

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 4, 2003
TWELFTH SESSION DAY
FIFTY-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)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 4, 2003

The Assembly met at 12:53 p.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The roll was called, and the following answered to their names—80:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	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

Quorum present—80.

PRAYER

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

Almighty God, Bestow upon us and upon all Your faithful people, Your manifold gifts of grace. Let our minds be enlightened by Your truth and our hearts purified by Your presence, that we may be strengthened spiritually with Your divine power. Grant us to have a right judgement in all things and to always rejoice in the comfort of Your holiness.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Plescia 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.

AUTHOR'S AMENDMENTS
Committee on Budget

February 4, 2003

Mr. Speaker: The Chair of your Committee on Budget reports:
Assembly Bill No. 1

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

OROPEZA, Chairwoman

ASSEMBLY BILL NO. 1—An act to add and repeal Chapter 5 (commencing with Section 35800) and Chapter 6 (commencing with Section 35900) to Part 21 of the Education Code, relating to education.

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 SENATE AMENDMENTS—
ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 6, without reference to file.

ASSEMBLY BILL NO. 6 (Oropeza)—An act to amend Items 0250-001-0001, 0450-101-0932, 1760-001-0001, 1760-001-0666, 1760-011-0001, 2240-001-0001, 2240-011-0530, 2240-116-0929, 2660-011-3007, 2660-012-0041, 2660-015-0042, 2920-101-3005, 2920-111-0001, 2920-115-0440, 2920-115-0521, 3640-302-6029, 3790-001-0392, 3860-001-6031, 3910-001-0001, 3910-001-0387, 3960-001-0014, 3960-001-0557, 4260-101-0001, 4440-102-0001, 5460-011-0001, 8100-001-0597, 8100-012-0001, 8350-011-0222, 8450-001-0001, and 8450-001-0016 of, and to add Items 0450-495, 0530-496, 0540-495, 0550-495, 0552-495, 0553-495, 0555-495, 0559-495, 0650-495, 0690-495, 0840-496, 0860-496, 0950-496, 0954-496, 1100-495, 1111-495, 1140-495, 1700-495, 1705-495, 1730-496, 1760-495, 1880-495, 2240-115-0972, 2240-115-0980, 2240-116-0813, 2240-116-0927, 2240-116-0938, 2240-116-0985, 2240-117-0813, 2240-495, 2310-015-0400, 2400-015-0933, 2660-497, 2920-115-0393, 2920-116-0918, 2920-497, 3340-495, 3360-002-0382, 3360-495, 3460-495, 3480-495, 3540-496, 3540-497, 3560-001-0943, 3560-495, 3600-495, 3640-301-0660, 3640-496, 3640-497, 3720-495, 3790-495, 3790-496, 3820-001-0914, 3820-495, 3860-101-6031, 3860-495, 3860-496, 3900-496, 3930-495, 3940-495, 3960-496, 3980-495, 4120-495, 4130-495, 4170-495, 4200-011-0816, 4200-495, 4220-495, 4260-011-3020, 4260-497, 4280-495, 4300-496, 4440-495, 4700-495, 5160-496, 5175-496, 5180-496, 5240-496, 5430-497, 5440-495, 5450-495, 5460-495, 5480-495, 8100-496, 8140-495, 8260-495, 8300-495, 8320-495, 8350-495, 8380-495, 8460-495, 8570-495, 8620-495, 8885-495, 8910-495, 8955-495, 8960-495, 8965-495, 8966-495, 9860-495, and 9909-495 to, Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002), and to add Sections 4.90, 4.95, and 4.97 to, the Budget Act of 2002, relating to the support of state government, and making an appropriation therefor.

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.)

Assembly Rule 112 Suspended

Assembly Members Nunez and Wesson were granted unanimous consent that Assembly Rule 112 be temporarily suspended for the purpose of reading a paper on the Floor.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

AYES—45

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

NOES—32

Aghazarian	Daucher	La Suer	Pacheco
Bates	Dutton	Leslie	Parra
Benoit	Garcia	Maddox	Plescia
Bogh	Harman	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Correa	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS—
ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 8, without reference to file.

