

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, June 9, 2003**

**EIGHTY-FIFTH SESSION DAY**

**ONE HUNDRED NINETIETH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Monday, June 9, 2003

The Assembly met at 12:22 p.m.  
Hon. Leland Y. 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, 12:22 p.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 12:26 p.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—75:

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

**PRAYER**

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

*Heavenly Father, Keep us under the protection of Your wings, fortify us with love for one another and grant us unshakable peace. But before all and above all, instill Your love in us, that Your Holy Name may also be glorified in us. For upon You alone have we placed our hopes and to You we send up glory.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Yee, Assembly Member Strickland 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 Vargas, 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, Kehoe, and Simitian.*

*Because of illness: Assembly Members Firebaugh and Frommer.*

**EXPLANATIONS OF ABSENCE**

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

June 9, 2003

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

Dear Speaker Wesson: Due to travel delays, please excuse me from floor session on Monday, June 9, 2003. I will be attending to legislative business in the district.

Thank you.

Sincerely,

LOU CORREA, Assembly Member  
Sixty-ninth District

May 27, 2003

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

Dear Mr. Speaker: I respectfully request to be excused from Floor Session, Monday, June 9, 2003 for legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

CHRISTINE KEHOE  
Speaker pro Tempore

June 2, 2003

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

Dear Speaker Wesson,

This is a request to be excused from Session on Monday, June 9, 2003. I have legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member  
Twenty-first District

**COMMUNICATIONS**

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

June 9, 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 to the Select Committee on Coastal Protection:

Assemblymember Patricia Bates  
Assemblymember Patty Berg  
Assemblymember Tom Harman  
Assemblymember Christine Kehoe  
Assemblymember John Laird  
Assemblymember Alan Lowenthal  
Assemblymember Ken Maddox  
Assemblymember Gene Mullin  
Assemblymember George Nakano  
Assemblymember Joe Nation  
Assemblymember Fran Pavley  
Assemblymember Keith Richman  
Assemblymember Juan Vargas  
Assemblymember Pat Wiggins  
Assemblymember Leland Yee

Sincerely,

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

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

**Explanation of Vote—Assembly Bills Nos. 103, 858, and 897**

June 9, 2003

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

Dear Dotson: When the rollcall vote was taken on Assembly Bills Nos. 103, 858, and 897 on Thursday, June 5th, I inadvertently voted "Aye". Although I announced my intention to change, I did not verify the request with my signature on the ballot. I would like the record to reflect that I intended to abstain on each of these measures.

Sincerely,

MANNY DIAZ, Assembly Member  
Twenty-third District

**Explanation of Vote—Assembly Bill No. 1358**

June 9, 2003

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

Dear Dotson: When the rollcall vote was taken on Assembly Bill No. 1358 on Thursday, June 5th, I inadvertently voted "Aye". Although I announced my intention to change, I did not verify the request with my signature on the ballot. I would like the record to reflect that I intended to vote "No" on this measure.

Sincerely,

SALLY J. LIEBER, Assembly Member  
Twenty-second District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 9, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 685

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
<b>109</b> -----	Rls.
<b>110</b> -----	Rls.

*Assembly Joint*

<i>Resolution No.</i>	<i>Committee</i>
<b>39</b> -----	L. & E.
<b>40</b> -----	Rls.

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>		
3	-----	Pub. S.
15	-----	Ed.
17	-----	Rev. & Tax.
25	-----	B. & F. and Jud.
67	-----	U. & C. and Nat. Res.
71	-----	Ed.
86	-----	Nat. Res.
96	-----	Budget
122	-----	Jud.
125	-----	Ins.
126	-----	P.E.,R. & S.S.
132	-----	Pub. S.
157	-----	Rev. & Tax.
176	-----	Ins.
177	-----	Ed.
216	-----	W.,P. & W.
229	-----	Ins.
238	-----	Pub. S.
256	-----	Jud.
257	-----	Ed.
278	-----	Pub. S.
288	-----	Nat. Res.
294	-----	Jud.
314	-----	Trans.
322	-----	Health
337	-----	Pub. S.
354	-----	Ins.
380	-----	Trans.
383	-----	Ed.
429	-----	U. & C.
451	-----	Rev. & Tax. and Appr.
471	-----	Ed.
478	-----	L. & E.
489	-----	Pub. S.
495	-----	Ed.
504	-----	Trans.
525	-----	Ed.
566	-----	Rev. & Tax.
577	-----	Hum. S. and Jud.
599	-----	Pub. S.
620	-----	Ins.
633	-----	L. Gov. and Agri.
734	-----	Jud.
779	-----	Health
833	-----	L. Gov. and W.,P. & W.
858	-----	Health
1030	-----	Jud.
1077	-----	B. & P.
1078	-----	B. & P.
1080	-----	B. & P.

