

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 16, 2004

**ONE HUNDRED THIRTY-NINTH SESSION DAY
FOUR HUNDRED ELEVENTH 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
Friday, January 16, 2004

The Assembly met at 5 a.m.

Hon. John J. Benoit, Assembly Member, 64th 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—48:

Aghazarian	Garcia	Levine	Pavley
Benoit	Hancock	Lieber	Plescia
Berg	Harman	Liu	Reyes
Canciamilla	Houston	Lowenthal	Ridley-Thomas
Chu	Jackson	Matthews	Runner
Cogdill	Keene	Montanez	Salinas
Cohn	Koretz	Mountjoy	Samuelian
Cox	La Malfa	Mullin	Steinberg
Daucher	La Suer	Nakanishi	Strickland
Dutra	Laird	Nakano	Vargas
Dutton	Leno	Nation	Wiggins
Frommer	Leslie	Parra *	Wyland

(* Note: See Journal later this day for further communication relative to per diem.)

Quorum present.

At 11:53 a.m., Hon. Paul Koretz, 42nd 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 Bates, Bermudez, Bogh, Calderon, Campbell, Chan, Chavez, Corbett, Correa, Diaz, Dymally, Firebaugh, Goldberg, Haynes, Jerome E. Horton, Kehoe, Longville, Maddox, Maldonado, Maze, Negrete McLeod, Nunez, Oropeza, Pacheco, Simitian, Spitzer, Wesson, and Yee.

On legislative business and waiving per diem: Assembly Member McCarthy.

On legislative business, per diem waived for the 2003–2004 Session (See Assembly Journal, page 126): Assembly Member Wolk.

Because of illness: Assembly Member Shirley Horton.

Because of illness in his family: Assembly Member Richman.

EXPLANATIONS OF ABSENCE

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

January 14, 2004

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

Dear Mr. Speaker: I respectfully request that I be excused from check-in session on Friday, January 16, 2004 to attend to district business. If you have any questions, please contact Jennie Teel in my office at (916) 319-2073.

Sincerely,

PATRICIA BATES, Assembly Member
Seventy-third District

January 12, 2004

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

Dear Mr. Speaker: This letter is to respectfully request your approval to be excused from Check-In Session on Friday, January 16, 2004, for legislative business.

Your favorable consideration in this matter would be greatly appreciated. If you have any questions, please do not hesitate to contact me.

Respectfully yours,

RUDY BERMUDEZ, Assembly Member
Fifty-sixth District

January 12, 2004

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

Dear Assembly Speaker Wesson: This letter is a request to be excused from Session on Friday, January 16th 2004 for legislative business in my District.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member
Sixty-fifth District

January 12, 2004

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

Dear Mr. Speaker: I am writing today to request to be excused from Session to attend the Latino Caucus trip in Palm Springs on Friday, January 16, 2004. If you have any questions please contact Tiffany Morrison at (916) 319-2058.

Sincerely,

RONALD S. CALDERON, Assembly Member
Fifty-eighth District

January 12, 2004

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

Dear Speaker Wesson: I respectfully request to be excused from Check-in-Session, Friday, January 16th, 2004 due to legislative business.

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

January 12, 2004

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 Friday, January 16, 2004, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

January 9, 2004

*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 Friday, January 16, 2004 due to legislative business.

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

January 8, 2004

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

Dear Speaker Wesson: Please excuse me from floor session and/or check in session on Friday, January 16, 2004. I will be attending to legislative business. Thank you.

Sincerely,

LOU CORREA, Assembly Member
Sixty-ninth District

January 13, 2004

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

Dear Mr. Speaker: The purpose of this letter is to respectfully request permission to be excused from check-in session on Friday, January 16, 2004. I have legislative business in attend to in my district.

Your consideration of this matter is greatly appreciated. If you have any questions please do not hesitate to contact my chief of staff, Saeed Ali at 916.319.2023.

Sincerely,

MANNY DIAZ, Assembly Member
Twenty-third District

January 14, 2004

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

Dear Mr. Speaker,

I respectfully request authorization to be excused for check in on Friday, January 16, 2004 for legislative business.

Thank you for your consideration of this request.

Sincerely,

MERVYN M. DYMALLY, Assembly Member
Fifty-second District

January 12, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from session on Friday, January 16, 2004. I will be attending the annual Latino Legislative Caucus Policy Retreat in Palm Springs.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2050.

Sincerely,

MARCO ANTONIO FIREBAUGH, Assembly Member
Fiftieth District

January 13, 2004

The Honorable Herb Wesson
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: This letter is to request permission to be excused from check in session on Friday, January 16, 2004 due to legislative business in the district.

