

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 11, 2003
TWENTY-FOURTH SESSION DAY
SEVENTY-SECOND 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
Tuesday, February 11, 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 Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Firebaugh 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 11:13 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—75:

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	Harman	Maldonado	Ridley-Thomas
Campbell	Haynes	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
Correa	Koretz	Nakano	Wolk
Cox	La Malfa	Nation	Wyland
Daucher	La Suer	Negrete McLeod	Yee
Diaz	Laird	Nunez	Mr. Speaker
Dutra	Leno	Oropeza	

PRAYER

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

O Lord, You have taught us that without love, all our accomplishments are worth nothing. Send us Your Holy Spirit and pour into our hearts that most excellent gift of love, the very bond of peace and of all virtues.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Goldberg 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 Corbett, Hancock, Maddox, and Wiggins.

Because of travel delays: Assembly Member Runner.

EXPLANATIONS OF ABSENCE

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

February 7, 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 Session on Tuesday, February 11, 2003 due to legislative business.

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 22, 2003

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

Dear Mr. Speaker: I respectfully request an excused absence from Session on February 11, 2003. I have legislative business in the District.

Sincerely,

LONI HANCOCK, Assembly Member
Fourteenth District

February 3, 2003

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

Dear Mr. Speaker: I respectfully request authorization to be absent from session on Tuesday, February 11th. I will be in my district on legislative business.

Thank you for your consideration of my request.

Sincerely,

KEN MADDUX, Assembly Member
Sixty-eighth District

February 11, 2003

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

Dear Speaker Wesson: I am writing to request an excused absence from session today, February 11, 2003 due to unavoidable traffic delays on State Route 14 in my district.

Thank you for your favorable consideration of this request. Should you have any questions, please contact Will Smith, Chief of Staff at 319-2036.

Sincerely,

SHARON RUNNER, Assembly Member
Thirty-sixth District

February 11, 2003

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

Dear Assemblymember Wesson: This letter serves as a request to be excused from Assembly Session on Tuesday, February 11, 2003 on legislative business in my district.

Your attention to this matter is greatly appreciated.

Sincerely,

PATRICIA WIGGINS, Assembly Member
Seventh District

COMMUNICATIONS

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

February 11, 2003

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

RE: Ending Date Change on Carol Liu
to Seismic Safety Commission

Dear Mr. Wilson: Please be advised the expiration date should be May 15, 2005.

Sincerely,

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

REPORTS

The following reports were presented by the Chief Clerk:

University of California
Instruction and Research Space Summary and Analysis
2003–2008 Capital Improvement Program Report
(Pursuant to Item 359 of
the 1973 Budget Conference Committee’s Supplemental Report)

Above transmitted report, together with letter of transmittal from Larry Hershman, Vice President for Budget, University of California, dated January 30, 2003, referred by the Speaker to the Committee on Budget.

Annual Railroad Local Safety Hazard Report
(Pursuant to Public Utilities Code Sections 7711)

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, dated February 3, 2003, referred by the Speaker to the Committee on Transportation.

Tire Fire Smoke: Major Constituents and Potential for
Public Health Impacts Report
(Pursuant to Senate Bill 876, Chapter 838, Statutes 2000)

Above transmitted report, together with letter of transmittal from Joan Denton, Ph.D., Director, Office of Environmental Health Hazard Assessment, dated February 4, 2003, referred by the Speaker to the Committee on Natural Resources.

Parole Hearing Backlog November 2002 Report (Addendum)
(Pursuant to Penal Code Section 3041 (d))

Above transmitted report, together with letter of transmittal from Marvin E. Speed, Executive Officer, Board of Prison Terms, dated December 12, 2002, referred by the Speaker to the Committee on Public Safety.

**Annual Report-California Educational Facilities Authority
(Pursuant to Education Code Section 94155)**

Above transmitted report, together with letter of transmittal from Roberta Economidis, Executive Director, California Educational Facilities Authority, dated February 4, 2003, referred by the Speaker to the Committee on Education.

**AB 328 Realignment Data
(Pursuant to Assembly Bill 328, Chapter 367, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated February 5, 2003, referred by the Speaker to the Committee on Health.

**Counting All Californians: An Analysis of Outreach Effectiveness
(Pursuant to Executive Order D-11-99)**

Above transmitted report, together with letter of transmittal from Ditas Katague Thompson, Assistant Secretary for Transportation, Technology and Special Projects, Business, Transportation and Housing Agency, dated, referred by the Speaker to the Committee on Elections, Redistricting and Constitutional Amendments.