*Senate Concurrent*

*Resolution No.*

*Committee*

4 ----- Jud.

*Senate Joint*

*Resolution No.*

*Committee*

7 ----- Trans.

**AUTHOR'S AMENDMENTS  
Committee on Local Government**

June 9, 2003

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

Assembly Constitutional Amendment No. 17

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

SALINAS, Chair

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Sections 29.5 and 36 to Article XIII thereof, relating to taxation.

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 Local Government**

June 9, 2003

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

Senate Bill No. 407

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

SALINAS, Chair

**SENATE BILL NO. 407**—An act to amend Section 11005 of the Revenue and Taxation Code, relating to local government.

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**

June 9, 2003

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

Senate Bill No. 851

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

LENO, Chair

**SENATE BILL NO. 851**—An act to amend Section 917 of the Evidence Code, to amend Sections 629.62, 633, 803, 830.31, 847, 1170.011, 1202.1, 1203.labc, 1203.3, 11171, 12022.5, 14309 of the Penal Code, to amend Section 14601 of the Vehicle Code, and to amend Section 15763 of the Welfare and Institutions Code, relating to public safety.

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**

June 9, 2003

Mr. Speaker: The Chair of your Committee on Judiciary reports:  
Senate Bill No. 182

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

CORBETT, Chair

**SENATE BILL NO. 182**—An act to amend Sections 7630, 7669, and 8814.5 of the Family Code, and to add Section 1516.5 to the Probate Code, relating to adoption.

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 Elections, Redistricting and Constitutional Amendments**

June 9, 2003

Mr. Speaker: The Chair of your Committee on Elections, Redistricting and Constitutional Amendments reports:

Senate Bill No. 1072

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

LONGVILLE, Chair

**SENATE BILL NO. 1072**—An act to amend Section 82036 of the Government Code, relating to the Political Reform Act of 1974, 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.

**AUTHOR'S AMENDMENTS**  
**Committee on Housing and Community Development**

June 9, 2003

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

Senate Bill No. 306

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

LOWENTHAL, Chair

**SENATE BILL NO. 306**—An act to amend Sections 18214, 50781, and 50786 of the Health and Safety Code, relating to mobilehome parks, 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 Utilities and Commerce**

June 9, 2003

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:  
Senate Bill No. 659

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

REYES, Chair



**SENATE BILL NO. 659**—An act to amend Section 739 of the Public Utilities Code, relating to public utilities.

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**

June 9, 2003

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

Senate Bill No. 116

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

LOWENTHAL, Chair

**SENATE BILL NO. 116**—An act to amend Section 798.51 of, and to add Section 799.10 to, the Civil Code, relating to mobilehome parks.

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 Rules**

June 9, 2003

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

Assembly Joint Resolution No. 14

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

NATION, Chair

**ASSEMBLY JOINT RESOLUTION NO. 14**—Relative to the Arab economic boycott of Israel.

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

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Rules**

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 95

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, Chair

Above resolution ordered to second reading.

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 108

House Resolution No. 32

With the recommendation: Be adopted.

NATION, Chair

Above resolutions ordered to third reading.

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Rules reports:  
Senate Concurrent Resolution No. 28  
With the recommendation: Be adopted.

NATION, Chair

Above resolution ordered to third reading.

**Committee on Governmental Organization**

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Governmental Organization reports:  
Senate Bill No. 621  
Senate Bill No. 738  
With the recommendation: Do pass, and re-refer to Committee on Appropriations with  
recommendation: To Consent Calendar.

JEROME HORTON, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Governmental Organization reports:  
Senate Bill No. 690  
With the recommendation: Do pass, and be re-referred to the Committee on  
Appropriations.

