

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 9, 2004**

**ONE HUNDRED FORTY-NINTH SESSION DAY**

**FOUR HUNDRED THIRTY-FIFTH 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

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Monday, February 9, 2004

The Assembly met at 12:12 p.m.

Hon. Herb J. Wesson, Jr., Speaker 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 Chan moved a quorum call of the Assembly.

Motion carried. Time, 12:13 p.m.

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

#### Quorum Present

At 12:19 p.m., Speaker Wesson declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—76:

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

**PRAYER**

Upon invitation of Speaker Wesson, the following prayers were offered:

by

**Father Gregory J. Boyle, S.J.**

**Executive Director HOMEBOY Industries**

*God of Us All*, You Who look beyond our faults, and see our need, Dios compasivo y bondadoso, You who loves us without measure and without regret, bless our brother Fabian, this day; make him a remarkable sign of Your mercy and compassion; guide him to put first things recognizably first; challenge him to live as though the truth were true; inspire him not to announce a message of hope, but to become that message in our midst. Let the measure of his leadership lie in his willingness to create a community of kinship, such that You might recognize it.

May the locus of his leadership not be the place he comes to, but the place he goes from—to stand with the poor and undocumented, to stand with those whose dignity has been denied, to stand with the easily despised and the readily left out, to stand with those whose burdens are more than they can bear, hear our prayer today.

Concedele a nuestro hermano, Fabian, sabiduria, compasion, y tu modo de ver. Help us O God, to accompany Fabian and support him, to make of this State of California a place of fairness and justice—where no one is left behind. May You, O God, remind Fabian, always of his goodness, gifts and noble purpose. Te lo pedimos todo en tu nombre.—AMEN.

by

**Rabbi Meyer H. May**

**Executive Director Simon Wiesenthal Center**

Mr. Speaker, my fellow clergyman, distinguished former Speakers, elected officials, beloved family members and friends.

We gather here, on this beautiful Sacramento afternoon, in this august setting, to welcome to leadership a great man—Speaker Fabian Núñez—whose name has become synonymous with service and dedication.

All of us who are here this afternoon share an admiration and affection for our new Speaker.

And so, let us pray together for his success.

*Dear G-d*, The portion of the Bible we will read this forthcoming Saturday in each of our synagogues contains the ten commandments themselves.

Herein G-d sets forth for all humanity, for the first time and for all time, the basic laws of society and the imperative of faith, social justice, decency and fairness.

Herein we find the rudiments of public policy and the underpinnings of a just society.

This extraordinary juxtaposition—the timing of this week’s Torah portion and the swearing in of Speaker Fabian Núñez—cannot be viewed as simple coincidence, but rather the exquisite timing of an omniscient, all-knowing G-d.

Today, we gather here to celebrate the leadership of a man dedicated and committed to these eternal, fundamental ideals of human rights and social responsibility. Like humanitarian Simon Wiesenthal, we are humbled by Fabian’s incredible dreams and, his courage and tenacity to achieve them.

And we have been overwhelmed by his singular dedication to education, workers, the poor and the middle class.

He has been a champion of children—fighting to provide them with health insurance, new schools and funding for low-performing schools.

Dear G-d, Fabian Núñez has shown everyone—regardless of their religion, color or creed—that his tent is open to them. He is readily accessible to provide counsel, assistance or cooperation.

In turn, we greatly admire this man for his vision and wisdom. We recognize his remarkable qualities of determination and finesse. We pray that his open tent will be a source of fairness, comfort, brilliant ideas, justice, and compassion.

Above all, we pray that his actions will be consistent with the ideals inherent in the Ten Commandments, themselves.

We are confident that you, dear G-d, will bless this charismatic and brilliant public servant with all the ingredients of leadership and humanity, so that he, together with his colleagues in the Assembly, and those in the Senate and the Executive, will work effectively to advance the business of the people of California with compassion and integrity.

