

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 22, 2004**

**ONE HUNDRED FORTY-SECOND SESSION DAY  
FOUR HUNDRED SEVENTEENTH 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

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, January 22, 2004

The Assembly met at 9 a.m.  
Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the  
Assembly, presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Dutra moved a quorum call of the Assembly.  
Motion carried. Time, 9:01 a.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 9:15 a.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—79:

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

**PRAYER**

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

*Lord,* It seems easy to love people who live in other places, while it is not always easy to love those close to us. It can be easier to give a loaf of bread to relieve hunger than to relieve the loneliness or pain of someone in our own home. Heavenly Father, help us to bring love into our own home, for this is where our love for each other must begin.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Yee, Assembly Member Matthews 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 Firebaugh, seconded by Assembly Member Vargas.

**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 Chan.*

**EXPLANATIONS OF ABSENCE**

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

January 21, 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 Floor Session on Thursday, January 22, 2004, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 22, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1612

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 22, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Joint Resolution No. 57

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1836—Harman.** An act to amend Sections 1354 and 1366.3 of, to amend and renumber Section 1368.4 of, and to add Article 5 (commencing with Section 1363.810) to Chapter 4 of, and Article 1 (commencing with Section 1368.3) and Article 2 (commencing with Section 1369.510) to Chapter 7 of, Title 6 of Part 4 of Division 2 of, the Civil Code, and to repeal Section 383 of the Code of Civil Procedure, relating to common interest developments.

**ASSEMBLY BILL NO. 1837—Maze.** An act to amend Sections 6101 and 6105 of the Public Resources Code, relating to the State Lands Commission.

**ASSEMBLY BILL NO. 1838—Jerome Horton.** An act to add and repeal Sections 19605.75, 19605.76, and 19605.77 of the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1839—Montanez.** An act to amend Section 2982 of, and to add Sections 1793.27 and 2982.2 to, the Civil Code, relating to consumers.

**ASSEMBLY BILL NO. 1840—Frommer (Principal coauthor: Senator Scott).** An act to amend Section 4702 of the Labor Code, relating to workers' compensation.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 164—Haynes.** Relative to Ronald Reagan Day.

**ASSEMBLY JOINT RESOLUTION NO. 59—Maze.** Relative to military base closures.

**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>160</b> -----	Rls.
<b>161</b> -----	Rls.
<b>162</b> -----	Trans.

*Assembly Joint*

<i>Resolution No.</i>	<i>Committee</i>
<b>58</b> -----	Rls.

*House*

<i>Resolution No.</i>	<i>Committee</i>
<b>39</b> -----	Rls.

**AUTHOR'S AMENDMENTS  
Committee on Rules**

January 22, 2004

Mr. Speaker: The Chair of your Committee on Rules reports:  
House Resolution No. 20

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

NATION, Chair

**HOUSE RESOLUTION NO. 20**—Relative to Cover the Uninsured Week.

Resolution read; 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 Public Employees, Retirement and Social Security**

January 22, 2004

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

Senate Bill No. 437

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

NEGRETE McLEOD, Chair

**SENATE BILL NO. 437**—An act relating to state employees, 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.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Concurrent Resolution No. 61

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.

STEINBERG, Chair

Above resolution ordered to the Consent Calendar.

**Committee on Rules**

Date of Hearing: January 22, 2004

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 153

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 the Consent Calendar.

**Committee on Local Government**

Date of Hearing: January 22, 2004

Mr. Speaker: Your Committee on Local Government reports:

Senate Joint Resolution No. 23

With the recommendation: Be adopted.

SALINAS, Chair

Above resolution ordered to third reading.

**REQUEST FOR PHOTOGRAPHER**

Assembly Members Firebaugh, Dymally, and Leslie were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**BILL RETURNED TO SENATE**

Assembly Member Wiggins was granted unanimous consent that Assembly Bill No. 1498 be returned to the Senate for further action.

**JOINT RULE 62(a) WAIVED**

Assembly Member Firebaugh was granted unanimous consent to waive Joint Rule 62(a) to permit the following bills to be heard in committees, as noted:

Committee on Transportation, to hear Assembly Bill No. 1618 today;  
Committee on Local Government, to hear Senate Joint Resolution No. 23 today.

**BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Senate Bills Nos. 348 and 1056**, on request of Assembly Member Firebaugh.

**CEREMONY SET FOR SPECIAL ORDER OF BUSINESS**

Assembly Member Firebaugh was granted unanimous consent that a special ceremony to honor Speaker Wesson be made a special order of business for Monday, February 2, 2004, at 12:30 p.m.

