

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 5, 2003**  
**TWENTY-FIRST SESSION DAY**  
**SIXTY-SIXTH 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  
Wednesday, February 5, 2003

The Assembly met at 7 a.m.

Hon. Abel Maldonado, Assembly Member, 33rd 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—78:

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
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Jerome	McCarthy	Simitian
Chan	Horton, Shirley	Montanez	Spitzer
Chavez	Houston	Mountjoy	Steinberg
Chu	Jackson	Mullin	Strickland
Cogdill	Keene	Nakanishi	Vargas
Cohn	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	
Dutton	Levine	Parra	

Quorum present.

**At 11:38 a.m., Hon. Dave Cox, 5th 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 Kehoe.*

**EXPLANATIONS OF ABSENCE**

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

January 30, 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 and Thursday, February 5th and 6th. I have District business to attend to.

Thank you for your consideration of 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 31, 2003

*Hon. Herb Wesson  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-In Session on Wednesday, February 5, and Thursday, February 6, 2003 due to legislative business in my district. In the event Floor Session is called I will of course return to Sacramento.

Thank you for your consideration in this request.

Sincerely,

CHRISTINE KEHOE  
Speaker pro Tempore

**COMMUNICATIONS**

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

February 3, 2003

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

RE: Reappointment of Shelia E. Reed  
to Environmental Health Specialist Registration Committee

Dear Mr. Wilson: Please be advised I have reappointed Ms. Shelia E. Reed to the Environmental Health Specialist Registration Committee. This is a term appointment starting February 3, 2003 and the expiration date is January 1, 2007.

Sincerely,

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

February 3, 2003

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

RE: Appointment of Christine Kehoe  
to Milton Marks "Little Hoover" Commission on  
California State Government Organization and Economy

Dear Mr. Wilson: Please be advised I have appointed Speaker pro Tempore Christine Kehoe to the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy. This is a pleasure appointment starting February 3, 2003. Speaker pro Tempore Kehoe will be replacing Assemblymember Juan Vargas.

Sincerely,

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

February 4, 2003

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

RE: Reappointment of John Dutra  
to State Allocation Board

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember John Dutra to the State Allocation Board. This is a pleasure appointment starting February 4, 2003.

Sincerely,

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

February 4, 2003

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

RE: Appointment of Elizabeth Graddy  
to California Board of Podiatric Medicine

Dear Mr. Wilson: Please be advised I have appointed Dr. Elizabeth Graddy to the California Board of Podiatric Medicine. This is a term appointment starting February 4, 2003 and the expiration date is June 1, 2006. Dr. Graddy will be replacing Ms. Iva Greene.

Sincerely,

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

February 3, 2003

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

RE: Reappointment of Hannah-Beth Jackson  
to State Coastal Conservancy

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Hannah-Beth Jackson to the State Coastal Conservancy. This is a pleasure appointment starting February 3, 2003.

Sincerely,

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

February 3, 2003

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

RE: Appointment of Fran Pavley and John Laird  
to State Coastal Conservancy

Dear Mr. Wilson: Please be advised I have appointed Assemblymembers Fran Pavley and John Laird to the State Coastal Conservancy. These are pleasure appointments starting February 3, 2003. Assemblymember Pavley will be replacing Assemblymember Christine Kehoe and Assemblymember Laird will be replacing Assemblymember Fred Keeley.

Sincerely,

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

February 4, 2003

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

RE: Reappointment of Hannah-Beth Jackson  
to Wildlife Conservation Board

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Hannah-Beth Jackson to the Wildlife Conservation Board. This is a pleasure appointment starting February 4, 2003.

Sincerely,

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

February 4, 2003

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

RE: Appointment of John Laird and Fran Pavley  
to Wildlife Conservation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymembers John Laird and Fran Pavley to the Wildlife Conservation Board. These are pleasure appointments starting February 4, 2003. Assemblymember Laird will be replacing Assemblymember Howard Wayne and Assemblymember Pavley will be replacing Assemblymember Virginia Strom-Martin.

Sincerely,

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

February 4, 2003

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

RE: Appointment of Virginia Strom-Martin  
to California Unemployment Insurance Appeals Board

Dear Mr. Wilson: Please be advised I have appointed Ms. Virginia Strom-Martin to the California Unemployment Insurance Appeals Board. This is a term appointment starting February 4, 2003 and the expiration date is January 1, 2007. Ms. Strom-Martin will be replacing Mr. Ruben Ayala.

Sincerely,

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

February 5, 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 Runaway Production 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

**REPORTS**

The following reports were presented by the Chief Clerk:

**Disabled Veterans Bonds Services Participation  
Annual Report  
(Pursuant to Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Theresa A. Parker, Executive Director, California Housing Finance Agency, dated January 23, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Statistics for  
Fiscal Year 2001–2002**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated December 26, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Lease-Leaseback Transactions by Public Transit Districts—  
Sales and Use Tax Exemption  
(Pursuant to Assembly Bill 984, Chapter 592, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated January 24, 2003, referred by the Speaker to the Committee on Revenue and Taxation.

**California Postsecondary Education Commission (CPEC)  
A Review of Its Mission and Responsibilities  
(Pursuant to Supplemental Report of the 2000 Budget Act)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated January 27, 2003, referred by the Speaker to the Committee on Budget.

**2003 Annual Report on  
the Operations of the Uniform Commercial Code (UCC) Section of  
the Business Programs Division  
(Pursuant to Uniform Commercial Code Section 9527)**

Above transmitted report, together with letter of transmittal from Kevin Shelley, Secretary of State, dated January 29, 2003, referred by the Speaker to the Committee on Judiciary.