ASSEMBLY BILL NO. 8 (Oropeza)—An act to amend, repeal, and add Section 41335 of, to add Sections 14041.5, 33128.1, 33128.2, and 41339.1 to, to add and repeal Section 60423 of, and to repeal and add Section 41330 of, the Education Code, to add Items 6110-301-0660 and 6110-497 to Section 2.00 of, and to add Section 12.65 to, Chapter 379 of the Statutes of 2002, relating to education finance, and making an appropriation therefor.

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—45

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

NOES—33

Aghazarian	Dutton	Leslie	Richman
Bates	Garcia	Maddox	Runner
Benoit	Harman	Maldonado	Samuelian
Bogh	Haynes	Maze	Spitzer
Campbell	Horton, Shirley	McCarthy	Strickland
Cogdill	Houston	Nakanishi	Wyland
Correa	Keene	Pacheco	
Cox	La Malfa	Parra	
Daucher	La Suer	Plescia	

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS—
ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 10, without reference to file.

ASSEMBLY BILL NO. 10 (Oropeza)—An act to amend Section 39612 of, and to add Section 39613 to, the Health and Safety Code, and to amend Section 13260 of, and to add Sections 13260.2 and 13260.3 to, the Water Code, relating to resources.

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—43

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

NOES—36

Aghazarian	Daucher	La Suer	Pacheco
Bates	Dutton	Leslie	Parra
Benoit	Garcia	Maddox	Plescia
Bogh	Harman	Maldonado	Richman
Campbell	Haynes	Matthews	Runner
Canciamilla	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Correa	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS—
ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 11, without reference to file.

ASSEMBLY BILL NO. 11 (Oropeza)—An act to amend Section 16320 of the Government Code, and to repeal Section 10903 of the Revenue and Taxation Code, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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—74

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

NOES—2

Garcia Maldonado

Above bill ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS

SENATE BILL NO. 13 (Committee on Budget and Fiscal Review)—An act to amend Section 13603 of the Penal Code, relating to corrections.

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

Bill passed by the following vote:

AYES—71

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

NOES—8

Bogh	Maddox	Mountjoy	Plescia
La Suer	Maldonado	Nakanishi	Wyland

Bill ordered transmitted to the Senate.

SENATE BILL NO. 14 (Committee on Budget and Fiscal Review)—An act to amend Sections 11453, 11462, 11463, 11466.2, 11466.35, 12201, and 12201.03 of the Welfare and Institutions Code, relating to public social services.

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

Bill passed by the following vote:

AYES—74

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

NOES—6

Garcia	Maddox	Mountjoy
La Suer	Maldonado	Nakanishi

Vote Changes

By unanimous consent, the following vote changes were permitted on Senate Bill No. 14: Assembly Member Mountjoy, from “Aye” to “No”; Assembly Member Bogh, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

Objection to Vote Adds and Changes

Assembly Member Firebaugh withheld unanimous consent on any further requests for vote adds or vote changes on the roll call votes taken on this day on Assembly Bill No. 11 and Senate Bill No. 14.

SENATE BILL NO. 15 (Committee on Budget and Fiscal Review)—An act to amend Sections 2933 and 3057 of the Penal Code, relating to the Department of Corrections.

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

Bill passed by the following vote:

AYES—42

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

NOES—38

Aghazarian	Dutton	La Suer	Parra
Bates	Frommer	Leslie	Plescia
Benoit	Garcia	Liu	Richman
Bogh	Harman	Maddox	Runner
Campbell	Haynes	Maldonado	Samuelian
Canciamilla	Horton, Jerome	Maze	Spitzer
Cogdill	Horton, Shirley	McCarthy	Strickland
Correa	Houston	Mountjoy	Wyland
Cox	Keene	Nakanishi	
Daucher	La Malfa	Pacheco	

Bill ordered transmitted to the Senate.

OBJECTION WITHDRAWN

Assembly Member Firebaugh withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 14.

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. 6, Concurrence: Bogh and Shirley Horton—No.

Assembly Bill No. 8, Concurrence: Jerome Horton—Aye; Maddox—No.

Assembly Bill No. 11, Concurrence: Chan, Leslie, and Negrete McLeod—Aye.

Senate Bill No. 13: Nunez—Aye; Maddox—No.

Senate Bill No. 14: Wyland—Aye.

Senate Bill No. 15: Frommer, Jerome Horton, and La Suer—No.

RECESS

By unanimous consent, at 2:46 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 4, 2003**

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

AB RN

1 0301692

Daily Total: 1

Cumulative Total: 17

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