Should you have any questions, please do not hesitate to contact my Executive Assistant Bertha Mardueño at ext. 2-45.

Sincerely,

JACKIE GOLDBERG, Assembly Member
Forty-fifth District

January 13, 2004

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

Dear Mr. Speaker: Please excuse me, Assembly Member Ray Haynes, District #66, from Assembly Check-in Session on Friday, January 16, 2004, due to legislative business in my district.

Sincerely,

RAY HAYNES, Assembly Member
Sixty-sixth District

January 13, 2004

*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 Check-In Session on Friday, January 16, 2004, due to legislative business in my district. I will be returning to Sacramento on Tuesday, January 20, 2004, in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

January 16, 2004

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

Dear Mr. Speaker: I respectfully request to be excused for check-in session on Friday, January 16, 2004 due to legislative business in my district.

Thank you for your consideration of this request. If your staff should have any further questions or require additional information, please feel free to contact Traci Holt at 319-2062.

Respectfully,

JOHN LONGVILLE, Assembly Member
Sixty-second District

January 13, 2004

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

Dear Mr. Speaker: I am writing to request that I be excused from Check-in Session on Friday, January 16, 2004, due to legislative business in my district.

Thanking you in advance for you consideration of my request.

Sincerely,

ABEL MALDONADO, Assembly Member
Thirty-third District

January 12, 2004

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

Dear Speaker Wesson: I respectfully request to be excused from Check-in Session on Friday, January 16th, due to legislative business. If you have any questions, please contact Julie Sauls at 319-2032.

Sincerely,

KEVIN MCCARTHY, Assembly Member
Thirty-second District

Further Communication Relative to Per Diem

January 16, 2004

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

RE: Per Diem

Dear Mr. Speaker,

I write to you today to respectfully decline per diem for Friday, January 16th through Monday, January 19th. If you have any questions regarding this request, please contact Julie Sauls at 319-2032.

Thank you for your prompt attention.

Sincerely,

KEVIN MCCARTHY
Assembly Republican Leader

January 6, 2004

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

Dear Mr. Speaker: I respectfully request permission to participate in the Latino Legislative Caucus retreat taking place in Palm Springs on January 15–16, 2004.

Thank you for your consideration of this request.

Respectfully,

GLORIA NEGRETE MCLEOD, Assembly Member
Sixty-first District

January 16, 2004

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

Dear Mr. Speaker: I respectfully request permission to miss Check-In Session on Friday, January 16, 2004. I will be attending to legislative business in my District.

Thank you for your consideration of this request.

Sincerely,

FABIAN NUÑEZ, Assembly Member
Forty-sixth District

January 12, 2004

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

Dear Mr. Speaker: I am writing to request permission to be excused from Session January 16, 2004. As Vice-Chair of the Latino Caucus, it is important that I attend the Latino Caucus Retreat to be held in Palm Springs.

Thank you for consideration of this request. Please contact Tony Symonds, my Chief of Staff, if you have any further questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth District

January 9, 2004

*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 Floor Session for Friday, January 16, 2004. 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

January 8, 2004

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

Dear Mr. Speaker,

This is a request to be excused from Check-In Session on Friday, January 16, 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

January 8, 2004

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

Dear Mr. Speaker: I would like to be excused from check-in session on Friday, January 16, 2004, as I have legislative business in my district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member
Seventy-first District

January 15, 2004

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

Dear Dotson: This is to advise you that I will be absent from check in Session on Friday, January 16 on legislative business.

Sincerely,

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

January 15, 2004

The Honorable Herb Wesson, Jr.
Speaker, California State Assembly
State Capitol
Sacramento, California

Dear Speaker Wesson: I respectfully request to be excused from check-in session tomorrow, Friday, January 16, 2004, due to legislative business in my district.

If you have any questions or concerns, please contact Jenn Short, my scheduler, at 319-2008.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

January 12, 2004

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

Dear Speaker Wesson: I respectfully request that I be excused from the Assembly Check-In Session on Friday, January 16th. I will be in my district during that time attending to legislative business.

Sincerely,

LELAND Y. YEE, PH.D, Assembly Member
Twelfth District

(NOTE: For letter explaining the absence of Assembly Member Maze on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 13, 2004; for letters explaining the absences of Assembly Members Chavez, Kehoe, and Maddox on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 15, 2004.)

COMMUNICATIONS

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

Communication Relative to Per Diem

January 15, 2004

*Herb J. Wesson, Jr.
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Subject: Per Diem refusal

Dear Speaker Wesson: I respectfully request that I not receive per diem for the Check-In session on Friday, January 16th.

Thank you for your consideration. I may be reached at (916) 319-2030 if you have any questions.

