

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 21, 2004

**ONE HUNDRED FORTY-FIRST SESSION DAY
FOUR HUNDRED SIXTEENTH 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
Wednesday, January 21, 2004

The Assembly met at 7 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—70:

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

Quorum present.

At 11:03 a.m., Hon. Rebecca Cohn, 24th 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 Campbell, Corbett, Dutton, Jerome E. Horton, Houston, Kehoe, La Suer, and Lieber.

To attend a funeral: Assembly Member Firebaugh.

Because of a death in his family: Assembly Member Vargas.

EXPLANATIONS OF ABSENCE

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

January 20, 2004

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

Dear Speaker Wesson: I respectfully request to be excused Wednesday, January 21st, 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 20, 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 Wednesday, January 21, 2004. I have district business to attend to.

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 15, 2004

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

Dear Mr. Speaker: I hereby request permission to be excused from check-in session on Wednesday, January 21, 2004, to attend the Governor's Blue Ribbon Fire Commission in San Diego. I have been appointed by the Governor to sit on the Commission.

Thank you for your cooperation in this matter.

Sincerely,

BOB DUTTON, Assembly Member
Sixty-third District

January 20, 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 Wednesday, January 21, 2004, due to legislative business in my district. I will be returning to Sacramento on Thursday, January 22, 2004, in time for 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 (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

January 20, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Wednesday, January 21, for legislative meetings in my district.

If you have any questions, please contact Sarah Sprouse in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

December 10, 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, Wednesday, January 21, 2004 due to legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

CHRISTINE KEHOE
Speaker pro Tempore

January 20, 2004

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

Dear Mr. Speaker: I need to be excused from check-in session for Wednesday, January 21, 2004 because I will be attending the Governor's Blue Ribbon Fire Commission meeting in San Diego.

Thank you for your assistance.

Sincerely,

JAY LA SUER, Assembly Member
Seventy-seventh District

January 21, 2004

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

Dear Speaker Wesson: I would like to be excused from check-in session on January 21, 2004, due to legislative business in my district.

If you have any questions, please contact my Chief of Staff, Matt Moretti at 319-2022.

Sincerely,

SALLY J. LIEBER, Assembly Member
Twenty-second District

COMMUNICATIONS

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

January 20, 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 Judy Chu to replace Assemblymember Ellen Corbett on the Assembly Appropriations Committee for the January 21st hearing.

Sincerely,

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

January 20, 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 John Longville to replace Assemblymember Christine Kehoe on the Assembly Public Employees, Retirement and Social Security Committee for the January 21st hearing only.

Sincerely,

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

January 21, 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 Gene Mullin to replace Assemblymember Gloria Negrete McLeod on the Assembly Appropriations Committee for today's hearing.

Sincerely,

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

January 21, 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 Lloyd Levine to replace Assemblymember Gloria Negrete McLeod as Chair and have appointed Assemblymember Paul Koretz to replace Assemblymember Lloyd Levine on the Assembly Public Employees, Retirement and Social Security Committee for today's hearing only.

Sincerely,

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 21, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 269

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 21, 2004

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

Assembly Concurrent Resolution No. 146

Assembly Concurrent Resolution No. 157

Assembly Concurrent Resolution No. 158

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

Assembly Chamber, January 21, 2004

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

Assembly Concurrent Resolution No. 141

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1830—Cohn. An act relating to economic development.

ASSEMBLY BILL NO. 1831—Bermudez. An act to amend Section 8592.9 of the Government Code, relating to homeland security, and making an appropriation therefor.

ASSEMBLY BILL NO. 1832—Maze. An act to add and repeal Section 35183.3 of the Education Code, relating to school uniforms.

ASSEMBLY BILL NO. 1833—Reyes. An act to add Section 2899 to the Public Utilities Code, relating to telecommunications.

ASSEMBLY BILL NO. 1834—La Malfa. An act to amend Sections 6303 and 6304.1 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1835—La Malfa. An act to amend Section 190.2 of the Penal Code, relating to murder.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 163—Spitzer. Relative to the Officer Shannon Distel Memorial Interchange.

**REPORTS OF STANDING COMMITTEES
Committee on Judiciary**

Date of Hearing: January 13, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 537

With amendments with the recommendation: Amend, and do pass, as amended.

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: January 20, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1706

Assembly Bill No. 1707

With the recommendation: Do pass.

CORBETT, Chair

Above bills ordered to second reading.

Date of Hearing: January 20, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1704

Assembly Bill No. 1711

Assembly Bill No. 1709

Assembly Bill No. 1714

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.

CORBETT, Chair

Above bills ordered to second reading.

Date of Hearing: January 20, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Joint Resolution No. 57

With the recommendation: Be adopted.

CORBETT, Chair

Above resolution ordered to third reading.

Committee on Public Employees, Retirement and Social Security

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 476

With the recommendation: Do pass.

LEVINE, Chair

Above bill ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 979

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.

LEVINE, Chair

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1612—An act to add Article 4.5 (commencing with Section 4146) to Chapter 1 of Part 2 of Division 4 of the Public Resources Code, relating to disasters.

Bill read second time; amendments proposed by the Committee on Governmental Organization 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:

Assembly Bill No. 858, on request of Assembly Member Goldberg;

Assembly Bill No. 57, on request of Assembly Member Bates;

Assembly Bill No. 252, on request of Assembly Member Jackson.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, January 22, 2004.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 21, 2004**

The following measure was amended in the Assembly on this day:

AB	RN	
1612	0401018	
Daily Total:		1
Cumulative Total:		3120

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