

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 8, 2004

**ONE HUNDRED THIRTY-FOURTH SESSION DAY
FOUR HUNDRED THIRD 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, January 8, 2004

The Assembly met at 9:30 a.m.
Hon. Christine Kehoe, 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 Chan moved a quorum call of the Assembly.
Motion carried. Time, 9:31 a.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 9:39 a.m., Speaker pro Tempore Kehoe declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—79:

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

PRAYER

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

Lord, God Almighty, You know all things before they occur. We call upon You at this hour to be present with us and to redeem us. Cleanse our mind and thoughts from vain desires and harmful influences. Deliver us from all evil things and grant that we may always please, worship, and glorify You forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Wolk 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 Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Maddox.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 5, 2004

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

Dear Mr. Speaker: I respectfully request authorization to be absent from session on Thursday, January 8th. I will be in my district on legislative business.

Thank you for your consideration of my request.

Sincerely,

KEN MADDOX, Assembly Member
Sixty-eighth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 8, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 1651

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, January 8, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 139
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, January 8, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 216
Assembly Bill No. 269
Assembly Bill No. 649
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

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>
1312 -----	W.,P. & W.
1609 -----	B. & P. and Jud.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
142 -----	Trans.
143 -----	Rls.
145 -----	Trans.
146 -----	Rls.
147 -----	Rls.
148 -----	Rls.
149 -----	Rls.

House
Resolution No.

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

REPORTS OF STANDING COMMITTEES
Committee on Public Safety

January 5, 2004

Mr. Speaker: Your Committee on Public Safety reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 39	Assembly Bill No. 865
Assembly Bill No. 336	Assembly Bill No. 1445
Assembly Bill No. 863	

LENO, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Rules

Date of Hearing: January 8, 2004

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 38

With the recommendation: Be adopted.

NATION, Chair

Above resolution ordered to third reading.

Committee on Education

Date of Hearing: January 7, 2004

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 42

Assembly Bill No. 1636

Assembly Bill No. 1696

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 bills be placed on the Consent Calendar.

GOLDBERG, Chair

Above bills ordered to second reading.

Date of Hearing: January 7, 2004

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 756

Assembly Bill No. 1175

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

GOLDBERG, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 7, 2004

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 152

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

GOLDBERG, Chair

Above bill re-referred to the Committee on Appropriations.

REQUEST FOR PHOTOGRAPHER

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

At 10:02 a.m., Speaker Herb J. Wesson, Jr., 47th District, presiding

NOMINATIONS FOR SPEAKER OF THE ASSEMBLY

Speaker Wesson announced that, without objection, nominations are now open for the Office of Speaker, to be sworn in on February 9, 2004 or upon a vacancy, whichever occurs first.

At 10:03 a.m., Speaker pro Tempore Christine Kehoe, 76th District, presiding

Nominations from the Floor

Speaker Wesson nominated Assembly Member Fabian Nunez for the Office of Speaker of the Assembly.

At 10:14 a.m., Speaker Herb J. Wesson, Jr., 47th District, presiding

Nomination Seconded

Assembly Members McCarthy, Negrete McLeod, Vargas, Dymally, Cohn, and Firebaugh seconded the nomination of Assembly Member Fabian Nunez for the Office of Speaker of the Assembly.

NOMINATIONS CLOSED

There being no further nominations, the Speaker declared nominations for the Office of Speaker of the Assembly closed.

MOTION BY ASSEMBLY MEMBER FIREBAUGH

Assembly Member Firebaugh moved that the Rules and precedent be suspended to allow Assembly Member Fabian Nunez to be elected to the Office of Speaker, to be sworn in on February 9, 2004, or upon a vacancy, whichever occurs first, by a voice vote.

Upon request of Speaker Wesson, all Members in favor of electing Assembly Member Fabian Nunez to the Office of Speaker responded by saying "Aye", whereupon Speaker Wesson declared Assembly Member Nunez the choice of the Assembly for the Office of Speaker.

ADDRESS BY SPEAKER-ELECT NUNEZ

Speaker-elect Nunez approached the Dais, whereupon he addressed the assemblage.