**SWEARING-IN OF SPEAKER-ELECT  
SET FOR SPECIAL ORDER OF BUSINESS**

Assembly Member Firebaugh was granted unanimous consent that the swearing-in of Speaker-elect Fabian Nunez be made a special order of business for Monday, February 9, 2004, at 12:30 p.m.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Berg was granted unanimous consent that the Governor's veto of Assembly Bill No. 946 be stricken from file.

Assembly Member Maze was granted unanimous consent that the Governor's veto of Assembly Bill No. 922 be stricken from file.

**ADJOURN IN MEMORY**

Assembly Member Dutton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frank Allen, of Chico.

(Assembly Rule 45.5 suspended.)

**BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE**

Assembly Member Steinberg was granted unanimous consent that Assembly Bill No. 269, be withdrawn from the Committee on Appropriations and placed on the second reading file.

**ADJOURN IN MEMORY**

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lovell Gooden, of Sacramento.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Dutton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Blake Hudson Harris, of Rancho Cucamonga; and Christopher Alan Heyman, of Rancho Cucamonga.

(Assembly Rule 45.5 suspended.)

**RECESS**

By unanimous consent, at 9:30 a.m., Assistant Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Liu introduced the following guests representing the World Cultural and Sports Foundation, Inc. (WCSF):

Grandmaster Tong Suk Chun, President of the World Cultural and Sports Foundation; Dr. Kun Mo Chung, International Grand Marshall MLK Parade, President of Hoseo University of Korea; Rev. Bar Wool Lee, Secretary General WCSF of Japan; Rev. Tsugumichi Okawa, International Celebrity Grand Marshall, and Mr. Young Youl Lee, President of Gangnam Gu Sports Assoc. Korea.

Speaker Wesson introduced Larry Grant, founder of the Martin Luther King Parade in Los Angeles.

Assembly Member Liu then presented a resolution to Grandmaster Tong Suk Chun commending the WCSF for providing California's youth with an opportunity to understand and respect differing cultures.

\* \* \*

At 9:36 a.m., Assembly Member Firebaugh introduced the following delegation from the Republic of Mexico:

The Honorable Miguel Sadot Sánchez Carreño, Mexican Senator from the State of Oaxaca, President of the Mexican Senate Delegation to the California State Capitol, President of the Human Rights Commission; The Honorable Micaela Aguilar González, Mexican Senator from the State of Mexico, Secretary of the Human Rights Commission; The Honorable Raymundo Cárdenas Hernández, Mexican Senator from the State of Zacatecas, Member of the Human Rights Commission; The Honorable Rutilio Cruz Escandón Cadenas, Mexican Senator from the State of Chiapas, Member of the Human Rights Commission; The Honorable Guillermo Herbert Pérez, Mexican Senator from the State of Querétaro, Member of the Human Rights Commission.

On behalf of the Latino Legislative Caucus, Assembly Member Firebaugh then presented a resolution to The Honorable Miguel Sadot Sánchez Carreño, welcoming the Mexican Senate Delegation to the California State Capitol and commending their contributions to friendship and cooperation, whereupon he addressed the assemblage.

**RECONVENED**

At 9:43 a.m., the Assembly reconvened.

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

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

**ASSEMBLY BILL NO. 537**—An act to add Section 354.8 to the Code of Civil Procedure, relating to statutes of limitation.

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

**ASSEMBLY BILL NO. 1706**—An act to amend Section 1162 of the Code of Civil Procedure, relating to unlawful detainer.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1707**—An act to amend Section 54.3 of the Civil Code, relating to civil rights.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1704**—An act to amend Section 27282 of the Government Code, relating to family law.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1709**—An act to amend Sections 68085, 68502.7, and 77006.5 of the Government Code, relating to courts.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1711**—An act to amend Sections 6028 and 6140.7 of the Business and Professions Code, relating to attorneys.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1714**—An act to amend Section 1281 of the Code of Civil Procedure, relating to arbitration.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 476**—An act to amend Section 31642 of the Government Code, relating to county employees retirement.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 979**—An act to amend Section 31520.5, 31681.8, 31683, 31704, and 31789.5 of, to add Sections 31762.5, 31763.5, 31764.5, 31764.6, and 31764.7 to, and to repeal Section 31520.3 of, the Government Code, relating to county employees' retirement.

Bill read second time, and ordered to Consent Calendar.

#### **UNFINISHED BUSINESS**

##### **CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 323 (Parra)**—An act to add Article 7 (commencing with Section 999.50) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to veterans.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*



The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—77**

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

**NOES—None**

Above bill ordered enrolled.