**Property Tax Assessment Surveys
(Pursuant to Sections 9795 and 15646 of the Government Code)**

- Shasta County Assessment Practices Survey, February 2002 Report**
- Santa Cruz County Assessment Practices Survey, February 2002 Report**
- Solano County Assessment Practices Survey, March 2002 Report**
- Imperial County Assessment Practices Survey, May 2002 Report**
- Siskiyou County Assessment Practices Survey, July 2002 Report**
- Inyo County Assessment Practices Survey, August 2002 Report**
- Tulare County Assessment Practices Survey, August 2002 Report**
- Los Angeles County Assessment Practices Survey, August 2002 Report**
- Sierra County Assessment Practices Survey, August 2002 Report**
- San Francisco City and County Assessment Practices Survey,
December 2002 Report**
- Marin County Assessment Practices Survey, December 2002 Report**
- San Diego County Assessment Practices Survey, March 2000 Report**

Above transmitted reports, together with letter of transmittal from James E. Speed, Executive Director, State Board of Equalization, dated January 21, 2003, Referred by the Speaker to the Committee on Revenue and Taxation.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 11, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 18

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

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>
243	Rev. & Tax.
244	L. & E.
245	A.,E.,S.,T. & I. M. and Pub. S.
246	Trans.
247	E.,R. & C.A.
248	Agri.
249	Higher Ed.
250	B. & P.
251	J., E.D. & E.
252	Jud.
253	Health
254	Health
255	E.,R. & C.A.
257	G.O.
259	A.,E.,S.,T. & I.M. and Pub. S.
261	Pub. S.
262	Health and Jud.
263	Rev. & Tax.
264	P.E.,R. & S.S.
265	P.E.,R. & S.S.
266	P.E.,R. & S.S.
267	Health
268	P.E.,R. & S.S.
269	H. & C.D.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
25	Rls.

House

<i>Resolution No.</i>	<i>Committee</i>
15	Rls.

Senate

<i>Bill No.</i>	<i>Committee</i>
22	Nat. Res.

Senate Concurrent

<i>Resolution No.</i>	<i>Committee</i>
9	Rls.

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Airports and the Airline Industry, on February 27, 2003, at 1 p.m., in Brisbane.

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 Toni Carnesi, of Carmichael.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Bermudez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Al Girardi, of Los Angeles/Westchester; and Adolfo Padilla, of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Goldberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Maureen (Renee) Frances Carey Haun, of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 William John Arnold of Chula Vista; Virginia Lee Kay of Chula Vista; Samuel Proby of Chula Vista; Gail Yvonne Cutts of San Diego; and Norene E. Odom of San Diego.

Assembly Member Leslie was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Edwin Carl Scholl, of Lodi.

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced the following session schedule:

Wednesday, Thursday, February 12–13, No Session;
Friday, February 14, 2003, Floor Session, 8:30 a.m.

MOTION TO ADJOURN

At 11:27 a.m., Assembly Member Harman moved that the Assembly do now adjourn.

Assembly Member Firebaugh seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:28 a.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

AUTHOR'S AMENDMENTS**Committee on Jobs, Economic Development, and the Economy**

February 11, 2003

Mr. Speaker: The Chair of your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Bill No. 11

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

RIDLEY-THOMAS, Chairman

ASSEMBLY BILL NO. 11—An act to add Section 7073.2 to the Government Code, relating to economic development.

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 Public Safety

February 11, 2003

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

Assembly Bill No. 27

Assembly Bill No. 99

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

LENO, Chairman

ASSEMBLY BILL NO. 27—An act to amend Section 290.4 of the Penal Code, relating to sex offender registration.

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.

ASSEMBLY BILL NO. 99—An act to add Chapter 5.8 (commencing with Section 13849) to Title 6 of Part 4 of the Penal Code, relating to high technology crimes, 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 Public Employees, Retirement and Social Security

February 11, 2003

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 91

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

NEGRETE MCLEOD, Chairwoman

ASSEMBLY BILL NO. 91—An act to amend Section 22171 of the Education Code, relating to state teachers' retirement.

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.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 337—**Matthews**. An act to add Title 2.94 (commencing with Section 1812.595) to the Civil Code, relating to payroll services.

ASSEMBLY BILL NO. 338—**Levine**. An act to amend Section 2108.1 of the Streets and Highways Code, relating to transportation.