JEROME HORTON, Chair

Above bill re-referred to the Committee on Appropriations.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member La Malfa was granted unanimous consent that a  
photographer be permitted on the Floor of the Assembly.

**RECESS**

By unanimous consent, at 12:34 p.m., Assistant Speaker pro  
Tempore Yee declared the Assembly recessed to permit the introduction  
of a special guest.

Assembly Member La Malfa was joined by Assembly Members  
Keene and Leslie in introducing Juleah Marie Cordi who was selected  
as a 2003 Children's Congress Delegate by the Juvenile Diabetes  
Research Foundation.

Assembly Member La Malfa then presented a resolution conveying  
the best wishes of the Assembly.

**RECONVENED**

At 12:35 p.m., the Assembly reconvened.  
Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the Assembly,  
presiding.

**RECESS**

By unanimous consent, at 12:40 p.m., Assistant Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Ridley-Thomas introduced John Mack, President of the California Association of Urban League Executives (CAULE) and President, Los Angeles Urban League; James Shelby, Treasurer of CAULE, and President, Greater Sacramento Urban League; and Jimma McWilson, Executive Vice President, San Diego Urban League.

**RECONVENED**

At 12:41 p.m., the Assembly reconvened.

Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the Assembly, presiding.

**ADJOURN IN MEMORY**

Assembly Member Samuelian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Thomas C. Barile, of Fresno.

(Assembly Rule 45.5 suspended.)

**JOINT RULE 62(a) WAIVED**

Assembly Member Dutra was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting House Resolution No. 33 for hearing in the Committee on Transportation today, upon adjournment of Floor session.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 624, 1134, and 858 were continued until the next legislative day.

**PARLIAMENTARY INQUIRY**

Assembly Member Haynes arose to the following parliamentary inquiry:

When will the Membership be provided with a weekly report from the Chair of the Budget Committee, consistent with Assembly Rule 66.7(b)?

**Reply by Assistant Speaker pro Tempore Yee**

The Assistant Speaker pro Tempore replied that leadership would be consulted and the report provided forthwith.

**CAUCUS ANNOUNCEMENTS**

Assistant Speaker pro Tempore Yee announced that the Democratic Caucus would meet today at 2 p.m.

**ADJOURN IN MEMORY**

Assembly Member Longville was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sylvia Cichocki, of San Bernardino.

Assembly Member Nakano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bill Geissert, of Torrance.

**ADJOURN IN HONOR**

Assembly Member McCarthy was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of William Tristan Minaberrigarai, of Bakersfield and Kylie Elizabeth Miller, of Sacramento.

**ANNOUNCEMENTS**

Assistant Speaker pro Tempore Yee announced the following schedule:

Tuesday, June 10—Check-in and Floor session upon Call of the Speaker;

Wednesday, June 11—Check-in and Floor session upon Call of the Speaker;

Thursday, June 12—Floor session, 9 a.m.;

Friday, June 13—Session upon Call of the Speaker.

**MOTION TO ADJOURN**

At 12:42 p.m., Assembly Member Mountjoy moved that the Assembly do now adjourn.

Assembly Member Chan seconded the motion.

**REMARKS ON CONDITION OF THE FILE**

Assembly Member Bogh arose to speak on the condition of the file.

**FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Mountjoy that the Assembly adjourn.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 12:43 p.m., Assistant Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

**INTRODUCTION OF GUESTS**

Assembly Member Nation, of the 6th Assembly District, introduced his father-in-law John Nicolay and his wife's cousin, Annina Nicolay, from Switzerland.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Mountjoy, the Assembly adjourned until 7 a.m., Tuesday, June 10, 2003, out of respect to the memory of Thomas C. Barile, on motion of Assembly Member Samuelian; out of respect to the memory of Sylvia Cichocki, on motion of Assembly Member Longville; out of respect to the memory of Bill Geissert, on motion of Assembly Member Nakano; and in honor of the birth of William Tristan Minaberrigarai and Kylie Elizabeth Miller, on motion of Assembly Member McCarthy.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 9, 2003**

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

**ACA RN**  
17 0313421

**AJR RN**  
14 0313624

**SB RN**  
116 0313535  
182 0313481  
306 0313215  
407 0313604  
659 0313588  
851 0312371  
1072 0313566

**Daily Total: 9**  
**Cumulative Total: 2014**

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