

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 4, 2003**  
**TWENTIETH SESSION DAY**  
**SIXTY-FIFTH 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

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Tuesday, February 4, 2003

The Assembly met at 10 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 Goldberg moved a quorum call of the Assembly.  
Motion carried. Time, 10:01 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 10:10 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—80:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	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

**PRAYER**

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

*Almighty God,* Bestow upon us and upon all Your faithful people, Your manifold gifts of grace. Let our minds be enlightened by Your truth and our hearts purified by Your presence, that we may be strengthened spiritually with Your divine power. Grant us to have a right judgement in all things and to always rejoice in the comfort of Your holiness.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kehoe, Assembly Member Plescia 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.

**COMMUNICATIONS**

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

February 4, 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 created the Subcommittee on Mental Health of the Assembly Health Committee for the 2003–04 Regular Session and have appointed Assemblymember Leland Yee as Chair.

Sincerely,

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

February 4, 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 Adult Education for the 2003–04 Regular Session and have appointed Assemblymember Carol Liu as the Chair.

Sincerely,

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

February 4, 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 Elder Abuse for the 2003–04 Regular Session and have appointed Assemblymember Joe Simitian as the Chair.

Sincerely,

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

February 4, 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 Information Technology and the High Tech Workforce for the 2003–04 Regular Session and have appointed Assemblymember Manny Diaz as the Chair.

Sincerely,

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

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 4, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 77

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

#### **SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Water, Parks and Wildlife, on Tuesday, February 11, 2003, at 8 a.m.

#### **ADJOURN IN MEMORY**

Assembly Members Laird and Leno were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lou Harrison, of Aptos.

(Assembly Rule 45.5 suspended.)

#### **ADJOURN IN MEMORY**

Assembly Member Maze was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Victor Roy Lee, former Mayor and City Councilmember of Exeter.

(Assembly Rule 45.5 suspended.)

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**HOUSE RESOLUTION NO. 13 (Strickland)**—Relative to Ronald Reagan's Birthday.

Resolution read.

**Motion to Amend**

Assembly Member Strickland moved the adoption of amendments.

Amendments read and adopted; resolution ordered reprinted, and to be returned to the third reading file.

**CAUCUS ANNOUNCEMENTS**

At 10:21 a.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 10:21 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 12:52 p.m., the Assembly reconvened.

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

**RECESS**

By unanimous consent, at 12:53 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 2:46 p.m., the Assembly reconvened.

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

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Firebaugh was granted unanimous consent that the Committee on Health be permitted to hold a special meeting on Thursday, February 6, 2003, and that Joint Rule 62(a) be waived.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Liu announced that the Committee on Higher Education would meet at 3 p.m. today, in Room 437.

Assembly Member Correa announced that the Committee on Business and Professions would reconvene today, upon adjournment, in Room 447.

**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 A. G. "Jerry" Broadie, of San Gabriel.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Artis Bigalk, of Lancaster.

Speaker Wesson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donald Carroll, of Sacramento.

**Motion to Adjourn**

At 2:48 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Strickland seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 2:48 p.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. 253—Steinberg.** An act to add Sections 1276.41 and 1276.42 to the Health and Safety Code, relating to health facilities.

**ASSEMBLY BILL NO. 254—Montanez.** An act to amend Section 10116.5 of the Insurance Code, relating to health.

**ASSEMBLY BILL NO. 255—Jerome Horton.** An act to amend Section 25004.5 of the Government Code, relating to elections.

**ASSEMBLY BILL NO. 256—Vargas.** An act to add Sections 110456 and 110592 to the Health and Safety Code, relating to adulterated food.

**ASSEMBLY BILL NO. 257—Maddox.** An act to amend Section 23387 of the Business and Professions Code, relating to alcoholic beverages.

**ASSEMBLY BILL NO. 258—Calderon.** An act to add Section 1724 to the Civil Code, relating to retail sales.

**ASSEMBLY BILL NO. 259—Calderon.** An act to add Section 243.88 to the Penal Code, relating to battery.

**ASSEMBLY BILL NO. 260—Jackson (Coauthors: Lowenthal, Mullin, Nakano, Nation, Pavley, and Vargas).** An act to add Section 91.6 to the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 261—Maddox.** An act to amend Sections 11352.1 and 101070 of the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 262—Chan.** An act to amend Sections 56.05 and 56.10 of the Civil Code, relating to personal information.

**ASSEMBLY BILL NO. 263—Oropeza.** An act to amend Section 24410 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 264—Mullin.** An act to amend Sections 31496.3 and 31625.2 of, and to add Section 31497.1 to, the Government Code, relating to county employees' retirement.

**ASSEMBLY BILL NO. 265—Mullin.** An act to amend Sections 22134, 22664, 24201, and 24600 of, and to repeal Sections 22134.5, 22135, and 22136 of, the Education Code, relating to state teachers' retirement.

**ASSEMBLY BILL NO. 266—Mullin.** An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

**ASSEMBLY BILL NO. 267—Mullin.** An act to amend Section 24185 of the Health and Safety Code, relating to cloning.

**ASSEMBLY BILL NO. 268—Mullin.** An act to amend Section 19995.4 of the Government Code, relating to state employment.

**ASSEMBLY BILL NO. 269—Mullin.** An act relating to housing.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned until 7 a.m., Wednesday, February 5, 2003, out of respect to the memory of Lou Harrison, on motion of Assembly Members Laird and Leno; out of respect to the memory of Hon. Victor Roy Lee, on motion of Assembly Member Maze; out of respect to the memory of Artis Bigalk, on motion of Assembly Member Runner; out of respect to the memory of A. G. "Jerry" Broadie, on motion of Assembly Member Mountjoy; and out of respect to the memory of Donald Carroll, on motion of Speaker Wesson.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 4, 2003**

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

**HR RN**

13 0306991

**Daily Total: 1**

**Cumulative Total: 17**

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