monrovia.

Assembly Member Nation was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul Golis, of Thousand Oaks.

Assembly Member Plescia was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Albert F. Deahl, of Rancho Bernardo.

Assembly Member Simitian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary E. Perkins, of Palo Alto.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harry Adair, of Vacaville.

MOTION TO ADJOURN

At 12:20 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced that Members' photos would be taken on Tuesday, February 4, 2003, in Room 124.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:20 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

INTRODUCTION OF GUESTS

Assembly Member Leslie, of the 4th Assembly District, introduced Keli Miller and the 4th and 5th grade students of Community Christian School, of Lincoln.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned until 10 a.m., Tuesday, February 4, 2003, out of respect to the memory of Alphonse "Red" Cappucini, on motion of Assembly Member Canciamilla; out of respect to the memory of Nina Hooker, on motion of Assembly Member Dutton; out of respect to the memory of Gene Wingard, on motion of Assembly Member Frommer; out of respect to the memory of Maria Arredondo, on motion of Assembly Member Maldonado; out of respect to the memory of Robert T. McLean, on motion of Assembly Member Mountjoy; out of respect to the memory of Albert F. Deahl, on motion of Assembly Member Plescia; out of respect to the memory of Mary E. Perkins, on motion of Assembly Member Simitian; out of respect to the memory of Harry Adair, on motion of Assembly Member Wolk; out of respect to the memory of Wynonia M. Johnston, on motion of Assembly Member Shirley Horton; out of respect to the memory of Larry Bertao, on motion of Assembly Members Reyes and Samuelian; out of respect to the memory of Paul Golis, on motion of Assembly Member Nation; out of respect to the memory of Col. Rick D. Husband, Cmdr. William C. McCool, Lt. Col. Michael P. Anderson, Dr. Kalpana Chawla, Capt. David M. Brown, Cmdr. Laurel Salton Clark, and Col. Ilan Ramon, on motion of Assembly Members Nakano, Vargas, and Runner.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 3, 2003**

The following measure was amended in the Assembly on this day:

AB RN

77 0301044

Daily Total: 1

Cumulative Total: 16

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