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bills Nos. 100 and 1740; and Senate Bills Nos. 1005, 131, and 407 were continued until the next legislative day.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1187 (Leno)**—An act to add Article 10 (commencing with Section 33492.150) to Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code, relating to redevelopment.

Bill read third time, and passed by the following vote:

**AYES—75**

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

**NOES—None**

Bill ordered transmitted to the Senate.

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

Bill read third time, and passed by the following vote:

**AYES—58**

Benoit	Dymally	Levine	Pavley
Berg	Firebaugh	Lieber	Reyes
Bermudez	Frommer	Liu	Richman
Bogh	Garcia	Longville	Ridley-Thomas
Calderon	Goldberg	Lowenthal	Salinas
Campbell	Hancock	Maldonado	Simitian
Canciamilla	Harman	Matthews	Spitzer
Chavez	Horton, Jerome	Montanez	Steinberg
Chu	Horton, Shirley	Mullin	Vargas
Cohn	Jackson	Nakano	Wiggins
Corbett	Kehoe	Nation	Wolk
Correa	Koretz	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Parra	

**NOES—20**

Aghazarian	Houston	Maze	Plescia
Cogdill	Keene	McCarthy	Runner
Cox	La Malfa	Mountjoy	Samuelian
Dutton	La Suer	Nakanishi	Strickland
Haynes	Maddox	Pacheco	Wyland

Bill ordered transmitted to the Senate.

**ASSEMBLY JOINT RESOLUTION NO. 57 (Jackson)**—Relative to the 31st anniversary of Roe v. Wade.

Resolution read.

**Motion to Amend by Assembly Member Haynes—Set 1**

Assembly Member Haynes moved the adoption of amendments.

Amendments read.

**Motion to Table Haynes Amendments  
to Assembly Joint Resolution No. 57—Set 1**

Assembly Member Firebaugh moved that the amendments offered by Assembly Member Haynes to Assembly Joint Resolution No. 57 be laid upon the table.

Assembly Member Nakano seconded the motion.

Motion carried by the following vote:

**AYES—48**

Berg	Firebaugh	Liu	Pavley
Bermudez	Frommer	Longville	Reyes
Calderon	Goldberg	Lowenthal	Richman
Chavez	Hancock	Matthews	Ridley-Thomas
Chu	Horton, Jerome	Montanez	Salinas
Cohn	Jackson	Mullin	Simitian
Corbett	Kehoe	Nakano	Steinberg
Correa	Koretz	Nation	Vargas
Daucher	Laird	Negrete McLeod	Wiggins
Diaz	Leno	Nunez	Wolk
Dutra	Levine	Oropeza	Yee
Dymally	Lieber	Parra	Mr. Speaker

**NOES—27**

Aghazarian	Garcia	Leslie	Plescia
Benoit	Harman	Maddox	Runner
Bogh	Haynes	Maze	Samuelian
Campbell	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Dutton	La Suer	Pacheco	

**At 10:47 a.m., Speaker pro Tempore Christine Kehoe, 76th District, presiding**

**Further Consideration of Assembly Joint Resolution No. 57**

**Members Made Coauthors of Assembly Joint Resolution No. 57**

Assembly Member Jackson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Joint Resolution No. 57.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Bermudez, Canciamilla, Correa, Dymally, Firebaugh, Frommer, Jerome Horton, Lieber, Longville, Negrete McLeod, Nunez, Parra, Pavley, Richman, and Simitian.

**Request for Unanimous Consent**

Assembly Member Jackson was granted unanimous consent to take up Assembly Joint Resolution No. 57, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Joint Resolution No. 57, as Amended**

**ASSEMBLY JOINT RESOLUTION NO. 57**—Relative to the 31st anniversary of Roe v. Wade.

Resolution read, as amended, and adopted by the following vote:

**AYES—49**

Berg	Firebaugh	Longville	Richman
Bermudez	Frommer	Lowenthal	Ridley-Thomas
Calderon	Goldberg	Matthews	Salinas
Canciamilla	Hancock	Montanez	Simitian
Chavez	Horton, Jerome	Mullin	Steinberg
Chu	Jackson	Nakano	Vargas
Cohn	Kehoe	Nation	Wiggins
Corbett	Koretz	Negrete McLeod	Wolk
Correa	Laird	Nunez	Yee
Daucher	Leno	Oropeza	Mr. Speaker
Diaz	Levine	Parra	
Dutra	Lieber	Pavley	
Dymally	Liu	Reyes	

**NOES—25**

Aghazarian	Garcia	Maze	Samuelian
Benoit	Haynes	McCarthy	Spitzer
Bogh	Keene	Mountjoy	Strickland
Campbell	La Malfa	Nakanishi	Wyland
Cogdill	La Suer	Pacheco	
Cox	Leslie	Plescia	
Dutton	Maddox	Runner	

Resolution ordered transmitted to the Senate.

