

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 20, 2003

FORTY-FOURTH SESSION DAY

ONE HUNDRED NINTH 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
Thursday, March 20, 2003

The Assembly met at 9 a.m.
Hon. Leland Yee, Assistant Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Mountjoy moved a quorum call of the Assembly.
Motion carried. Time, 9:01 a.m.
The Assistant Speaker pro Tempore directed the Sergeant at Arms to
close the doors, and to bring in the absent Members.

Quorum Present

At 9:13 a.m., Assistant Speaker pro Tempore Yee declared a quorum
of the Assembly present.

The roll call was completed, and the following answered to their
names—71:

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

PRAYER

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

Lord, At this time, as our country faces military conflict, we pray for our President and our national leaders. Grant them, O Lord, wisdom, guidance and strength as they fulfill their responsibilities to this nation and to the world. We pray also for the men and women of our armed forces; protect them under the shelter of Your wing and keep them safe from harm. We call to mind, also, Lord, the innocent Iraqi population that has suffered oppression for so long; preserve the good in their goodness and make the wicked good through Your goodness. And guide us all to the harbor of Your will. For You are great in the wonders You perform, Lord, and among all deities none is as great as You: Mighty in mercy and benevolent in might, helping and comforting and saving all who trust in Your holy name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Yee, Assembly Member Cox then led the Assembly in the pledge of allegiance to the Flag.

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, Hancock, Jerome E. Horton, Kehoe, Pacheco, and Ridley-Thomas.

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

Because of illness: Assembly Member Oropeza.

To attend a funeral in the District: Assembly Member Diaz.

EXPLANATIONS OF ABSENCE

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

February 28, 2003

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

Dear Speaker Wesson: I respectfully request to be excused from Session on Thursday, March 20th, 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

March 3, 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 March 20, 2003. I have legislative business in the District.

Sincerely,

LONI HANCOCK, Assembly Member
Fourteenth District

March 18, 2003

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Assembly Floor Session on Thursday, March 20, 2003, due to legislative business in my district. I will be returning to Sacramento on Monday, March 24, 2003, in time for Assembly Floor Session.

I thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (916) 207-5100.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

March 11, 2003

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

Dear Mr. Speaker: I respectfully request permission to be excused from Floor Session, Thursday, March 20, 2003 due to legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

CHRISTINE KEHOE, Speaker pro Tempore

March 20, 2003

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

Dear Speaker Wesson: I respectfully request that I be excused from Assembly Session for Thursday, March 20, 2003. I have legislative business in my district that requires my attendance and will unfortunately prevent me from attending floor session. Should you have any questions regarding my absence, please do not hesitate to contact my office at (916) 319-2060.

Thank you in advance for your consideration of this matter.

Sincerely,

BOB PACHECO, Assembly Member
Sixtieth District

March 13, 2003

*Hon. Herb Wesson
Speaker, California State Assembly
State Capitol Bldg., Suite 219
Sacramento, California*

Dear Mr. Speaker: This letter is to respectfully request authorization to be excused from Assembly Session on Thursday, March 20, 2003 to attend important meetings in my district. My plans are to return to Sacramento the morning of Monday, March 24th.

Thank you in advance for your attention to this request, a favorable response would be greatly appreciated.

Sincerely,

MARK RIDLEY-THOMAS, Assembly Member
Forty-eighth District

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Megan’s Law and Sex Offender Registration, on April 15, 2003, at 9 a.m., in Kingsburg and at 2 p.m., in Bakersfield.

At 9:16 a.m., Speaker Herb Wesson, 47th District, presiding

ANNOUNCEMENTS

Speaker Wesson announced that because of the events of the War with Iraq, today’s scheduled Floor Session would be changed to a check-in session to permit Assembly Members to return to their families in their Districts. The Desk will remain open until 3 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 20, 2003

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

- Assembly Bill No. 42
- Assembly Bill No. 46
- Assembly Bill No. 79
- Assembly Bill No. 87

- Assembly Bill No. 168
- Assembly Bill No. 207
- Assembly Bill No. 261
- Assembly Bill No. 315

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 20, 2003

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

- Assembly Concurrent Resolution No. 39

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, March 20, 2003

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

- Assembly Constitutional Amendment No. 7

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 bill was introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13—Pacheco. 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 XVI thereof, relating to public education finance.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 67—Bermudez. Relative to Little India in the City of Artesia.

