

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 2, 2004

**ONE HUNDRED FORTY-FIFTH SESSION DAY
FOUR HUNDRED TWENTY-EIGHTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

(Corrected 2-3-04, for page 4433.)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, February 2, 2004

The Assembly met at 12 noon.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Dutton moved a quorum call of the Assembly.

Motion carried. Time, 12:01 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 12:23 p.m., Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

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

PRAYER

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

Lord, We have been created for greater things. We have not been created to pass through this life without aim. Lord, we acknowledge that it is You who have made us for greater things. So we ask, heavenly Father, that You fill us continually with spiritual food and strength, so that we do not die of spiritual starvation. Help us to love and to be loved and to remember always to pray together.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Firebaugh 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 Cogdill.

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 Frommer and Leslie.

Because of illness: Assembly Member Yee.

EXPLANATIONS OF ABSENCE

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

January 30, 2004

The Honorable Herb Wesson, Jr.

Speaker of the Assembly

State Capitol Building, Room 219

Sacramento, California

Dear Mr. Speaker: I respectfully request permission to be excused from Assembly Floor Session on Monday, February 2, 2004. I have a press conference scheduled in my District Office.

Thank you for your attention to this request. If you have any questions, please telephone my scheduler, Maria Campos, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member
Forty-third District

January 8, 2004

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

Dear Mr. Speaker: Please excuse me from check-in/floor session on February 2, 2004–February 5, 2004, as I will be on legislative business. I will be leading a delegation to Washington D.C. for a series of critical meetings affecting the 4th Assembly District. We will be meeting with members of Congress, key legislative staff and officials of the Administration.

Should you have any questions, please contact my office at (916) 319-2004.

Sincerely,

TIM LESLIE, Assembly Member
Fourth District

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 2, 2004

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

Dear Dotson: This is to advise you that I have appointed Assemblymember John Longville to replace Assemblymember Manny Diaz on the Assembly Utilities and Commerce Committee for today's hearing only.

Sincerely,

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

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1856—Maze. An act to amend Section 7097 of, and to add Sections 7098 and 7099 to, the Government Code, and to amend Sections 17053.33, 17053.34, 17267.6, 17276.6, 23633, 23634, 24356.6, and 24416.6 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1857—Koretz. An act to add Section 597.6 to the Penal Code, relating to animals.

ASSEMBLY BILL NO. 1858—Steinberg. An act to add Sections 56160 and 56161 to the Education Code, relating to special education.

ASSEMBLY BILL NO. 1859—Nakano. An act to add Section 17350.5 to the Corporations Code and to amend Section 17945 of the Revenue and Taxation Code, relating to limited liability companies.

ASSEMBLY BILL NO. 1860—Reyes. An act to amend Section 47605 of the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 1861—Maze. An act to add Section 14908 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1862—Haynes. An act to amend Section 13320 of the Government Code, relating to state agency finances.

ASSEMBLY BILL NO. 1863—Harman. An act to amend Section 25506 of the Corporations Code, relating to securities.

ASSEMBLY BILL NO. 1864—Negrete McLeod. An act to amend Sections 171b, 171.5, and 626.10 of the Penal Code, relating to BB guns.

ASSEMBLY BILL NO. 1865—Spitzer and Bermudez. An act to add Section 3069 to the Penal Code, relating to parole.

ASSEMBLY BILL NO. 1866—Leno. An act to add Sections 2602 and 2603 to the Penal Code, relating to prisoners.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 169—Koretz. Relative to Postpartum Mood and Anxiety Disorder Awareness Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 170—Pacheco. Relative to youth organizations.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

<i>Bill No.</i>	<i>Committee</i>
1810 -----	B. & F.
1819 -----	Higher Ed. and Ed.
1822 -----	Health
1823 -----	Nat. Res.
1824 -----	Trans.
1826 -----	Pub. S.
1828 -----	Trans.
1829 -----	B. & P.
1831 -----	G.O.
1832 -----	Ed.
1833 -----	U. & C.
1837 -----	Nat. Res.
1840 -----	Ins.
1841 -----	Ed.

Senate

<i>Bill No.</i>	<i>Committee</i>
815 -----	Budget
1086 -----	L. Gov.

SPECIAL COMMITTEE MEETINGS

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

Health, on Wednesday, February 4, 2004, at 10:30 a.m., in Los Angeles;

Jobs, Economic Development and the Economy, on Friday, February 27, 2004, at 10:30 a.m., in Los Angeles.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: February 2, 2004

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 160

Assembly Concurrent Resolution No. 165

With the recommendation: Be adopted.