**California Innocence Protection Program  
(Pursuant to Budget Act 2001 and 2002, Chapter 106, Statute 2001  
Item 8100-101-001)**

Above transmitted report, together with letter of transmittal from Wayne Strumpfer, Interim Executive Director, Office of Criminal Justice Planning, dated January 24, 2003, referred by the Speaker to the Committee on Budget.

**California Physical Fitness Testing 2002 Report  
(Pursuant to Senate Bill 896, Chapter 1066, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Department of Education, dated January 28, 2003, referred by the Speaker to the Committee on Education.

**Making A Difference  
(Pursuant to Subsection 27, Item 6110-001-0001 of  
the 2000–2001 Budget Act)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Department of Education, dated January 29, 2003, referred by the Speaker to the Committee on Budget.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 5, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
House 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. 270—Bates.** An act to amend Section 219 of the Code of Civil Procedure, relating to jury service.

**ASSEMBLY BILL NO. 271—Nunez.** An act to add Chapter 13 (commencing with Section 4850) to Division 4.5 of the Welfare and Institutions Code, relating to services for the developmentally disabled.

**ASSEMBLY BILL NO. 272—Dutton.** An act to add Section 6382 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 273—Bogh.** An act to add Section 1231.3 to the Government Code, relating to public employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 274—Koretz.** An act to add Section 1182.9 to the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 275—Dutton.** An act to amend Section 17074.10 of the Education Code, relating to taxation, to take effect immediately, school facilities.

**ASSEMBLY BILL NO. 276—Koretz.** An act to amend Sections 23, 210, 225.5, 226, 605, 752, 1021, 1021.5, and 1197.1 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 277—Dutra (Coauthors: Frommer, Hancock, Levine, Mullin, and Yee) (Coauthors: Senators Johnson, Perata, Scott, Soto, and Vasconcellos).** An act to add Section 17529 to the Business and Professions Code, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of the Elections Code, relating to fraudulent practices.

**ASSEMBLY BILL NO. 278—Bermudez.** An act to amend Section 19817 of the Business and Professions Code, relating to gaming.

**ASSEMBLY BILL NO. 279—Cohn.** An act to amend Section 987.88 of the Military and Veterans Code, relating to veterans, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 280—Maldonado.** An act to amend Section 3041.5 of the Penal Code, relating to parole hearings.

**ASSEMBLY BILL NO. 281—Bermudez.** An act to amend Section 20101 of the Public Contract Code, relating to public contracting.

**ASSEMBLY BILL NO. 282—Bermudez.** An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology.

**ASSEMBLY BILL NO. 283—Jackson.** An act to amend Section 13957 of the Government Code, relating to victims of crime.

**ASSEMBLY BILL NO. 284—Chavez.** An act to amend Section 10168.7 of the Insurance Code, relating to life insurance.



**ASSEMBLY BILL NO. 285—Negrete McLeod.** An act to amend Sections 20352, 20638, 31461.3, 31700, 31831, 31833, 31834, 31835, 31835.02, 31837, 31837.1, and 31840.5 of, and to repeal Sections 20355, 20356, 31840.4, 31840.6, and 31840.7 of, the Government Code, relating to public retirement systems.

**ASSEMBLY BILL NO. 286—Dutra. (Principal coauthor: Vargas).** An act to add Section 3125 to the Civil Code, relating to mechanics' liens.

**ASSEMBLY BILL NO. 287—Firebaugh.** An act to amend Section 15372.61 of the Government Code, relating to tourism.

**ASSEMBLY BILL NO. 288—Aghazarian.** An act to add Sections 17053.18, 17273.1, 23638, and 24384 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 289—Plescia.** An act to amend Sections 7152.7, 7153, and 7158 of the Health and Safety Code, and to amend Sections 1672, 12811, and 13005 of the Vehicle Code, relating to organ and tissue donation.

**ASSEMBLY BILL NO. 290—Firebaugh.** An act to amend Sections 45117 and 88017 of the Education Code, relating to education.

**ASSEMBLY BILL NO. 291—Aghazarian.** An act to amend, repeal, and add Sections 17052.12 and 23609 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 8—Garcia (Principal coauthors: Bates, Daucher, Shirley Horton, and Runner).** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article V thereof, relating to the Governor's pardon power.

#### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 19—Aghazarian.** Relative to Joash E. Paul Memorial Highway.

**ASSEMBLY CONCURRENT RESOLUTION NO. 20—Aghazarian.** Relative to California Agriculture Week.

**ASSEMBLY CONCURRENT RESOLUTION NO. 21—Nunez.** Relative to sanitary conditions in public schools.

#### AUTHOR'S AMENDMENTS

##### Committee on Public Safety

February 5, 2003

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

Assembly Bill No. 19

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

LENO, Chairman

**ASSEMBLY BILL NO. 19—**An act to amend Section 10754 of, and to add Section 11004.7 to, the Revenue and Taxation Code, and to amend Section 9551.2 of, and to add Section 23583 to, the Vehicle Code, relating to taxation, and making an appropriation therefor.

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 Water, Parks and Wildlife**

February 5, 2003

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Assembly Bill No. 66

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

CANCIAMILLA, Chairman

**ASSEMBLY BILL NO. 66**—An act to amend Section 91.5 of the Streets and Highways Code, and to add Article 5 (commencing with Section 330) to Chapter 2.5 of Division 1 of the Water Code, relating to waterways.

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 Public Employees, Retirement and Social Security**

Date of Hearing: February 5, 2003

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 67

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

NEGRETE McLEOD, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, February 6, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 5, 2003**

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

**AB RN**

19 0306834

66 0306837

**Daily Total: 2**

**Cumulative Total: 19**

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