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 694 (Committee on Natural Resources and Wildlife)**—An act to amend Sections 4750.7 and 31164 of, to add Section 31012 to, and to repeal Sections 532, 2804.6, and 2813 of, the Public Resources Code, relating to public resources, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Nation.

Bill passed by the following vote:

**AYES—77**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

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

Resolution read.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 157**

Assembly Member Yee was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 157.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

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

**Request for Unanimous Consent**

Assembly Member Yee was granted unanimous consent to take up Assembly Concurrent Resolution No. 157, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 157, as Amended**

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

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

**ASSEMBLY CONCURRENT RESOLUTION NO. 158 (Yee)**—Relative to Mental Wellness Month.

Resolution read.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 158**

Assembly Member Yee was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 158.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

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

**Request for Unanimous Consent**

Assembly Member Yee was granted unanimous consent to take up Assembly Concurrent Resolution No. 158, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 158, as Amended**

**ASSEMBLY CONCURRENT RESOLUTION NO. 158**—Relative to Mental Wellness Month.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Shirley Horton was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 1145**

January 12, 2004

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

Dear Mr. Wilson: This letter is to clarify my intent in authoring AB 1145, which would require the Department of General Services to provide for the placement and use of automated external defibrillators in state-owned and leased buildings. The bill also ensures that people are trained in the use of such defibrillators.

The bill makes reference to the American Red Cross and the American Heart Association as two organizations that the Department of General Services shall consult with regarding policies and procedures concerning placement, use, and training. In identifying such organizations it is not my intent to exclude other organizations from providing meaningful input during this process.

For example, one such organization not specified in AB 1145 is the American Safety and Health Institute, which is a non-profit association of professional safety, and health educators providing national training programs through more than 4,000 approved training centers across the United States and foreign countries.

It is important that the Department of General Services develop the best training services possible, by providing for a wide array of input from safety and health organizations that specialize in such training.

Sincerely,

SHIRLEY A. HORTON, Assembly Member  
Seventy-eighth District

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Oropeza announced that the Committee on Budget scheduled for Monday, January 26, 2004, is postponed.

Assembly Member Salinas announced that the Committee on Local Government would meet today upon adjournment of Floor Session, in the Tom Bane Rules Committee Room.

**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 Chiyono Helen Ueda, of Sacramento.

(Assembly Rule 45.5 suspended.)

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

**ASSEMBLY BILL NO. 162 (Cohn)**—An act to repeal Section 18502.5 of the Health and Safety Code, relating to mobilehome parks, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's Consent Calendar roll call.)*

**ASSEMBLY CONCURRENT RESOLUTION NO. 141 (Runner)**—Relative to Four Chaplains Day.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

**AYES—73**

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

**NOES—None****ANNOUNCEMENTS**

Assembly Member Firebaugh announced the following session schedule for the week of January 26, 2004:

Monday, January 26, Floor Session, 12 noon;

Tuesday and Wednesday, January 27 and 28, no session;

Thursday, January 29, Floor Session, 9 a.m.



**ANNOUNCEMENTS**

Assembly Member Firebaugh made the following announcements pursuant to leadership agreement:

Monday, January 26th is the last day to amend bills on the third reading file;

Today is the last day to remove items from the inactive file for purpose of amendment; amendments will be taken up for consideration on Monday, January 26th, and the bills will be eligible for further consideration on Thursday, January 29th; and

Monday, January 26th is the last day to remove items from the inactive file for purpose of consideration on Thursday, January 29th.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent for the following actions:

1) all bills reported from the Committee on Appropriations today with a "Do Pass" recommendation, be taken up without reference to file for purpose of second reading and that the bills be ordered to the third reading file for Monday, January 26th;

2) all bills reported from the Committee on Appropriations today with a "Do Pass to Consent" recommendation, be taken up without reference to file for purpose of second reading and that the bills be ordered to the First Day Consent Calendar for Monday, January 26th;

3) all bills reported from the Committee on Appropriations today with a "Do Pass as Amended to Consent" recommendation, be taken up without reference to file for purpose of second reading and adoption of committee amendments, and that the bills be ordered to the First Day Consent Calendar for Monday, January 26th; and that

4) all bills reported from the Committee on Appropriations by close of business Friday, January 23rd, with a "Do Pass as Amended" recommendation, be taken up without reference to file for purpose of second reading and adoption of committee amendments and ordered to the third reading file for consideration on Thursday, January 29th.

