

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 3, 2003

THIRTY-THIRD SESSION DAY

NINETY-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
Monday, March 3, 2003

The Assembly met at 12 noon.

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 Matthews moved a quorum call of the Assembly. Motion carried. Time, 12:01 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 12:10 p.m., Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

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

PRAYER

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

Lord, Shelter us by Your mighty hand, and save us from all wrongdoing with Your outstretched arm. Deliver us from those who hate us without cause, granting peace and comfort to us and to all mankind. Even as our forefathers devoutly called upon You in faith and in truth, help us to be obedient to Your will and to Your almighty and glorious Name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Maddox 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 Correa and Lowenthal.
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 18, 2003

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

Dear Speaker Wesson: Please excuse me from floor session on Monday, March 3, 2003. I will be attending to legislative business in the district.

Thank you.

Sincerely,

LOU CORREA, Assembly Member
Sixty-ninth District

February 21, 2003

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

Dear Mr. Speaker: I respectfully request to be excused from session on March 3, 2003 on legislative business. I will be attending the American Psychological Association Annual State Leadership Conference being held on March 1st and 2nd returning on March 3, 2003.

Thank you in advance for your time and consideration of this matter. If you have any questions please contact John Casey, chief of staff, or myself at 319-2054.

Sincerely,

ALAN LOWENTHAL, Assembly Member
Fifty-fourth District

COMMUNICATIONS

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

February 19, 2003

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

RE: Reappointment of Fran Pavley
to Curriculum Development
and Supplemental Materials Commission

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Fran Pavley to the Curriculum Development and Supplemental Materials Commission. This is a pleasure appointment starting February 19, 2003.

Sincerely,

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

February 20, 2003

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

RE: Reappointment of Fran Pavley
to Advisory Commission on Special Education

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Fran Pavley to the Advisory Commission on Special Education. This is a pleasure appointment starting February 20, 2003.

Sincerely,

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

February 20, 2003

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

RE: Reappointment of George Nakano
to California Defense Retention and Conversion Council

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember George Nakano to the California Defense Retention and Conversion Council. This is a pleasure appointment starting February 20, 2003.

Sincerely,

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

February 20, 2003

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

RE: Appointment of Judy Chu
to California Debt and Investment Advisory Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Judy Chu to the California Debt and Investment Advisory Commission. This is a pleasure appointment starting February 20, 2003. Assemblymember Chu will be replacing Assemblymember Lou Papan.

Sincerely,

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

February 20, 2003

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

RE: Reappointment of Joe Simitian
to California Debt and Investment Advisory Commission

Dear Mr. Wilson: Please be advised I have reappointed Assemblymember Joe Simitian to the California Debt and Investment Advisory Commission. This is a pleasure appointment starting February 20, 2003.

Sincerely,

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

February 25, 2003

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

RE: Appointment of Ivy Lee
to California Taskforce on
Holocaust, Genocide, Human Rights,
and Tolerance Education

Dear Mr. Wilson: Please be advised I have appointed Dr. Ivy Lee to the California Taskforce on Holocaust, Genocide, Human Rights, and Tolerance Education. This is a term appointment starting February 25, 2003 and the expiration date is February 25, 2005.

Sincerely,

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

March 3, 2003

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

RE: Appointment of Robert Nichols
to No Child Left Behind Liaison Team

Dear Mr. Wilson: Please be advised I have appointed Mr. Robert Nichols to the No Child Left Behind Liaison Team. This is a pleasure term appointment starting December 4, 2002 and the expiration date is December 4, 2004. Mr. Nichols will be replacing Mr. Harold Boyd.

Sincerely,

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

March 3, 2003

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

Dear Dotson: Please be advised that I have appointed Assemblymembers Fabian Nunez and Juan Vargas to replace Assemblymembers Wilma Chan and Jenny Oropeza on the Assembly Transportation Committee for today's hearing only.

