

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 13, 2004

**ONE HUNDRED THIRTY-SIXTH SESSION DAY
FOUR 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
Tuesday, January 13, 2004

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

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

Quorum present.

At 12:28 p.m., Hon. Dennis Mountjoy, 59th 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 Maze and Simitian.

Because of illness in his family: Assembly Member Nation.

EXPLANATIONS OF ABSENCE

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

January 6, 2004

*Speaker Herb Wesson
State Capitol, Room 219
Sacramento, California*

Dear Speaker Wesson,

I respectfully request your permission to be excused from Session either Check-In or Regular Session during the dates of Tuesday, January 13, 2004 through Friday, January 16, 2004, for legislative business.

Thank you for your consideration of my request.

Sincerely,

BILL MAZE, Assembly Member
Thirty-fourth District

January 5, 2004

*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 Check-In Session on Tuesday, January 13, 2004. 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 communications were presented by the Speaker, and ordered printed in the Journal:

January 12, 2004

*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 John Benoit to replace Assemblymember Bill Maze on the Assembly Business and Professions Committee for the Tuesday, January 13th hearing only.

Sincerely,

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

January 12, 2004

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tom Harman to replace Assemblymember Bill Maze on the Assembly Health Committee for the Tuesday, January 13th hearing only.

Sincerely,

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

January 12, 2004

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 Greg Aghazarian to replace Assemblymember Bill Maze on the Assembly Agriculture Committee for the Wednesday, January 14th hearing only.

Sincerely,

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

January 13, 2004

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 Sarah Reyes to replace Assemblymember Joe Nation on the Assembly Business and Professions Committee for today's hearing only.

Sincerely,

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

January 13, 2004

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 Assemblymembers Joe Canciamilla and Patricia Wiggins and to replace Assemblymember Fabian Nunez and fill the vacancy on the Assembly Elections, Redistricting and Constitutional Amendments Committee for today's hearing only.

Sincerely,

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

January 13, 2004

*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 Mervyn Dymally to replace Assemblymember John Longville on the Assembly Public Safety Committee, effective immediately.

Sincerely,

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 13, 2004

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

Assembly Bill No. 700
Assembly Bill No. 1312
Assembly Bill No. 1714

Assembly Bill No. 1784
Assembly Bill No. 1785

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 13, 2004

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

Assembly Bill No. 2
Assembly Bill No. 371
Assembly Bill No. 685

And reports the same correctly enrolled, and presented to the Governor on the 13th day of January, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

SPECIAL COMMITTEE MEETINGS

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

Judiciary, on Tuesday, January 20, 2004, off the Floor during Floor Session, or upon adjournment, in the Tom Bane Rules Committee Room;

Insurance, on Wednesday, January 28, 2004, at 9 a.m., in Room 437;
Select Committee on Wetlands, on Wednesday, February 11, 2004, in the State Capitol.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1808—Yee. An act to amend Section 374.4 of the Penal Code, relating to littering.

ASSEMBLY BILL NO. 1809—La Malfa. An act to amend Section 471 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1810—Frommer, Wiggins, and Reyes (Coauthors: Chavez, Hancock, and Koretz). An act to add Division 21 (commencing with Section 51000) to the Financial Code, relating to automated teller machines.

ASSEMBLY BILL NO. 1811—Bogh. An act to amend Section 1798.85 of the Civil Code, relating to privacy.

ASSEMBLY BILL NO. 1812—Bermudez. An act to amend Section 12517.2 of the Vehicle Code, relating to vehicles.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 156—Frommer and Richman. Relative to the Burbank Police Officer Matthew Pavelka Memorial Freeway.

ASSEMBLY CONCURRENT RESOLUTION NO. 157—Yee. Relative to blood donors.