Sincerely,

NICOLE M. PARRA, Assembly Member
Thirtieth District

January 13, 2004

*Mr. E. Dotson Wilson
Chief Clerk, California Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Reappointment of Judith A. Anderson
to Off-Highway Motor Vehicle Recreation Commission

Dear Mr. Wilson: Please be advised I have reappointed Ms. Judith A. Anderson to the Off-Highway Motor Vehicle Recreation Commission. This is a term appointment starting January 15, 2004 and the expiration date is January 15, 2008.

Sincerely,

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

January 16, 2004

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

RE: Appointment of Conchita Battle
to Library of California Board

Dear Mr. Wilson: Please be advised I have appointed Dr. Conchita Battle to the Library of California Board. This is a term appointment starting January 16, 2004 and the expiration date is January 1, 2008. Dr. Battle will be replacing Mr. Fred Gaines.

Sincerely,

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

SPECIAL COMMITTEE MEETINGS

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

Aging and Long-Term Care to convene jointly with the Senate Subcommittee on Aging and Long-Term Care, on Tuesday, February 3, 2004, at 1:30 p.m.;

Joint Committee to Develop a Master Plan for Education to convene jointly with the Assembly Committee on Higher Education and the Senate Subcommittee on Higher Education, on Wednesday, February 4, 2004;

Select Committee on National Defense, Technology and Jobs, on Wednesday, February 4, 2004, at 1 p.m.;

Joint Legislative Audit Committee, on Wednesday, February 25, 2004, at 9 a.m., in Room 444.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 16, 2004

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

Assembly Bill No. 162

Assembly Bill No. 1667

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 16, 2004

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

Assembly Concurrent Resolution No. 143

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, January 16, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 204 | Assembly Bill No. 1550 |
| Assembly Bill No. 379 | Assembly Bill No. 1655 |
| Assembly Bill No. 389 | Assembly Bill No. 1699 |
| Assembly Bill No. 393 | Assembly Bill No. 1704 |
| Assembly Bill No. 614 | Assembly Bill No. 1706 |
| Assembly Bill No. 750 | Assembly Bill No. 1707 |
| Assembly Bill No. 932 | Assembly Bill No. 1709 |
| Assembly Bill No. 1200 | Assembly Bill No. 1711 |
| Assembly Bill No. 1520 | |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 16, 2004

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

Assembly Concurrent Resolution No. 61

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 BILL NO. 1820—Maze. An act to amend Section 37700 of the Education Code, relating to schooldays.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 162—Kehoe (Coauthors: Bates, Shirley Horton, La Suer, Plescia, Vargas, and Wyland) (Coauthors: Senators Alpert, Ducheny, Hollingsworth, and Morrow). Relative to Dean E. Beattie Memorial Highway.

AUTHOR'S AMENDMENTS

Committee on Public Employees, Retirement and Social Security

January 16, 2004

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

Assembly Bill No. 979

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

NEGRETE McLEOD, Chair

ASSEMBLY BILL NO. 979—An act to amend Sections 31520.3, 31520.5, 31681.8, 31683, 31704, and 31789.5 of, and to add Sections 31762.5, 31763.5, 31764.5, 31767, and 31767.5 to, the Government Code, relating to county employees' 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 Appropriations**

January 16, 2004

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

Assembly Bill No. 1592

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

STEINBERG, Chair

ASSEMBLY BILL NO. 1592—An act to amend Sections 999, 999.5, 999.7, 999.11, and 999.12 of the Military and Veterans Code, relating to veterans.

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

January 16, 2004

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 1684

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

STEINBERG, Chair

ASSEMBLY BILL NO. 1684—An act to add Section 379.6 to the Public Utilities Code, relating to energy resources.

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.

CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bill No. 1667, ordered to third reading;

Assembly Bill No. 162, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 700—An act to amend Sections 12102 and 12114 of the Insurance Code, relating to insurance.

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

ASSEMBLY BILL NO. 955—An act to amend Section 65352 of the Government Code, relating to land use.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1320—An act to amend Section 65460.2 of the Government Code, relating to transit village plans.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 911—An act to add Section 148.8 of the Penal Code, relating to public safety services.

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. 1694—An act to add Section 160 to the Penal Code, relating to bail services.

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.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

Senate Bill No. 31, on request of Assembly Member Chan;

Assembly Bill No. 1187, on request of Assembly Member Leno.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 1 p.m., Tuesday, January 20, 2004.

GEORGE NAKANO, Acting Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 16, 2004

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

AB	RN	
700	0321885	
911	0400526	
979	0400924	
1320	0400866	
1592	0400459	
1684	0400932	
1694	0400686	
Daily Total:		7
Cumulative Total:		3118

O