NATION, Chair

Above resolutions ordered to third reading.

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 323

Assembly Member Parra was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 323; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on January 23, 2004 (Assembly Journal, page 4352); and whereby on January 22, 2004 (Assembly Journal, page 4323), the Assembly concurred in Senate amendments and ordered the bill enrolled; and that the bill be returned to the Senate for further action.

REQUEST FOR PHOTOGRAPHER

Speaker Wesson was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

JOINT RULE 62(a) WAIVED

Assembly Member Chan was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of permitting the Committee on Health to meet on Wednesday, February 4, 2004, in Los Angeles; and to permit the Committee on Budget to meet on Wednesday, February 4, 2004.

ADJOURN IN MEMORY

Assembly Member Nation was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Barry Williams, of Corte Madera.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY**Moment of Silence**

Assembly Members Correa and Spitzer were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Westminster Police Officer Steven Phillips, of Corona; and that the Assembly observe a moment of silence in his honor.

(Assembly Rule 45.5 suspended.)

GOVERNOR'S VETO STRICKEN FROM FILE

Assembly Member Laird was granted unanimous consent that the Governor's veto of Assembly Bill No. 436 be stricken from file.

**SPECIAL ORDER OF BUSINESS
CEREMONY IN HONOR OF SPEAKER HERB J. WESSON, JR.
HOUSE RESOLUTION NO. 41**

The hour of 12:30 p.m. having arrived, a special ceremony to honor Speaker Herb J. Wesson, Jr. was convened.

Special Introductions

Speaker pro Tempore Kehoe introduced Speaker Wesson's family members: his wife Fabian Wesson, their son Herb Wesson, III, and his mother and stepfather, Gladys Wesson-Strickland and Lethard Strickland.

Video Presentation

The Assembly viewed a video presentation relative to honoring Speaker Herb J. Wesson, Jr.

Consideration of Special Order—House Resolution No. 41

HOUSE RESOLUTION NO. 41—Relative to commending the Honorable Herb J. Wesson, Jr.

Resolution read, and adopted.

Special Presentation

Assembly Member Jackson made a special presentation to Speaker Wesson.

Select Committee on Escort Appointed

Speaker pro Tempore Kehoe appointed Assembly Members Firebaugh, Nunez, Steinberg, Cox, Chu, Nakano, La Suer, Negrete McLeod, Mountjoy, and Reyes as a Select Committee on Escort to escort Speaker Herb J. Wesson, Jr. to the Rostrum.

Special Presentations

Assembly Member Firebaugh presented a resolution to Speaker Wesson, whereupon a special presentation was also made by Assembly Speaker-elect Fabian Nunez.

Address by Speaker Wesson

Speaker Herb J. Wesson, Jr. then addressed the Body.

Concluding Remarks

At 3:19 p.m., Speaker pro Tempore Kehoe offered remarks concluding the special ceremony.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Dutra announced that the Committee on Transportation would meet today, at 3:30 p.m., in Room 4202.

Assembly Member Reyes announced that the Committee on Utilities and Commerce would meet today, at 3:30 p.m.

ADJOURN IN MEMORY

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Glenn Klein, of Windsor.

Assembly Member Matthews was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joe Phillips, of Stockton.

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roy Kropke, of Monrovia.

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

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 1005 and 131 were continued until Thursday, February 5, 2004.

MOTION TO ADJOURN

At 3:20 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Benoit seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 3:20 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 2, 2004

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

Assembly Bill No. 1740

And reports the same correctly enrolled, and presented to the Governor on the 2nd day of February, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, February 2, 2004

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

Assembly Concurrent Resolution No. 141

Assembly Concurrent Resolution No. 143

Assembly Concurrent Resolution No. 155

Assembly Concurrent Resolution No. 157

Assembly Concurrent Resolution No. 158

And reports the same correctly enrolled, and presented to the Secretary of State on the 2nd day of February, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned until 7 a.m., Tuesday, February 3, 2004, out of respect to the memory of Barry Williams, on motion of Assembly Member Nation; out of respect to the memory of Officer Steven Phillips, on motion of Assembly Members Correa and Spitzer; out of respect to the memory of Joe Phillips, on motion of Assembly Member Matthews; out of respect to the memory of Glenn Klein, on motion of Assembly Member Berg; and out of respect to the memory of Roy Kropke, on motion of Assembly Member Mountjoy.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

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