ASSEMBLY JOINT RESOLUTION NO. 57—Jackson and Chan (Principal coauthors: Liu and Yee) (Principal coauthor: Senator Karnette) (Coauthors: Berg, Calderon, Chavez, Chu, Cohn, Corbett, Daucher, Diaz, Dutra, Goldberg, Hancock, Kehoe, Koretz, Laird, Leno, Levine, Lowenthal, Matthews, Montanez, Mullin, Nakano, Nation, Oropeza, Reyes, Ridley-Thomas, Salinas, Steinberg, Vargas, Wesson, Wiggins, and Wolk) (Coauthors: Senators Bowen, Figueroa, Kuehl, Romero, Speier, and Torlakson). Relative to the 31st anniversary of Roe v. Wade.

AUTHOR'S AMENDMENTS

Committee on Local Government

January 13, 2004

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

Assembly Bill No. 600

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

SALINAS, Chair

ASSEMBLY BILL NO. 600—An act to add Section 65008.5 to the Government Code, relating to land use.

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 Banking and Finance

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 1000

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

WIGGINS, Chair

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 1138

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

DUTRA, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 517

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.

DUTRA, Chair

Above bill ordered to second reading.

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Transportation reports:

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 204 | Assembly Bill No. 775 |
| Assembly Bill No. 338 | Assembly Bill No. 1272 |
| Assembly Bill No. 340 | Assembly Bill No. 1511 |
| Assembly Bill No. 392 | Assembly Bill No. 1663 |
| Assembly Bill No. 477 | |

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

DUTRA, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 1510

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

CHAVEZ, Chair

Above bill ordered to second reading.

Committee on Arts, Entertainment, Sports, Tourism, and Internet Media

Date of Hearing: January 13, 2004

Mr. Speaker: Your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports:

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 393 | Assembly Bill No. 614 |
| Assembly Bill No. 549 | Assembly Bill No. 1356 |

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

COHN, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Judiciary

Date of Hearing: January 13, 2004

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 129

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

CORBETT, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Natural Resources

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 454
 Assembly Bill No. 1233
 Assembly Bill No. 1466

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

JACKSON, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1260

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

CHAVEZ, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 238
 Assembly Bill No. 848
 Assembly Bill No. 1073

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

CHAVEZ, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Business and Professions

Date of Hearing: January 13, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Bill No. 193
 Assembly Bill No. 320
 Assembly Bill No. 932

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

CORREA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Bill No. 664

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

CORREA, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Bill No. 1264

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.

CORREA, Chair

Above bill ordered to second reading.

Date of Hearing: January 13, 2004

Mr. Speaker: Your Committee on Business and Professions reports:
Assembly Bill No. 69

With the recommendation: Do pass.

CORREA, Chair

Above bill ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: January 12, 2004

Mr. Speaker: Your Committee on Utilities and Commerce reports:
Assembly Bill No. 1684

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

REYES, Chair

Above bill ordered to second reading.

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

ASSEMBLY BILL NO. 622—An act to amend Section 12281 of the Elections Code, relating to preelection procedures.

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

ASSEMBLY BILL NO. 1564—An act to amend Section 56000 of, to add Section 56000.6 to, and to add Article 7 (commencing with Section 79220) to Chapter 9 of Part 48 of, the Education Code, relating to special education.

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

ASSEMBLY BILL NO. 1623—An act to repeal and add Section 85300 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time; amendments proposed by the Committee on Elections, Redistricting and Constitutional Amendments read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 796—An act to add Section 6434.5 to the Labor Code, relating to occupational safety and health.

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

ASSEMBLY BILL NO. 411—An act to add Chapter 12.9 (commencing with Section 7090) to Division 7 of Title 2 of the Government Code, and to amend Sections 17039 and 23036 of, to add Sections 17052.77 and 23677 to, and to add and repeal Sections 17053.93 and 23693 of, the Revenue and Taxation Code, relating to economic development.

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

ASSEMBLY BILL NO. 1183—An act relating to economic development.

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

ASSEMBLY BILL NO. 1126—An act to amend Section 17072.10 of the Education Code, relating to school facilities.

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

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

Senate Bill No. 311, on request of Assembly Member Liu.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 14, 2004.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 13, 2004**

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

AB	RN	
411	0400216	
600	0400702	
622	0400303	
796	0400377	
1126	0400075	
1183	0400217	
1564	0400192	
1623	0400187	
Daily Total:		8
Cumulative Total:		3078

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