

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Wednesday, February 26, 2003**  
**THIRTY-FIRST SESSION DAY**  
**EIGHTY-SEVENTH 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  
Wednesday, February 26, 2003

The Assembly met at 7 a.m.

Hon. Robert Dutton, Assembly Member, 63rd District, presiding.

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Francesca Vega reading.

#### ROLL CALL

The following were placed upon the morning roll call—73:

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

Quorum present.

**At 12:05 p.m., Hon. John Laird, 27th 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 Campbell, Chavez, Corbett, Jerome E. Horton, and Nunez.*

*On personal business, and waiving per diem: Assembly Member Wyland.*

*Because of illness: Assembly Member Oropeza.*

**EXPLANATIONS OF ABSENCE**

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

February 12, 2003

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

Dear Speaker Wesson: I respectfully request permission to be excused on Wednesday, February 26, 2003 due to legislative business in my district.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 319-2070.

Sincerely,

JOHN CAMPBELL, Assembly Member  
Seventieth District

February 24, 2003

*The Honorable Herb J. Wesson, Jr.  
Speaker  
California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker Wesson: I respectfully request that I be excused from check-in session on Wednesday, February 26, 2003. The purpose is to attend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member  
Fifty-seventh District

February 24, 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, February 26th, 2003. 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

February 26, 2003

*The Honorable Herb J. Wesson, Jr.*  
*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 26, 2003. I was in the Capitol this morning and left to conduct legislative business in my district yet neglected to check-in before my departure.

I appreciate your cooperation and consideration of this request.

Sincerely,

FABIAN NUÑEZ, Assembly Member  
 Forty-sixth District

(NOTE: For letter explaining the absence of Assembly Member Jerome E. Horton on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 25, 2003.)

#### COMMUNICATIONS

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

February 26, 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 Assemblymembers Mark Leno and Bill Maze to the Assembly Business and Professions Committee, increasing the membership of the committee from 11 to 13.

Sincerely,

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

February 26, 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 the following Assemblymembers as Democratic Assistant Whips for the 2003–04 Regular Session:

Assemblymember Ron Calderon  
 Assemblymember Jackie Goldberg  
 Assemblymember Lloyd Levine  
 Assemblymember Cindy Montanez  
 Assemblymember Gloria Negrete McLeod  
 Assemblymember Fran Pavley  
 Assemblymember Simon Salinas

Sincerely,

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

**SPECIAL COMMITTEE MEETINGS**

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

Human Services to convene jointly with Budget Subcommittee No. 1 and Senate Health and Human Services, on Tuesday, March 11, 2003 and Wednesday, March 12, 2003, at 1:30 p.m., in Room 444.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 26, 2003

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

Assembly Bill No. 18

Assembly Bill No. 117

Assembly Bill No. 94

Assembly Bill No. 151

Assembly Bill No. 116

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 26, 2003

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

Assembly Joint Resolution No. 6

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1704—Committee on Judiciary (Corbett (Chair), Harman (Vice Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 2553 of the Family Code, relating to family law.

**ASSEMBLY BILL NO. 1705—Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to add Section 16004.5 to the Probate Code, relating to trusts.

**ASSEMBLY BILL NO. 1706—Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 1162 of the Code of Civil Procedure, relating to unlawful detainer.

**ASSEMBLY BILL NO. 1707—Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 51 of the Civil Code, relating to civil rights.

**ASSEMBLY BILL NO. 1708—Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 6140 of the Business and Professions Code, relating to attorneys.

**ASSEMBLY BILL NO. 1709—Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 11135 of the Government Code, relating to discrimination.

**ASSEMBLY BILL NO. 1710—Committee on Judiciary (Corbett (Chair), Harman (Vice Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 7121 of the Family Code, and to amend Sections 213.5 and 355 of, and to add Section 213.6 to, the Welfare and Institutions Code, relating to minors.

**ASSEMBLY BILL NO. 1711—Committee on Judiciary (Corbett (Chair), Harman (Vice Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 6000 of the Business and Professions Code, relating to attorneys.

**ASSEMBLY BILL NO. 1712—Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 17511.12 of the Business and Professions Code, to amend Sections 798.61 and 1780 of the Civil Code, to amend Sections 116.130, 116.410, 116.530, 198.5, 393, 415.50, 1141.10, 1141.11, 1141.12, 1141.16, 1141.18, 1141.24, and 1161.2 of the Code of Civil Procedure, to amend Section 48295 of the Education Code, to amend Sections 12150 and 12151 of the Fish and Game Code, to amend Sections 68097, 68097.1, and 68097.2 of the Government Code, to amend Sections 664 and 667 of the Harbors and Navigation Code, to amend Sections 108580, 110375, 111880, 111895, 117070, and 117120 of the Health and Safety Code, to amend Section 6436 of the Labor Code, to amend Sections 1035, 1038, and 1462.2 of, and to repeal Sections 1034 and 1039 of, the Penal Code, to amend Section 5560 of the Public Resources Code, and to amend Section 310 of the Water Code, relating to courts.

**ASSEMBLY BILL NO. 1713—Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 1280 of, and to add Sections 1281.84 and 1287.1 to, the Code of Civil Procedure, relating to arbitration.

**ASSEMBLY BILL NO. 1714—Committee on Judiciary (Corbett (Chair), Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)** An act to amend Section 1281.6 of, and to add Section 1281.83 to, the Code of Civil Procedure, relating to arbitration.

**ASSEMBLY BILL NO. 1715—Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas) (Coauthors: Senators Burton, Escutia, and Kuehl).** An act to amend Section 1281 of the Code of Civil Procedure, and to add Section 12952 to the Government Code, relating to employment arbitration.

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

February 26, 2003

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

Assembly Bill No. 76

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

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 76—**An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

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.

**ADJOURNMENT**

At 4:45 p.m., the Assembly adjourned until 8:30 a.m., Thursday, February 27, 2003.

---

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 26, 2003**

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

**AB RN**

76 0307002

**Daily Total: 1**

**Cumulative Total: 52**

O