And let us say—AMEN.

by

**Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr.**

*O God*, In these times of uncertainty, we are glad for Your awesome hope and power. We trust Your guidance and holy presence. We lean totally on Your wisdom. Thank You, O God, for choosing government as an agency of your Divine guidance. Help this august body to continue to build on the purpose and foundation for which they are called to serve. And today may Your guidance, grace, mercy, and power rest always on the Speaker of this Assembly and all who deliberate in these halls of hope of the people, for the people, by the people in this great state of California and these United States. In Your Name we pray—AMEN!

#### **PRESENTATION OF COLORS**

The Presentation of Colors by the California National Guard “The Governor’s and Adjutant General’s Own” was followed by the Pledge of Allegiance to the Flag, led by Esteban Núñez, son of Speaker-elect Fabian Núñez.

#### **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 Chan, 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 personal business, and waiving per diem: Assembly Member Liu.  
Because of illness: Assembly Members Bates, Firebaugh,  
and Wyland.*

#### **COMMUNICATIONS**

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

February 2, 2004

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

RE: Appointment of Frank Lee  
to Stem Cell Research Advisory Panel

Dear Mr. Wilson: Please be advised I have appointed Mr. Frank Lee to the Stem Cell Research Advisory Panel. This is a pleasure appointment starting February 2, 2004.

Sincerely,

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

February 2, 2004

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

RE: Reappointment of Jerold B. Neuman  
to Economic Strategy Panel

Dear Mr. Wilson: Please be advised I have reappointed Mr. Jerold B. Neuman to the Economic Strategy Panel. This is a term appointment starting January 1, 2004 and the expiration date is December 31, 2007.

Sincerely,

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

February 2, 2004

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

RE: Appointment of Barbara Shaver  
to California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Dr. Barbara Shaver to the California Council on Criminal Justice. This is a pleasure appointment starting February 2, 2004. Dr. Shaver will be replacing Mr. Coby King.

Sincerely,

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

February 6, 2004

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

RE: Appointment of Cynthia Campoy Brophy  
to California Cultural and Historical Endowment

Dear Mr. Wilson: Please be advised I have appointed Ms. Cynthia Campoy Brophy to the California Cultural and Historical Endowment. This is a pleasure appointment starting February 6, 2004. Ms. Campoy Brophy will be replacing Ms. Gayle Roski.

Sincerely,

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

February 6, 2004

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

RE: Appointment of Patricia Miller  
to Commission on Judicial Performance

Dear Mr. Wilson: Please be advised I have appointed Ms. Patricia Miller to the Commission on Judicial Performance. This is a term appointment starting February 6, 2004 and the expiration date is March 1, 2005. Ms. Miller will be replacing Ms. Ramona Ripston.

Sincerely,

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

February 6, 2004

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

RE: Appointment of Martha Pruden-Hamiter  
to State Bar Examining Committee

Dear Mr. Wilson: Please be advised I have appointed Ms. Martha Pruden-Hamiter to the State Bar Examining Committee. This is a term appointment starting February 6, 2004 and the expiration date is October 1, 2006. Ms. Pruden-Hamiter will be replacing Mr. David Low.

Sincerely,

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

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The following communication was presented by the Chief Clerk from:

Sue Johnsrud, Director, Administrative Services Division, Department of Justice, relative to a delay in submitting a report on the Child Abuse and Neglect Reporting Act Task Force (CANRA) Report (required pursuant to Assembly Bill 2442, Chapter 1064, Statutes of 2002).

Referred by the Speaker to the Committee on Public Safety.

**Proposed Initiatives**

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated February 4, 2004, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Automobile Dealers.**

**Buyer's Right To Cancel Purchase. Seller Disclosures.  
Initiative Constitutional Amendment. SA 2003RF0066**

Referred by the Speaker to the Committee on Transportation.

**Local Government Funds and Revenues. State Mandates.  
Initiative Statute. SA 2003RF0067**

Referred by the Speaker to the Committee on Local Government.