ASSEMBLY BILL NO. 339—**Aghazarian**. An act to amend Sections 50199.50 and 50199.54 of the Health and Safety Code, and to amend Sections 17053.14 and 23608.2 of the Revenue and Taxation Code, relating to farmworker housing.

ASSEMBLY BILL NO. 340—**Frommer**. An act to add Section 830.53 to the Penal Code, relating to probation officers.

ASSEMBLY BILL NO. 341—**Aghazarian**. An act to amend Section 7027.5 of the Business and Professions Code, relating to contractors.

ASSEMBLY BILL NO. 342—**Koretz**. An act to amend Sections 3960 and 4002 of, and to repeal Section 4756 of, the Fish and Game Code, relating to mammals, and making an appropriation therefor.

ASSEMBLY BILL NO. 343—Chan. An act to amend Sections 12693.32, 12693.325, 12693.326, and 12693.85 of, to add Section 12693.905 to, and to repeal Sections 12693.86, 12693.87, 12693.88, and 12693.89 of, the Insurance Code, relating to health care coverage, and making an appropriation therefor.

ASSEMBLY BILL NO. 344—La Malfa. An act to amend Section 4584 of the Public Resources Code, relating to forest resources.

ASSEMBLY BILL NO. 345—McCarthy. An act to amend Section 11200 of the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 346—Longville. An act to amend Section 16100 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 347—Kehoe (Principal coauthor: Senator Alpert). An act to add Section 4158 to the Food and Agricultural Code, relating to district agricultural associations, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 348—Chu (Coauthor: Lowenthal) (Coauthor: Senator Alpert). An act to amend Sections 5152, 5154, 5257, 5259.3, 5264, 5267, 5270.35, and 5309 of the Welfare and Institutions Code, relating to mental health.

ASSEMBLY BILL NO. 349—Haynes (Coauthor: Leslie). An act to add and repeal Part 26.5 (commencing with Section 46700) to the Education Code, relating to education financing.

ASSEMBLY BILL NO. 350—Bogh. An act to amend Section 12816 of, and to add Sections 1828 and 12804.11 to, the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 351—Bermudez. An act to add Section 5101.12 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 352—Goldberg. An act to amend, add, and repeal Section 1203.097 of the Penal Code, relating to domestic violence.

ASSEMBLY BILL NO. 353—Montanez. An act to amend Section 361.5 of the Welfare and Institutions Code, relating to child welfare services.

ASSEMBLY BILL NO. 354—Lowenthal. An act to amend Section 830.1 of the Penal Code, relating to peace officers.

ASSEMBLY BILL NO. 355—Pacheco. An act to amend Section 871 of the Welfare and Institutions Code, relating to minors.

ASSEMBLY BILL NO. 356—Hancock (Principal coauthor: Mullin). An act to amend Sections 52050.5, 52052, 52055.51, 52055.655, 52056.5, 60603, 60604, 60605, 60605.6, 60606, 60640, 60642, 60642.5, 60643, 60643.1, 60851, 60852, and 60856 of, and to repeal Sections 52052.2, 52055.5, 52055.52, 52055.650, 52057, and 60859 of, the Education Code, relating to education testing.

ASSEMBLY BILL NO. 357—Maze. An act to amend Section 155.20 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 358—Jackson. An act to amend Sections 1419, 1420, and 1422 of the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 359—Koretz. An act to amend Section 3302 of the Government Code, relating to public safety officers.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 10—Harman. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 6 of Article XIII D thereof, relating to local government finance.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: February 11, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 25

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

Date of Hearing: February 11, 2003

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 9

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Harman, the Assembly adjourned until 8:30 a.m., Friday, February 14, 2003, out of respect to the memory of Toni Carnesi, on motion of Assembly Member Cox; out of respect to the memory of Al Girardi and Adolfo Padilla, on motion of Assembly Member Bermudez; out of respect to the memory of Maureen (Renee) Frances Carey Haun, on motion of Assembly Member Goldberg; out of respect to the memory of William John Arnold, Virginia Lee Kay, Samuel Proby, Gail Yvonne Cutts, and Norene E. Odom, on motion of Assembly Member Shirley Horton; and out of respect to the memory of Edwin Carl Scholl, on motion of Assembly Member Leslie.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 11, 2003

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

AB	RN	
11	0301709	
27	0307012	
91	0307083	
99	0306812	
Daily Total:		4
Cumulative Total:		27

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