Sincerely,

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

March 3, 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 Fabian Nunez to fill the vacancy on the Assembly Judiciary Committee for the Tuesday, March 4 hearing.

Sincerely,

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

March 3, 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 Sally Lieber to replace Assemblymember Cindy Montanez on the Assembly Judiciary Committee for the Tuesday, March 4 hearing.

Sincerely,

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

REPORTS

The following reports were presented by the Chief Clerk:

**California's Early Start Annual Performance Report
July 1, 2000 through September 30, 2001
(Pursuant to Title 34 of
the Code of Federal Regulations (CFR) 303.654)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated February 20, 2003, referred by the Speaker to the Committee on Human Services.

**Council on Mentally Ill Offenders
First Annual Report to the Legislature
(Pursuant to Senate Bill 1059, Chapter 860, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Robert Presley, Secretary, Youth and Adult Correctional Agency, dated February 24, 2003, referred by the Speaker to the Committee on Public Safety.

**AB 312 Expenditure Plan
(Pursuant to Assembly Bill 312, Chapter 1020, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Department of Education, dated February 24, 2003, referred by the Speaker to the Committee on Budget.

**Status of School Districts
That Have Emergency Apportionment Loans
(Pursuant to Education Code Section 41320.3)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Department of Education, dated February 25, 2003, referred by the Speaker to the Committee on Education.

**Energy Project Benefit Sharing Report for
Fiscal Year 2001–2002
(Pursuant to Public Resources Code Section 25008.5)**

Above transmitted report, together with letter of transmittal from Clothilde V. Hewlett, Interim Director, Department of General Services, dated February 25, 2003, referred by the Speaker to the Committee on Business and Professions.

**2003 Annual Report of
the California DUI Management Information System
(Pursuant to Assembly Bill 757, Chapter 450, Statutes of 1989)**

Above transmitted report, together with letter of transmittal from Steven Gourley, Director, Department of Motor Vehicles, dated February 27, 2003, referred by the Speaker to the Committee on Transportation.

**The Status of Telecommunications Competition in California
Second Report for the Year 2002
(Pursuant to Public Utilities Code Section 316.5)**

Above transmitted report, together with letter of transmittal from William Ahern, Executive Director, Public Utilities Commission, dated February 28, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 3, 2003

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

Assembly Bill No. 76

Assembly Bill No. 126

Assembly Bill No. 88

Assembly Bill No. 184

Assembly Bill No. 89

Assembly Bill No. 195

Assembly Bill No. 111

Assembly Bill No. 198

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 3, 2003

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

Assembly Concurrent Resolution No. 41

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

SPECIAL COMMITTEE MEETINGS

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

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

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>
474 -----	L. Gov.
671 -----	B. & P.
690 -----	Jud.
692 -----	Trans. and B. & P.
706 -----	L. Gov.
709 -----	Pub. S.
711 -----	B. & P.
717 -----	J., E.D. & E.
718 -----	E.,R. & C.A.
719 -----	P.E.,R. & S.S.
720 -----	Nat. Res.
722 -----	B. & P.
723 -----	L. Gov.
724 -----	Trans.
726 -----	Pub. S.
727 -----	Pub. S.
730 -----	Pub. S.
733 -----	Health
735 -----	Rev. & Tax.
737 -----	Trans.
740 -----	Nat. Res. and E.S. & T.M.
741 -----	W.,P. & W.
742 -----	W.,P. & W.
743 -----	Rev. & Tax.
744 -----	V.A.
746 -----	B. & P.
747 -----	Health
749 -----	Health
750 -----	Health
752 -----	Ins.
753 -----	Trans.
754 -----	Jud.
756 -----	Ed.
757 -----	B. & F.
758 -----	V.A.
759 -----	Jud.
760 -----	E.S. & T.M.
764 -----	Nat. Res.
765 -----	Jud.
766 -----	Ed. and Health
768 -----	L. Gov.
771 -----	G.O.
774 -----	Ed.
775 -----	Trans.
780 -----	Ed.
781 -----	Ed.
783 -----	Rev. & Tax.
788 -----	Nat. Res.
791 -----	Ed.