**Motion to Adjourn**

At 11:06 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 Members Leslie and Dutra arose to speak on the condition of the file.

**MOTION WITHDRAWN**

The motion to adjourn by Assembly Member Firebaugh was withdrawn, with the consent of the second to the motion.

**BILLS RETURNED TO THIRD READING FILE**

Assembly Member Ridley-Thomas was granted unanimous consent that Assembly Bill No. 992 be withdrawn from the inactive file and placed upon the third reading file.

**ADJOURN IN MEMORY**

Assembly Member Bates was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jim Johnson, of San Clemente and Grace Steiner, of San Juan Capistrano.

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 Dorothy Grace (Johnson) Lind, of Nice.

Assembly Member Chavez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elizabeth Pierce, of San Diego.

Assembly Members Laird and Salinas were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bruce Woolpert, of Watsonville.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Assembly Bill No. 323, Concurrence:** Canciamilla, Correa, Firebaugh, Shirley Horton, Houston, Jackson, Kehoe, and Maddox—Aye.

**Assembly Bill No. 1187:** Correa, Houston, Jackson, Kehoe, Liu, Mountjoy, Nakanishi, and Plescia—Aye.

**Assembly Bill No. 1320:** Correa and Kehoe—Aye; Plescia—No.

**Assembly Joint Resolution No. 57, Motion to Table Haynes amendments:** Daucher, Kehoe, and Richman—Aye.

**Assembly Joint Resolution No. 57:** Maddox—No.

**Senate Bill No. 694:** Jerome Horton, Shirley Horton, and Maldonado—Aye.

**Consent Calendar:** Parra—Aye.

**MOTION TO ADJOURN**

At 11:09 a.m., Assembly Member Nakano moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 11:10 a.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**REPORTS OF STANDING COMMITTEES  
Committee on Appropriations**

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 320 | Assembly Bill No. 932  |
| Assembly Bill No. 379 | Assembly Bill No. 1091 |
| Assembly Bill No. 384 | Assembly Bill No. 1260 |
| Assembly Bill No. 389 | Assembly Bill No. 1272 |
| Assembly Bill No. 454 | Assembly Bill No. 1432 |
| Assembly Bill No. 477 | Assembly Bill No. 1520 |
| Assembly Bill No. 664 | Assembly Bill No. 1564 |
| Assembly Bill No. 700 | Assembly Bill No. 1643 |
| Assembly Bill No. 775 |                        |

With the recommendation: Do pass.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1650 | Assembly Bill No. 1726 |
| Assembly Bill No. 1655 | Assembly Bill No. 1784 |
| Assembly Bill No. 1663 | Assembly Bill No. 1785 |
| Assembly Bill No. 1694 |                        |

With the recommendation: Do pass.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 129  | Assembly Bill No. 1126 |
| Assembly Bill No. 279  | Assembly Bill No. 1127 |
| Assembly Bill No. 340  | Assembly Bill No. 1138 |
| Assembly Bill No. 549  | Assembly Bill No. 1356 |
| Assembly Bill No. 891  | Assembly Bill No. 1592 |
| Assembly Bill No. 1000 | Assembly Bill No. 1596 |
| Assembly Bill No. 1071 | Assembly Bill No. 1684 |

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.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 56  | Assembly Bill No. 321  |
| Assembly Bill No. 124 | Assembly Bill No. 392  |
| Assembly Bill No. 152 | Assembly Bill No. 750  |
| Assembly Bill No. 204 | Assembly Bill No. 848  |
| Assembly Bill No. 242 | Assembly Bill No. 1175 |

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

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1510

Assembly Bill No. 1550

Assembly Bill No. 1699

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

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 672

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

STEINBERG, Chair

Above bill ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 868

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

STEINBERG, Chair

Above bill ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1466

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

STEINBERG, Chair

Above bill ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 911

Assembly Bill No. 1240

Assembly Bill No. 1073

Assembly Bill No. 1454

With the recommendation: Do pass, as amended.

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.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 338

Assembly Bill No. 614

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

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1224

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

STEINBERG, Chair

Above bill ordered to second reading.