**REPORTS**

The following reports were presented by the Chief Clerk:

**2001–2002 Motor Vehicle Theft Prevention Act  
Annual Report**

**(Pursuant to Senate Bill 1743, Chapter 1248, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, California Highway Patrol, dated February 4, 2004, referred by the Speaker to the Committee on Transportation.

**2002–2003 Motor Vehicle Theft Prevention Act  
Annual Report**

**(Pursuant to Senate Bill 1743, Chapter 1248, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, California Highway Patrol dated February 4, 2004, referred by the Speaker to the Committee on Transportation.

**Business Programs Division Uniform Commercial Code Section  
Report to the Legislature  
(Pursuant to Uniform Commercial Code Section 9527)**

Above transmitted report, together with letter of transmittal from Kevin Shelley, Secretary of State, dated January 30, 2004, referred by the Speaker to the Committee on Judiciary.

**2003 Progress Report on Securing Supplemental Sources of Water  
to Augment Existing Supplies During Dry Years  
(Pursuant to Assembly Bill 1823, Chapter 841, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Patricia E. Martel, General Manager, San Francisco Public Utilities Commission, dated January 23, 2004, referred by the Speaker to the Committee on Local Government.



**Metropolitan Water District of Southern California  
Complaint and Communications from its Member Public Agencies  
Annual Report  
(Pursuant to Senate Bill 520, Chapter 524, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Ronald R. Gastelum, Chief Executive Officer, Metropolitan Water District of Southern California, dated January 30, 2004, referred by the Speaker to the Committee on Local Government.

**2002 Statewide Employee Housing Statistical Summary  
(Pursuant to Health and Safety Code Sections 17031.8 and 17050(f)(1))**

Above transmitted report, together with letter of transmittal from Matthew O. Franklin, Director, Department of Housing and Community Development, dated January 30, 2004, referred by the Speaker to the Committee on Housing and Community Development.

**2003 Report on Unrefunded Gasoline Tax Used for  
Off-Highway Agriculture Purposes  
(Pursuant to Revenue and Taxation Code Section 8352.5)**

Above transmitted report, together with letter of transmittal from Jeff Morales, Director, Department of Transportation, dated December 3, 2003, referred by the Speaker to the Committee on Revenue and Taxation.

**California State University  
Lottery Revenue Receipts and Expenditure Report  
(Pursuant to Budget Act 2002–03, Section 24.60)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated January 26, 2004, referred by the Speaker to the Committee on Budget.

**Subcontractor Written Complaints of Late Payment  
(Pursuant to Public Contract Code Section 10262.5(c))**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated January 29, 2004, referred by the Speaker to the Committee on Business and Professions.

**2003 Annual Report to the Legislature and  
the California Integrated Waste Management Board—Senate Bill 876  
Waste and Used Tires  
(Pursuant to Senate Bill 876, Chapter 838, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated January 29, 2004, referred by the Speaker to the Committee on Natural Resources.

**Certified Disabled Veteran Business Enterprise (DVBE)  
Small Business Contracting Activity and/or Race, Ethnicity  
and Gender Business Ownership Reports from:**

Department of Veterans Affairs, Leon Tuttle, Interim Secretary, dated January 27, 2004;

Office of the Treasurer, Hugo Lopez, Director, Administration Division, dated January 28, 2004;

California Coastal Commission, Lane Eye, Chief, Administrative Services;

California Energy Commission, Robert L. Therkelsen, Executive Director, dated December 29, 2003;

Department of Industrial Relations, Karen Wong, SSM II, DVBE Coordinator, dated February 3, 2004;

Commission on Teacher Credentialing, Crista Hill, Manager, Fiscal and Business Services Section, dated February 3, 2004.

Referred by the Speaker to the Committee on Utilities and Commerce.