793	-----	Trans.
794	-----	Ins.
797	-----	Pub. S.
798	-----	Aging & L.T.C. and Health
804	-----	G.O.
806	-----	Agri.
808	-----	U. & C.
809	-----	Rev. & Tax.
810	-----	Ed.
814	-----	Pub. S.
815	-----	Agri.
816	-----	U. & C.
817	-----	E.S. & T.M.
823	-----	Health
824	-----	P.E.,R. & S.S.
825	-----	Higher Ed.
827	-----	B. & P.
828	-----	E.,R. & C.A.
830	-----	B. & P.
831	-----	Jud.
834	-----	Pub. S.
836	-----	Pub. S.
838	-----	L. Gov.
839	-----	L. Gov.
841	-----	Ed.
843	-----	Higher Ed.
848	-----	Rev. & Tax.
850	-----	Health
852	-----	L. & E.
855	-----	U. & C.
858	-----	Ed.
863	-----	Pub. S.
864	-----	G.O.
869	-----	Agri.
870	-----	G.O.
872	-----	Trans.
874	-----	Pub. S.
876	-----	Pub. S.
879	-----	Health
881	-----	Health
884	-----	E.,R. & C.A.
886	-----	P.E.,R. & S.S.
887	-----	Agri.
888	-----	W.,P. & W.
890	-----	V.A.
891	-----	Pub. S.
894	-----	Trans.
896	-----	P.E.,R. & S.S.
897	-----	E.S. & T.M.
898	-----	Pub. S.
900	-----	G.O.
902	-----	B. & P.
903	-----	Jud.
904	-----	Pub. S.

905	-----	Ed.
908	-----	Higher Ed.
909	-----	U. & C.
910	-----	Health
912	-----	Pub. S.
915	-----	E.,R. & C.A.
916	-----	Pub. S.
917	-----	Hum. S.
921	-----	Ed.
922	-----	J., E.D. & E.
924	-----	Pub. S.
925	-----	Nat. Res.
926	-----	E.S. & T.M.
928	-----	Pub. S.
930	-----	Pub. S.
931	-----	Ed.
934	-----	Pub. S.
936	-----	Pub. S.
939	-----	Health
942	-----	Ed. and Health
943	-----	Ins.
946	-----	Health
947	-----	Nat. Res.
949	-----	Pub. S.
953	-----	L. Gov.
954	-----	Ed.
956	-----	Ed.
957	-----	Pub. S.
958	-----	Pub. S.
962	-----	Jud.
966	-----	Pub. S.
967	-----	Rev. & Tax.
968	-----	Ins.
970	-----	B. & P.
972	-----	Jud.
973	-----	B. & P.
975	-----	Ed.
977	-----	P.E.,R. & S.S.
978	-----	Ins.
979	-----	P.E.,R. & S.S.
985	-----	Pub. S.
986	-----	Rev. & Tax.
987	-----	Trans.
988	-----	Rev. & Tax.
989	-----	Rev. & Tax.
990	-----	Higher Ed.
991	-----	Pub. S.
992	-----	Pub. S. and Health
993	-----	Pub. S.
996	-----	Pub. S.
1001	-----	Ed.
1003	-----	Rev. & Tax.
1004	-----	Trans.
1005	-----	Ins.