At 10:43 a.m., Speaker pro Tempore Christine Kehoe, 76th District, presiding

BILLS RETURNED TO SENATE

Assembly Member Negrete McLeod was granted unanimous consent that Assembly Bill No. 1588 be returned to the Senate for further action, and Assembly Member Liu was granted unanimous consent that Assembly Bill No. 1068 be returned to the Senate for further action.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 896, on request of Assembly Member Diaz.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Parra announced her intention to request that Assembly Bill No. 488 be removed from the inactive file.

SUSPEND ASSEMBLY RULE 56 AND JOINT RULE 62(a)

Assembly Member Chan was granted unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended for the purpose of permitting the Committee on Environmental Safety and Toxic Materials to set Assembly Bill No. 1454 for hearing, on Wednesday, January 14, 2004, pending re-referral to the committee.

RE-REFERENCE OF BILLS

Assembly Member Chan was granted unanimous consent that the following bills be re-referred as noted:

Assembly Bill No. 1109 from the Committee on Judiciary, to the Committee on Public Safety;

Assembly Bill No. 1320 from the Committee on Housing and Community Development, to the Committee on Local Government.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

SENATE BILL NO. 18 RECONSIDERED BY UNANIMOUS CONSENT

In compliance with a motion given, Assembly Member Steinberg was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 18 was refused passage; and that the bill be placed upon the inactive file.

DESK HELD OPEN

Assembly Member Chan was granted unanimous consent that the Assembly Desk remain open on Friday, January 9th to receive the Governor's Budget.

RE-REFERENCE OF BILLS

Assembly Member Steinberg was granted unanimous consent that Assembly Bill No. 1363 be re-referred from the Committee on Appropriations to the Committee on Health.

BILLS STRICKEN FROM FILE

Assembly Member Dutra was granted unanimous consent that Assembly Bill No. 692 be stricken from file.

Assembly Member Nation was granted unanimous consent that Assembly Bill No. 183 be stricken from file.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 1245, on request of Assembly Member Laird.

ADJOURN IN MEMORY

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the following victims of the Waterman Canyon mudslide:

From St. Sophia Camp in Waterman Canyon: Jorge Monzon, Clara Monzon, Wendy Monzon, Raquel Monzon, Jeremias Monzon, Jose Pablo Navarro, Joleila Navarro, Miguel Navarro, Rosa Najera-Juarez, Catherine Juarez, Ramon Meza, Edgar Meza, Eduardo David Meza, of San Bernardino; and Ivan Navarro, of Fontana.

From KOA Campground in Devore: Janice Arlene Stout-Bradley, of Devore; and Carol Eugene Nuss, of Willington, KS.

ADJOURN IN MEMORY

Assembly Member Maze was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kyle Joseph Viola Goodwin, of Exeter.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Connie Faure, of Long Beach.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Wyland was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Martin W. Garrick, of San Diego.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Jerome E. Horton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of G. Michael Curls, of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Koretz, Levine, Goldberg, and Pavley were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mimi Robbins, of Los Angeles.

(Assembly Rule 45.5 suspended.)

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

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 100, 419, and 1740 and Senate Bills Nos. 1005, 131, 407, and 18 were continued until the next legislative day.

SPECIAL ACKNOWLEDGMENT

Assembly Member Steinberg recognized Andrea Jackson who is leaving the California State Capitol after 11 years of exemplary service to him and to the 9th Assembly District, whereupon he was joined by the Members of the Assembly in extending best wishes in her future endeavors.

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 1651, ordered to third reading.

ADJOURN IN MEMORY

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Delphine Moranda Belotti, of Eureka and John Richard Koser, of Fullerton.

Assembly Members Canciamilla and Houston were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Donald Pretti, of Walnut Creek.

Assembly Member Canciamilla was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patricia Dempster, of Martinez.

Assembly Member Shirley Horton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kenneth Herbert Benson, of San Diego and Danielle Delgadillo, of Paradise Hills.

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 Victor A. Eckles, of Stockton.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Monsignor Thomas G. Kleinhans, of Visalia.

Assembly Member Spitzer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Jim Ortner, of Rancho Palos Verde.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Livingston Grant, of Vallejo and Delman Hague, of Davis.

CAUCUS ANNOUNCEMENTS

Assembly Member Bogh announced that the Republican Caucus would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

MOTION TO ADJOURN

At 11:03 a.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

REMARKS ON CONDITION OF THE FILE

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

FURTHER CONSIDERATION OF MOTION TO ADJOURN

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

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:04 a.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1799—Mullin and Bates. An act to amend Sections 18761 and 18766 of the Revenue and Taxation Code, relating to taxation.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 152—Diaz and Lieber (Coauthors: Cohn, Laird, and Salinas) (Coauthor: Senator Sher). Relative to Michael P. Evanhoe Interchange.