**SECOND READING OF BILLS BY UNANIMOUS CONSENT**

Pursuant to unanimous consent granted earlier this day, the following bills were taken up for second reading and adoption of any committee amendments:

**ASSEMBLY BILL NO. 320**—An act to add Section 143.5 to the Business and Professions Code, relating to professions and vocations.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 379**—An act to amend Section 8208 of, and to add Article 8.5 (commencing with Section 8245) to Chapter 2 of Part 6 of, the Education Code, relating to child development.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 384**—An act to amend Sections 308, 2762, 3326, and 5005 of, and to add Section 5030 to, the Penal Code, and to amend Section 1752.5 of, and to add Section 1712.5 to, the Welfare and Institutions Code, relating to tobacco products.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 389**—An act to add Chapter 6.10.1 (commencing with Section 25403) to Division 20 of the Health and Safety Code, relating to hazardous substances.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 454**—An act to add and repeal Division 9 (commencing with Section 9000) of the Harbors and Navigation Code, relating to harbors and ports.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 477**—An act to amend Section 5060 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 664**—An act to amend Section 10115.5 of the Public Contract Code, relating to public contracts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 700**—An act to amend Sections 12102 and 12114 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 775**—An act to amend Sections 2331, 2333, and 2333.5 of the Streets and Highways Code, relating to transportation.

Bill read second time, and ordered to third reading.

**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, and ordered to third reading.

**ASSEMBLY BILL NO. 1091**—An act to amend Section 120130 of the Health and Safety Code, relating to disease prevention.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1260**—An act to amend Sections 19720 and 19721 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1272**—An act to add Section 11713.17 to the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1432**—An act to amend Sections 656 and 793 of, and to add Sections 656.5 and 793.5 to, the Penal Code, relating to former jeopardy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1520**—An act to add Chapter 8.7 (commencing with Section 1370) to Division 6 of the Military and Veterans Code, relating to veterans' memorials.

Bill read second time, and ordered to third reading.

**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, and ordered to third reading.

**ASSEMBLY BILL NO. 1643**—An act to add Section 2750.7 to the Labor Code, relating to employment.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1650**—An act to amend Sections 406, 44279.2, 44305, 44308, 44383, 44386, 44393, 44395, 44396, 44401, 44402, 44403, 44404, 44503, 44507, 44579.1, 44731, 52272, 99200, 99220, 99221, 99222, 99223, 99224, 99225, 99226, 99232, 99234, 99236, and 99237 of, to add Chapter 3.8 (commencing with Section 44790) to Part 25 of, and to repeal Sections 44279.7, 44384, 44505, 44506, 44579.2, 44579.4, 44579.5, 44730, 99203, 99227, 99234.5, and 99235 of, the Education Code, relating to teacher development.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1655**—An act to add Sections 1798.210, 1798.211, and 1799.112 to the Health and Safety Code, relating to emergency medical services.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1663**—An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1694**—An act to add Section 160 to the Penal Code, relating to bail services.

Bill read second time, and ordered to third reading.

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

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1784**—An act to amend Section 86205 of, and to add Sections 86119 and 89518.5 to, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1785**—An act to amend Section 86205 of, and to add Section 86119 to, the Government Code, relating to the Political Reform Act of 1974.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 129**—An act to amend Section 241.1 of, and to add Section 241.2 to, the Welfare and Institutions Code, relating to the juvenile court.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 279**—An act to amend Section 5101.8 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 340**—An act to amend Sections 21464, 40000.13, and 42001 of the Vehicle Code, relating to traffic control devices.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 549**—An act to amend Section 243.83 of the Penal Code, relating to crime.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 891**—An act to amend Section 44010 of the Education Code, relating to school employees.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1000**—An act to amend Sections 1502, 2117, 6210, and 8210 of, and to add Sections 1502.1 and 2117.1 to, the Corporations Code, and to amend Section 12186 of the Government Code, relating to corporations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1071**—An act to amend Section 19227 of, and to amend, repeal, and add Section 15061 of the Food and Agricultural Code, relating to commercial feed, and making an appropriation therefor.

Bill read second time, and ordered to Consent Calendar.

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

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1127**—An act to add Section 14001 to, and to repeal Sections 15037 and 15037.1 of, the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1138**—An act to amend Sections 5007, 22511.56, and 22511.57 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1356**—An act to add Chapter 1.5 (commencing with Section 13995.150) to Part 4.7 of Division 3 of Title 2 of the Government Code, relating to tourism.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1592**—An act to amend Section 14845 of the Government Code, and to amend Sections 999, 999.5, 999.7, 999.9, 999.11, and 999.12 of the Military and Veterans Code, relating to veterans.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1596**—An act to amend Section 1363.07 of the Health and Safety Code, and to amend Section 10113.8 of the Insurance Code, relating to health care coverage.

Bill read second time, and ordered to Consent Calendar.