1009	-----	Trans.
1013	-----	B. & F.
1014	-----	Trans.
1016	-----	Ed.
1017	-----	Ed.
1021	-----	Ed.
1022	-----	Trans.
1025	-----	Pub. S.
1027	-----	P.E.,R. & S.S.
1028	-----	L. & E.
1032	-----	B. & P.
1035	-----	J., E.D. & E.
1036	-----	V.A.
1038	-----	P.E.,R. & S.S.
1039	-----	E.,R. & C.A.
1041	-----	Ed.
1042	-----	Pub. S.
1043	-----	Rev. & Tax.
1046	-----	Pub. S.
1048	-----	Ins.
1049	-----	Ins.
1050	-----	Pub. S.
1052	-----	Ed.
1054	-----	Nat. Res. and E.S. & T.M.
1057	-----	Hum. S.
1059	-----	Jud.
1060	-----	Ins.
1062	-----	Health
1067	-----	Pub. S.
1069	-----	Agri.
1070	-----	P.E.,R. & S.S.
1071	-----	Agri.
1072	-----	Trans.
1073	-----	Rev. & Tax.
1074	-----	A.,E.,S.,T. & I.M.
1075	-----	Agri.
1076	-----	Agri. and E.S. & T.M.
1077	-----	Pub. S.
1078	-----	B. & P.
1080	-----	Agri.
1081	-----	Pub. S.
1083	-----	Ins.
1084	-----	Health
1085	-----	Agri.
1086	-----	H. & C.D.
1091	-----	Health
1092	-----	B. & P.
1093	-----	L. & E.
1097	-----	Ed.
1098	-----	Pub. S.
1099	-----	Ins.
1190	-----	W.,P. & W.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
51 -----	Health
52 -----	Rls.
53 -----	H. & C.D.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
8 -----	Rev. & Tax.
9 -----	Higher Ed.
10 -----	Trans.

House

<i>Resolution No.</i>	<i>Committee</i>
19 -----	Rls.

**AUTHOR'S AMENDMENTS
Committee on Business and Professions**

March 3, 2003

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 202

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

CORREA, Chairman

ASSEMBLY BILL NO. 202—An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

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**

March 3, 2003

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 207

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

LENO, Chairman

ASSEMBLY BILL NO. 207—An act to add Section 594.37 to the Penal Code, relating to vandalism.

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**

March 3, 2003

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 135

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

LENO, Chairman

ASSEMBLY BILL NO. 135—An act to amend Section 207 of the Penal Code, relating to kidnapping.

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 Transportation

March 3, 2003

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

Assembly Bill No. 213

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

DUTRA, Chairman

ASSEMBLY BILL NO. 213—An act to add Section 11713.65 to the Vehicle Code, relating to vehicle dealers.

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 Education

March 3, 2003

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

Assembly Bill No. 54

Assembly Bill No. 217

Assembly Bill No. 97

Assembly Bill No. 228

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

GOLDBERG, Chairwoman

ASSEMBLY BILL NO. 54—An act relating to teachers.

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. 97—An act to amend Sections 44579.1 and 48209.16 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

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. 217—An act to amend Section 17076.10 of the Education Code, relating to school facilities.

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. 228—An act to amend Sections 52122, 52123, 52124, 52124.5, and 52126 of the Education Code, relating to class size.

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: March 3, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 45

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

NATION, Chairman

Above resolution ordered to Consent Calendar.

REQUEST FOR PHOTOGRAPHER

Assembly Members Chavez, Mountjoy, and Firebaugh were 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. 300 be re-referred from the Committee on Human Services to the Committee on Education.

JOINT RULE 62(a) WAIVED

Assembly Member Chan was granted unanimous consent that Joint Rule 62(a) be waived to permit the Transportation Committee to convene jointly with Budget Subcommittee No. 5 on March 5, 2003.

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 Los Angeles City Attorney Tony Alperin.
(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Matthews was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sybil Crookham, of Merced County - Atwater.
(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Laird and Salinas were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sam Karas, of Monterey.
(Assembly Rule 45.5 suspended.)

RECESS

By unanimous consent, at 12:18 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Firebaugh introduced Helen Garcia Jenkins who is a State Capitol elevator operator and extended birthday greetings to her.

* * *

Assembly Member Firebaugh introduced Tracey Fremd, President of the California Association of Nurse Practitioners and Susanne Phillips, N.P. and Director of Government Relations, whereupon he presented a resolution congratulating the California Association of Nurse Practitioners on the occasion of its 26th Anniversary.