ASSEMBLY CONCURRENT RESOLUTION NO. 68—Maddox and Correa. Relative to Vietnamese flags.

ASSEMBLY CONCURRENT RESOLUTION NO. 69—Nakanishi and Diaz. Relative to the San Jose State University Processed Food Institute.

ASSEMBLY JOINT RESOLUTION NO. 18—Haynes (Coauthors: Aghazarian, Bogh, Cogdill, Dutton, La Suer, Maze, Mountjoy, Pacheco, and Strickland) (Coauthors: Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, and Knight). Relative to the removal of Saddam Hussein.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

Bill No.

Committee

- 20** ----- Pub. S.
- 186** ----- B. & P.
- 210** ----- H. & C.D. and G.O.
- 441** ----- Health
- 451** ----- B. & P.
- 467** ----- Trans.

664	-----	B. & F. and Pub. S.
665	-----	B. & F. and B. & P.
729	-----	Nat. Res.
801	-----	B. & P. and Health
820	-----	Health
845	-----	Trans.
867	-----	L. Gov.
875	-----	Trans.
880	-----	L. & E.
933	-----	Higher Ed. and P.E.,R. & S.S.
948	-----	Health
1034	-----	H. & C.D.
1045	-----	Health
1064	-----	L. & E.
1100	-----	B. & P. and Health
1123	-----	J., E.D. & E. and A.,E.,S.,T. & I.M.
1149	-----	A.,E.,S.,T. & I.M.
1170	-----	A.,E.,S.,T. & I.M.
1182	-----	L. Gov. and J., E.D. & E.
1188	-----	L. Gov. and Jud.
1196	-----	B. & P. and Health
1216	-----	G.O.
1222	-----	L. Gov.
1233	-----	Trans. and Nat. Res.
1265	-----	B. & P. and B. & F.
1274	-----	Ins.
1288	-----	L. & E.
1305	-----	Trans.
1317	-----	Nat. Res. and U. & C.
1361	-----	Jud.
1371	-----	Health
1374	-----	B. & P.
1386	-----	B. & P. and Jud.
1393	-----	Hum. S.
1423	-----	B. & P.
1426	-----	L. Gov. and H. & C.D.
1431	-----	Health
1437	-----	Health
1438	-----	Pub. S.
1454	-----	Agri. and E.S. & T.M.
1464	-----	Ed.
1470	-----	Hum. S.
1547	-----	L. Gov.
1552	-----	Health
1555	-----	Trans.
1580	-----	Ins.
1583	-----	P.E.,R. & S.S.
1631	-----	B. & P.
1640	-----	E.S. & T.M.
1642	-----	A.,E.,S.,T. & I.M. and J., E.D. & E.
1651	-----	Jud.
1654	-----	Rev. & Tax.
1684	-----	U. & C.
1695	-----	L. Gov.

1702	-----	E.S. & T.M.
1703	-----	E.S. & T.M.
1737	-----	Trans.
1738	-----	Health
1740	-----	Rev. & Tax.
1741	-----	Rev. & Tax.
1742	-----	Rev. & Tax.
1743	-----	Rev. & Tax.
1744	-----	Rev. & Tax.
1746	-----	Budget
1747	-----	Budget
1748	-----	Budget
1749	-----	Budget
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1766	-----	Budget
1767	-----	Budget
1768	-----	Budget
1769	-----	Budget
1772	-----	B. & F.
1773	-----	B. & F. and Pub. S.
1774	-----	B. & F.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
46 -----	L. & E.

Senate

<i>Bill No.</i>	<i>Committee</i>
61 -----	L. Gov.
459 -----	Pub. S.

AUTHOR'S AMENDMENTS
Committee on Governmental Organization

March 20, 2003

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:
 Assembly Bill No. 197

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

HORTON, Chairman

ASSEMBLY BILL NO. 197—An act to amend Section 12419.10 of the Government Code, relating to offset payments.

