

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 19, 2003

FORTY-THIRD SESSION DAY

ONE HUNDRED EIGHTH 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, March 19, 2003

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th 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—74:

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

Quorum present.

At 1:15 p.m., Hon. Darrell Steinberg, 9th 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 Chan and Corbett.

On personal business, and waiving per diem: Assembly Members Liu, Strickland, and 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:

March 17, 2003

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

Dear Speaker Wesson: I am requesting to be excused from Check-In Session on Wednesday, March 19, 2003, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

March 18, 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, March 19, 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

SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit Committee, on Tuesday, March 25, 2003, at 9 a.m., in Room 437;

Budget Subcommittee No. 5 on Information Technology and Transportation to convene jointly with the Committee on Transportation, on March 24, 2003, in Room 4202, upon adjournment of Session;

Budget Subcommittee No. 2 on Education Finance to convene jointly with the Committee on Education, on March 25, 2003, at 9:30 a.m., in Room 4202 and to convene jointly with the Committee on Higher Education, at 2 p.m., in Room 4202;

Business and Professions, on Tuesday, April 1, 2003, at 9 a.m., in Room 437;

Agriculture, on Wednesday, April 2, 2003, at 1:30 p.m., in Room 126;
Local Government, on Wednesday, April 2, 2003, at 1:30 p.m., in Room 127;

Water, Parks and Wildlife, on Tuesday, April 22, 2003, at 9 a.m. in Room 437;

Environmental Safety and Toxic Materials, on Tuesday, April 22, 2003, at 1:30 p.m., in Room 126;

Business and Professions, on Tuesday, May 6, 2003, at 9 a.m., in Room 437;

Housing and Community Development, on Wednesday, May 7, 2003, at 9 a.m., in Room 126.

REPORTS

The following reports were presented by the Chief Clerk:

**The Status of the State's Discrimination Complaint Process
June 2002**

(Pursuant to Government Code Section 19702.5)

Above transmitted report, together with letter of transmittal from Walter Vaughn, Executive Officer, State Personnel Board, dated February 28, 2003, referred by the Speaker to the Committee on Labor and Employment.

Disabled Veterans Business Enterprise (DVBE)

Report for Fiscal Year 2001-2002

**(Pursuant to Public Contract Code Section 10115.5 and
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Clothilde V. Hewlett, Interim Director, Department of General Services, dated February 19, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

Quarterly Report Concerning

**Methyl Tertiary Butyl Ether (MTBE) Use in California Gasoline
October 1 through December 31, 2002**

(Pursuant to Senate Bill 1001, Chapter 814, Statutes of 1999)

Above transmitted report, together with letter of transmittal from James D. Boyd, Commissioner and Presiding Member Transportation Committee, California Energy Commission, dated March 6, 2003, referred by the Speaker to the Committee on Natural Resources.

**Annual Financial Report and Operations Summary for
the Year ended June 30, 2002**

Above transmitted report, together with letter of transmittal from Fred Buenrostro, Chief Executive Officer, California Public Employees' Retirement System, dated March 6, 2003, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 19, 2003

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

Assembly Bill No. 84

Assembly Bill No. 245

Assembly Bill No. 158

Assembly Bill No. 344

Assembly Bill No. 202

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1778—Committee on Higher Education (Liu (Chair), Nakanishi (Vice Chair), Berg, Dymally, Shirley Horton, Jackson, Lowenthal, Matthews, and Negrete McLeod). An act to amend Section 90404 of, to amend and repeal Section 41205 of, and to repeal Section 89911 of, the Education Code, and to amend Sections 6254.24 and 8880.5 of the Government Code, relating to the California State University.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 66—Pavley (Coauthors: Chavez, Cox, and Maze) (Coauthor: Senator Kuehl). Relative to the high school exit examination.

ASSEMBLY JOINT RESOLUTION NO. 17—Correa and Parra. Relative to war in the Middle East.

HOUSE RESOLUTION NO. 21—Correa and Parra. Relative to war in the Middle East.

**AUTHOR’S AMENDMENTS
Committee on Agriculture**

March 19, 2003

Mr. Speaker: The Chair of your Committee on Agriculture reports:
Assembly Bill No. 315

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

MATTHEWS, Chairwoman

ASSEMBLY BILL NO. 315—An act to amend Sections 52323, 52324, and 52325 of the Food and Agricultural Code, relating to agriculture, 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 Education**

March 19, 2003

Mr. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 42

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

GOLDBERG, Chairwoman

ASSEMBLY BILL NO. 42—An act to amend Sections 52122, 52123, 52124, and 52126 of the Education Code, relating to public schools.

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 19, 2003

Mr. Speaker: The Chair of your Committee on Transportation reports:
Assembly Constitutional Amendment No. 7

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

DUTRA, Chairman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XIX C thereto, relating to transportation.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Public Safety

March 19, 2003

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

Assembly Bill No. 168

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

LENO, Chairman

ASSEMBLY BILL NO. 168—An act to amend Section 11198 of the Penal Code, relating to imprisonment.

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 Insurance

March 19, 2003

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

Assembly Bill No. 87

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

VARGAS, Chairman

ASSEMBLY BILL NO. 87—An act to add Section 4352.5 to the Labor Code, relating to workers' compensation, 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 Business and Professions

March 19, 2003

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Assembly Bill No. 79

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

CORREA, Chairman

ASSEMBLY BILL NO. 79—An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, 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.

**REPORTS OF STANDING COMMITTEES
Committee on Aging and Long-Term Care**

Date of Hearing: March 18, 2003

Mr. Speaker: Your Committee on Aging and Long-Term Care reports:
Assembly Bill No. 41

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

DAUCHER, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 18, 2003

Mr. Speaker: Your Committee on Aging and Long-Term Care reports:
Assembly Bill No. 1

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

DAUCHER, Chairwoman

Above bill ordered to second reading.

Committee on Health

Date of Hearing: March 18, 2003

Mr. Speaker: Your Committee on Health reports:
Assembly Bill No. 183

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

FROMMER, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 18, 2003

Mr. Speaker: Your Committee on Health reports:
Assembly Bill No. 171

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

FROMMER, Chairman

Above bill re-referred to the Committee on Local Government.

Committee on Transportation

Date of Hearing: March 10, 2003

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 62

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

DUTRA, Chairman

Above bill ordered to second reading.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 39—Relative to the San Francisco-Oakland Bay Bridge.

Resolution read; amendments proposed by the Committee on Transportation read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 46—An act to add Section 1798.85.1 to the Civil Code, to amend Section 226 of the Labor Code, and to add Section 667.13 to, the Penal Code, relating to identity theft.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

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

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

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

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 167—An act to amend Sections 1004, 2356.5, 3121, 3144, 6240, 6327, 8852, 9761, 9884, 10151, 10534, 11952, 13601, 19054, 21401, and 21623 of, and to amend and renumber Section 26112 of, the Probate Code, relating to probate.

Bill read second time, and ordered to Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, March 20, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 19, 2003**

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

AB RN

42 0307953
46 0308144
79 0308174
87 0308406
168 0308385
207 0308154
261 0308119
315 0307942

ACA RN

7 0308384

ACR RN

39 0308287

Daily Total: 10
Cumulative Total: 159

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