RECONVENED

At 12:22 p.m., the Assembly reconvened.

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

ASSEMBLY RULE 118 SUSPENDED

Speaker Wesson was granted unanimous consent that Assembly Rule 118 be suspended to permit his brother, Steve Wesson to be seated at his desk in the Assembly Chamber.

ADJOURN IN MEMORY

Assembly Member La Malfa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rolleigh L. Marr, of Red Bluff.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Levine was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mel Applegate, of Sacramento.

(Assembly Rule 45.5 suspended.)

CAUCUS ANNOUNCEMENTS

At 12:30 p.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 12:31 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 1:02 p.m., the Assembly reconvened.

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

RECESS

By unanimous consent, at 1:03 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Chavez introduced members of the UCLA Bruins Men's Soccer Team: Tom Fitzgerald, Head Coach; Timothy L. Pierce, Forward; Carl James Frazelle, Midfielder; and Chadd R. Davis, Midfielder/Defender. He then presented a resolution congratulating the Bruins on winning the 2002 NCAA Championship.

Chadd R. Davis then addressed the assemblage, whereupon he made a special presentation to Assembly Member Chavez.

RECONVENED

At 1:09 p.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 101—An act to amend Sections 6455 and 10471 of the Business and Professions Code, to amend Sections 704.090, and 2033.5 of the Code of Civil Procedure, to amend Section 13963 of the Government Code, to amend Sections 243, 262, 273.5, 273.6, 422.95, 484.1, 550, 1202.4, 1203, 1203.044, 1203.097, 1203.1, 1203.1d, 1203.2, 1203.3, 1214, 1463.18, 2085.5, and 3000 of, to add Title 8.5 (commencing with Section 1230) to Part 2 of, and to repeal Sections 1202.42, 1202.43, 1202.45, 1202.46, 1214.5 of, the Penal Code, and to amend Sections 730.6, 1752.81, 1752.82, and 1766.1 of the Welfare and Institutions Code, relating to restitution.

Bill read second time, and ordered to Consent Calendar.

UNFINISHED BUSINESS**CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 38 (Reyes)—An act relating to the West Fresno Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—76

Aghazarian	Dutton	Leslie	Parra
Bates	Firebaugh	Levine	Pavley
Benoit	Frommer	Lieber	Plescia
Berg	Garcia	Liu	Reyes
Bermudez	Goldberg	Longville	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
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
Corbett	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Pacheco	Mr. Speaker

NOES—None

Above bill ordered enrolled immediately.

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 41 (Firebaugh)—Relative to the California Tow Truck Association.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 41**

Assembly Member Firebaugh was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 41.

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, Cox, Daucher, Diaz, Dutra, Dutton, Dymally, Frommer, Goldberg, Hancock, Harman, Haynes, Jerome Horton, Shirley Horton, Houston, Jackson, Keene, Kehoe, Koretz, La Malfa, La Suer, Laird, Leno, Leslie, Levine, Lieber, Liu, Longville, Maldonado, Matthews, Maze, McCarthy, Montanez, Nakanishi, Nakano, Nation, Negrete McLeod, Nunez, Pacheco, Parra, Pavley, Plescia, Reyes, Richman, Ridley-Thomas, Runner, Salinas, Samuelian, Simitian, Spitzer, Strickland, Vargas, Wesson, Wolk, Wyland, and Yee.

Request for Unanimous Consent

Assembly Member Firebaugh was granted unanimous consent to take up Assembly Concurrent Resolution No. 41, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 41, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 41—Relative to the California Tow Truck Association.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

RECESS

By unanimous consent, at 1:14 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Firebaugh introduced Hon. Michael S. Dukakis, former Governor of Massachusetts, whereupon he addressed the assemblage.

RECONVENED

At 1:17 p.m., the Assembly reconvened.

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

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Nation announced that the Committee on Rules would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room, in closed session.

Assembly Member Jackson announced that the Committee on Natural Resources would meet today at 1:45 p.m.