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

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 56**—An act to amend Sections 46112 and 48200 of, to add Sections 46112.1 and 48200.1 to, and to add Article 6.5 (commencing with Section 8234.10) to Chapter 2 of Part 6 of, the Education Code, relating to children, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 124**—An act to amend Section 17052 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

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

**ASSEMBLY BILL NO. 152**—An act to amend Sections 56000, 56032, 56040, 56043, 56170, 56195.7, 56301, 56320, 56321, 56329, 56341.5, 56344, 56345, 56345.1, 56346, 56365, 56381, 56500.3, 56500.4, 56502, 56504.5, 56505, 56506, and 56863 of, to add Section 56440.5 and 56500.6 to, and to add Chapter 5.1 (commencing with Section 56515) to Part 30 of, the Education Code, relating to special education.

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

**ASSEMBLY BILL NO. 204**—An act to amend Section 31164 of, and to add Sections 31165, 31166, and 31167 to, the Public Resources Code, and to add Section 9250.20 to the Vehicle Code, relating to vehicles, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 242**—An act to add Sections 44225.1, 44227.8, 44830.4, and 45062 to, to add Chapter 1.5 (commencing with Section 99050) to Part 65 of, and to add and repeal Sections 44304 and 44308.5 of, the Education Code, relating to teachers.

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

**ASSEMBLY BILL NO. 321**—An act to add Section 1366.2 to the Health and Safety Code, relating to health care.

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

**ASSEMBLY BILL NO. 392**—An act to add Section 164.60 to the Streets and Highways Code, relating to transportation.

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

**ASSEMBLY BILL NO. 750**—An act to add Section 14105.485 to the Welfare and Institutions Code, relating to Medi-Cal.

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

**ASSEMBLY BILL NO. 848**—An act to amend Sections 17039 and 23036 of, and to add and repeal Sections 17053.63, 17250.8, 23633, and 24349.8 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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



**ASSEMBLY BILL NO. 1175**—An act to amend Sections 44775.1, 44775.7, and 44775.8 of the Education Code, and to repeal Section 5 of Chapter 702 of the Statutes of 2002, relating to public schools.

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

**ASSEMBLY BILL NO. 1510**—An act to add Sections 195.89, 195.90, and 195.91 to the Revenue and Taxation Code, relating to disaster relief, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 1550**—An act to add Section 13105 to the Government Code, relating to public education.

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

**ASSEMBLY BILL NO. 1699**—An act to add Article 10.4 (commencing with Section 25214.30) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 672**—An act to amend Section 51504 of the Health and Safety Code, relating to affordable housing.

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

**ASSEMBLY BILL NO. 868**—An act to amend Sections 50710.1 and 50712.5 of the Health and Safety Code, relating to migrant farm labor centers.

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

**ASSEMBLY BILL NO. 1466**—An act to repeal Title 7.9 (commencing with Section 68055) of the Government Code, and to add Chapter 5.3 (commencing with Section 42250) and Chapter 20 (commencing with Section 42970) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

Bill read second time; amendments proposed by the Committee on Appropriations 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 to the Penal Code, relating to public safety services.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1073**—An act to add Section 17136.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1240**—An act to amend Sections 1522, 1568.09, 1569.17, and 1596.871 of the Health and Safety Code, relating to care facilities.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1454**—An act to add Section 116183 to the Health and Safety Code, relating to the West Nile virus.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 338**—An act to add Section 42703 to the Public Resources Code, relating to recycling.

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

**ASSEMBLY BILL NO. 614**—An act relating to athletic trainers.

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

**ASSEMBLY BILL NO. 1224**—An act relating to sex offender registration, and making an appropriation therefor.

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

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 22, 2004

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

Assembly Bill No. 419

And reports the same correctly enrolled, and presented to the Governor on the 22nd day of January, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

#### **MESSAGES FROM THE GOVERNOR**

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file:

##### **Veto Message—Assembly Bill No. 900**

Governor's Office, Sacramento

January 21, 2004

*To the Members of the California State Assembly:*

I am returning Assembly Bill 900 without my signature.

I have several concerns with this bill, which would allow money, allocated from an increase in the takeout from the pari-mutuel pools on horse races in California, to be used to help defray the cost of workers' compensation insurance within the California horse racing industry.

While I agree with the concept in this bill, providing additional takeout to help defray increased workers' compensation costs for horse racing, the entire workers' compensation system needs to be reformed in a comprehensive manner. As with other industries in California, the racing industry is severely impacted by the workers' compensation crisis. Pending before you is my comprehensive

workers' compensation reform proposal, which I have asked you to act on and send to me by March 1. Narrowly-drawn solutions should be considered as part of the comprehensive reform efforts. California's employers and workers are suffering under the weight of an out-of-control workers' compensation system.