**AUTHOR'S AMENDMENTS
Committee on Agriculture**

January 8, 2004

Mr. Speaker: The Chair of your Committee on Agriculture reports:
Assembly Bill No. 1726

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

MATTHEWS, Chair

ASSEMBLY BILL NO. 1726—An act to amend Section 47021 of the Food and Agricultural Code, relating to agriculture.

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 Health**

January 8, 2004

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 1596

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

FROMMER, Chair

ASSEMBLY BILL NO. 1596—An act to amend Section 14105.39 of the Welfare and Institutions Code, relating to Medi-Cal.

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 Health

January 8, 2004

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 432

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

FROMMER, Chair

ASSEMBLY BILL NO. 432—An act to amend Section 1346.1 of the Health and Safety Code, relating to health care service plans.

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

January 8, 2004

Mr. Speaker: The Chair of your Committee on Human Services reports:
Assembly Bill No. 1319

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

WOLK, Chair

ASSEMBLY BILL NO. 1319—An act to amend Section 12301.6 of the Welfare and Institutions Code, relating to social services.

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

January 8, 2004

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 932
Assembly Bill No. 1388
Assembly Bill No. 1609

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

CORREA, Chair

ASSEMBLY BILL NO. 932—An act to amend Sections 2472 and 2484 of, and to repeal and add Section 2493 of, the Business and Professions Code, relating to podiatric medicine.

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. 1388—An act to amend Section 144 of, and to add Chapter 10.5 (commencing with Section 4600) to Division 2 of, the Business and Professions Code, and to repeal Chapter 6 (commencing with Section 51030) of Part 1 of Division 1 of Title 5 of the Government Code, relating to massage therapy, 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.

ASSEMBLY BILL NO. 1609—An act relating to public contracts.

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.

MESSAGES FROM THE SENATE

Senate Chamber, January 8, 2004

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

Assembly Bill No. 1209

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

January 8, 2004

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning Senate Bill 403 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

January 8, 2004

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning Senate Bill 902 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned until 12 Noon Monday, January 12, 2004, out of respect to the memory of Jorge Monzon, Clara Monzon, Wendy Monzon, Raquel Monzon, Jeremias Monzon, Jose Pablo Navarro, Ivan Navarro, Joleila Navarro, Miguel Navarro, Rosa Najera-Juarez, Catherine Juarez, Ramon Meza, Edgar Meza, Eduardo David Meza, Janice Arlene Stout-Bradley, and Carol Eugene Nuss, on motion of Assembly Member Mountjoy; out of respect to the memory of Kyle Joseph Viola Goodwin, on motion of Assembly Member Maze; out of respect to the memory of Connie Faure, on motion of Assembly Member Lowenthal; out of respect to the memory of Martin W. Garrick, on motion of Assembly Member Wyland; out of respect to the memory of G. Michael Curls, on motion of Assembly Member Jerome E. Horton; out of respect to the memory of Mimi Robbins, on motion of Assembly Members Koretz, Levine, Goldberg, and Pavley; out of respect to the memory of Delphine Moranda Belotti and John Richard Koser, on motion of Assembly Member Berg; out of respect to the memory of James Donald Pretti, on motion of Assembly Members Canciamilla and Houston; out of respect to the memory of Patricia Dempster, on motion of Assembly Member Canciamilla; out of respect to the memory of Kenneth Herbert Benson and Danielle Delgadillo, on motion of Assembly Member Shirley Horton; out of respect to the memory of Victor A. Eckles, on motion of Assembly Member Matthews; out of respect to the memory of Monsignor Thomas G. Kleinhaus, on motion of Assembly Member Reyes; out of respect to the memory of Dr. Jim Ortner, on motion of Assembly Member Spitzer; and out of respect to the memory of Livingston Grant and Delman Hague, on motion of Assembly Member Wolk.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 8, 2004**

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

AB	RN	
432	0400337	
932	0400177	
1319	0400363	
1388	0322466	
1596	0400147	
1609	0321165	
1726	0400118	
Daily Total:		7
Cumulative Total:		3063

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