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

March 20, 2003

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

Assembly Bill No. 106

Assembly Bill No. 290

Assembly Bill No. 434

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

NEGRETE McLEOD, Chairwoman

ASSEMBLY BILL NO. 106—An act to amend Section 22171 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.

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

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. 434—An act to amend Section 24214 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.

AUTHOR’S AMENDMENTS

Committee on Judiciary

March 20, 2003

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

Assembly Bill No. 418

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 418—An act to amend Sections 415.20, 415.45, and 415.46 of, and to add Section 415.95 to, the Code of Civil Procedure, relating to civil actions.

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 20, 2003

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

Assembly Bill No. 478

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

DUTRA, Chairman

ASSEMBLY BILL NO. 478—An act to amend Section 22851.3 of the Vehicle Code, relating to vehicles.

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 Natural Resources

March 20, 2003

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 501

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

JACKSON, Chairwoman

ASSEMBLY BILL NO. 501—An act to amend Section 47200 of the Public Resources Code, relating to solid waste.

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 Housing and Community Development

March 20, 2003

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 494

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

LOWENTHAL, Chairman

ASSEMBLY BILL NO. 494—An act to add Sections 33334.30 and 33334.31 to the Health and Safety Code, relating to redevelopment.

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 20, 2003

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 395

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

CORREA, Chairman

ASSEMBLY BILL NO. 395—An act to add Section 4826.5 to the Business and Professions Code, relating to veterinarians.

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 Natural Resources

March 20, 2003

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 204

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

JACKSON, Chairwoman

ASSEMBLY BILL NO. 204—An act to amend Section 31164 of, and to add Sections 31165, 31166, and 31167 to, the Public Resources Code, and to add Section 9250.20 to the Vehicle Code, relating to the vehicles, 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 Appropriations

March 20, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 118

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

STEINBERG, Chairman

ASSEMBLY BILL NO. 118—An act to amend Section 1653.5 of the Vehicle Code, relating to vehicles.

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 Human Services

March 20, 2003

Mr. Speaker: The Chair of your Committee on Human Services reports:
Assembly Bill No. 22

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

WOLK, Chairwoman

ASSEMBLY BILL NO. 22—An act to add Section 1596.8717 to the Health and Safety Code, relating to child care.

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 20, 2003

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 352

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

LENO, Chairman

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

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 Local Government

March 20, 2003

Mr. Speaker: The Chair of your Committee on Local Government reports:

Senate Bill No. 61

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

SALINAS, Chairman

SENATE BILL NO. 61—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, 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 Rules

Date of Hearing: March 20, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 63

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

Committee on Labor and Employment

Date of Hearing: March 19, 2003

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 223

With the recommendation: Do pass.

KORETZ, Chairman

Above bill ordered to second reading.

Date of Hearing: March 19, 2003

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 76

Assembly Bill No. 196

Assembly Bill No. 98

Assembly Bill No. 276

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

KORETZ, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 19, 2003

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 274

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

KORETZ, Chairman

Above bill re-referred to the Committee on Judiciary.

Committee on Judiciary

Date of Hearing: March 4, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 224

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

CORBETT, Chairwoman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: March 19, 2003

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 78

With the recommendation: Do pass.

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

GOLDBERG, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 19, 2003

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 328

Assembly Bill No. 335

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

GOLDBERG, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 19, 2003

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 164

Assembly Bill No. 356

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

GOLDBERG, Chairwoman

Above bills re-referred to the Committee on Appropriations.

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

ASSEMBLY BILL NO. 1—An act to add Section 9400.5 to the Welfare and Institutions Code, relating to aging, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 62—An act to add Section 5101.10 to the Vehicle Code, relating to vehicles.

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

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following resolution was ordered re-referred to the Committee on Appropriations:

Assembly Concurrent Resolution No. 39.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, March 24, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 20, 2003**

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

AB	RN
1	0308064
22	0306964
62	0308246
106	0308482
118	0308344
197	0307989
204	0308450
290	0308468
352	0307911
395	0307984
418	0308289
434	0307949
478	0308245
494	0307844
501	0308242

SB	RN
61	0307862

Daily Total:	16
Cumulative Total:	175

O