This bill was a "gut and amend" during the waning days prior to the interim study recess last September. It only had one last minute policy committee hearing in the Assembly. We owe the people of California as much sunshine on the process as possible and I will take an extremely close look at every bill presented to me that has been rushed through the process. The sponsors of this bill have already recognized that this measure requires some additional "clean-up" language, a further demonstration that the process was inadequate for this bill.

The issues that need to be addressed in future legislation include the governance of the fund, methods of distribution of the funds and the lack of further review of the necessity of the additional takeout in the future.

I look forward to working with the industry and the author to address all the concerns that have been raised with this measure and to insure a robust future for the horse racing industry.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 968**

Governor's Office, Sacramento

January 21, 2004

*To Members of the California State Assembly:*

I am returning Assembly Bill 968 without my signature.

This bill creates a presumption that any adverse reaction, injury, disability, or death incurred by an employee as a result of a vaccination or medication administered to prevent the transmission of, infection by, or exposure to, a biochemical substance or blood-borne infectious disease has arisen out of and in the course of employment for the purposes of workers' compensation benefits. Current law permits employees to file claims for these illnesses.

While I fully support the protection of health care providers, first responders, law enforcement personnel and other employees in our fight against bioterrorists, language in AB 968 allows for workers' compensation claims when adverse reactions occur as a result of vaccination or medication that is not administered at the request or direction of an employer. In fact, illnesses contracted as a result of vaccinations required by their employers are already compensable. As we work to reform California's ailing workers' compensation system, it is critical that we ensure that those injuries compensated by employers are related to employment.

I look forward to the opportunity to work with the legislature to avoid unintended adverse impacts on both employers and employees.

Sincerely,

ARNOLD SCHWARZENEGGER

## RECEIPT

I acknowledge receipt this 22nd day of January, 2004 at 1:35 p.m., of AB 900 and AB 968 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

The following message from the Governor was received and ordered printed in the Journal:

**Governor's Message—Assembly Bill No. 1501**

Governor's Office, Sacramento  
January 21, 2004

*To Members of the California State Assembly:*

I am signing AB 1501, which would permit a candidate the opportunity to change his or her initial decision to accept or reject voluntary campaign spending limits up until the time nomination papers are filed.

The intent of the legislation is to prohibit the candidate from changing his or her statement of acceptance or rejection of voluntary campaign spending limits no more than twice after the filing of the statement of intention and prior to the deadline for filing the nomination papers. However, as drafted, the bill references the initial filing of the nomination papers rather than the statement of intention.

I sign this bill with the understanding that the author intends to clarify his intent with subsequent legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

**MESSAGES FROM THE SENATE**

January 21, 2004

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

Dear Dotson: By direction of the Senate I am returning Senate Bill 604 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

**ADJOURNMENT**

At 11:11 a.m., pursuant to the motion by Assembly Member Nakano, the Assembly adjourned until 12 noon, Monday, January 26, 2004, out of respect to the memory of Frank Allen, Blake Hudson Harris, and Christopher Alan Heyman, on motion of Assembly Member Dutton; out of respect to the memory of Lovell Gooden, on motion of Assembly Member Steinberg; out of respect to the memory of Chiyono Helen Ueda, on motion of Assembly Member Jerome E. Horton; out of respect to the memory of Jim Johnson and Grace Steiner, on motion of Assembly Member Bates; out of respect to the memory of Dorothy Grace (Johnson) Lind, on motion of Assembly Member Berg; out of respect to the memory of Elizabeth Pierce, on motion of Assembly Member Chavez; and out of respect to the memory of Bruce Woolpert, on motion of Assembly Members Laird and Salinas.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 22, 2004

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

<b>AB</b>	<b>RN</b>
56	0401410
124	0401205
152	0400827
204	0401336
242	0401471
321	0400262
338	0401608
392	0401321
537	0401137
614	0401639
672	0400859
750	0401091
848	0400933
868	0401293
911	0400974
1073	0401208
1175	0400637
1224	0401627
1240	0400823
1454	0400948
1466	0401727
1510	0400799
1550	0401453
1699	0401312

<b>HR</b>	<b>RN</b>
20	0401290

<b>SB</b>	<b>RN</b>
437	0401282

<b>Daily Total:</b>	<b>26</b>
<b>Cumulative Total:</b>	<b>3146</b>

Amendments were considered by the Assembly, but not adopted, to the following measure:

### **AJR**

57 (Haynes amendments—RN0401535, laid upon the table)