Assembly Member Dutra announced that the Committee on Transportation would meet today at 1:30 p.m.

ADJOURN IN MEMORY

Assembly Member Maddox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Wang Pei Chen, of Westminster.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced the following session schedule:

Tuesday, March 4 and Wednesday, March 5, Check-in Session and Floor Session, upon Call of the Speaker;

Thursday, March 6, Floor Session, 9 a.m.

ADJOURN IN MEMORY

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Anthony “Ricky” Ricardo Sr., of San Leandro.

Assembly Members Corbett and Wiggins were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elizabeth Hay, of Santa Rosa.

Assembly Member Matthews was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Robert Harvey, of Merced.

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 Robyn Erin Gillett, of Victorville.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following item:

Assembly Bill No. 38, Urgency and Concurrence: Leslie—Aye.

MOTION TO ADJOURN

At 1:21 p.m., Assembly Member Longville moved that the Assembly do now adjourn.

Assembly Member Strickland seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:21 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. 1724—Committee on Agriculture (Matthews (Chair), Maldonado (Vice Chair), Berg, Cogdill, Maze, Oropeza, Parra, Reyes, Salinas, and Vargas). An act to amend Sections 11732, 12999.4, and 13000 of the Food and Agricultural Code, relating to pesticides.

ASSEMBLY BILL NO. 1725—Committee on Agriculture (Matthews (Chair), Maldonado (Vice Chair), Berg, Cogdill, Maddox, Maze, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins). An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control.

ASSEMBLY BILL NO. 1726—Committee on Agriculture (Matthews (Chair), Maldonado (Vice Chair), Berg, Cogdill, Maddox, Maze, Oropeza, Parra, Reyes, Salinas, and Vargas). An act to amend Section 47021 of the Food and Agricultural Code, relating to agriculture.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 54—Strickland. Relative to the Screaming Eagles Highway.

ASSEMBLY CONCURRENT RESOLUTION NO. 55—Benoit (Coauthors: Senators Battin and Brulte). Relative to the bark beetle infestation and drought emergency in the San Bernardino National Forest.

ASSEMBLY CONCURRENT RESOLUTION NO. 56—Nakano. Relative to California Space Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 57—Corbett and Mullin. Relative to Irish-American Heritage Month.

MESSAGES FROM THE SENATE

Senate Chamber, March 3, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 1
Senate Bill No. 94

GREGORY P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 1—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

SENATE BILL NO. 94—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento
March 3, 2003

To the Members of the Assembly:

AB 38, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of AB 38 as an emergency measure.

Sincerely,

GRAY DAVIS

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 3, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 38

And reports the same correctly enrolled, and represented to the Governor on the 3rd day of March, 2003, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Longville, the Assembly adjourned until 7 a.m., Tuesday, March 4, 2003, out of respect to the memory of Tony Alperin, on motion of Assembly Member Goldberg; out of respect to the memory of Sybil Crookham, on motion of Assembly Member Matthews; out of respect to the memory of Sam Karas, on motion of Assembly Members Laird and Salinas; out of respect to the memory of Rolleigh L. Marr, on motion of Assembly Member La Malfa; out of respect to the memory of Mel Applegate, on motion of Assembly Member Levine; out of respect to the memory of Wang Pei Chen, on motion of Assembly Member Maddox; out of respect to the memory of John Anthony "Ricky" Ricardo Sr., on motion of Assembly Member Corbett; out of respect to the memory of Elizabeth Hay, on motion of Assembly Members Corbett and Wiggins; out of respect to the memory of Dr. Robert Harvey, on motion of Assembly Member Matthews; and out of respect to the memory of Robyn Erin Gillett, on motion of Assembly Member Runner.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 3, 2003

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

AB	RN	
54	0307607	
97	0307746	
135	0307652	
202	0307053	
202	0307329	
207	0307224	
213	0307200	
217	0307790	
228	0307628	
Daily Total:		9
Cumulative Total:		69

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