**2002–2003 Emergency Medical Fund (EMS) Reports  
(Pursuant to Health and Safety Code Section 1797.98B(a)) from:**

Tulare County, Health and Human Service, Joe Nunez, Deputy Director, Managed Care, dated January 27, 2004;

Merced County, Department of Public Health, John Volanti, M.P.H., Director, dated January 29, 2004;

Yolo County, Health Department, John Freeby, Staff Services Analyst, dated February 4, 2004;

Calaveras County, Health Services Agency, Jeanne M. Boyce, Director, dated January 30, 2004.

Referred by the Speaker to the Committee on Health.

**ASSEMBLY RULE 118 SUSPENDED**

Assembly Member Chan was granted unanimous consent that Assembly Rule 118 be suspended to permit guests and photographers on the Floor of the Assembly and in the rear of the Assembly Chamber during today's Special Order of Business.

**SPECIAL ORDER OF BUSINESS—SWEARING-IN OF SPEAKER-ELECT**

The hour having arrived, the Assembly proceeded to the swearing-in of Speaker-elect Fabian Núñez to the Office of Speaker of the Assembly.

(NOTE: Special Order set for 12:30 p.m.)

**INTRODUCTION OF CONSTITUTIONAL OFFICERS**

Speaker Wesson introduced Hon. Cruz M. Bustamante, Lieutenant Governor; Hon. Kevin Shelley, Secretary of State; Hon. Steve Westly, Controller; Hon. Jack O'Connell, Superintendent of Public Instruction; Hon. John Garamendi, Insurance Commissioner; and Board of Equalization Members, Hon. Claude Parrish (District 3) and Hon. John Chiang (District 4).

**INTRODUCTION OF CHIEF JUSTICE OF CALIFORNIA**

Speaker Wesson introduced Hon. Ronald M. George, Chief Justice of California.

**FORMER SPEAKERS INTRODUCED**

Speaker Wesson introduced former Speakers of the Assembly Hon. Robert T. Monagan (55th Speaker), Hon. Leo T. McCarthy (57th Speaker), Hon. Willie L. Brown, Jr. (58th Speaker), Hon. Curt Pringle (61st Speaker), Hon. Cruz M. Bustamante (62nd Speaker), Hon. Antonio R. Villaraigosa (63rd Speaker), and Hon. Robert M. Hertzberg (64th Speaker).

**MEMBERS' REMARKS**

Special remarks were offered by Assembly Members Frommer, Oropeza, Aghazarian, Montanez, Plescia, Jerome E. Horton, McCarthy, and Goldberg.

**FURTHER INTRODUCTION OF SPECIAL GUESTS**

Speaker Wesson introduced his wife, Mrs. Fabian Wesson, Rev. Jesse Jackson, and Hon. James K. Hahn, Mayor of Los Angeles.

**APPOINTMENT OF SELECT COMMITTEE ON ESCORT**

Speaker Wesson appointed former Speakers, Hon. Robert T. Monagan, Hon. Willie L. Brown, Jr., Hon. Curt Pringle, Hon. Cruz M. Bustamante, Hon. Antonio R. Villaraigosa, Hon. Robert M. Hertzberg, and Hon. Leo T. McCarthy, as a Select Committee on Escort to escort Speaker-elect Fabian Núñez and his daughter Teresa Núñez to the Rostrum.

**OATH OF OFFICE ADMINISTERED**

At 1:14 p.m. Speaker-elect Fabian Núñez appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by Hon. Ronald M. George, Chief Justice of California. Teresa Núñez held the Bible during the administration of the oath.

**OATH***for the Office of Speaker of the Assembly*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

FABIAN NUÑEZ

Subscribed and sworn to before me,  
This 9th day of February  
A.D. 2004

The Honorable Ronald M. George  
Chief Justice of California

**PRESENTATION OF SPEAKER NUÑEZ**

Former Speaker Wesson then presented the 66th Speaker of the California State Assembly, Hon. Fabian Núñez, whereupon he addressed the assemblage.

**Address by Speaker Fabian Núñez**

Lt. Governor Bustamante, Secretary of State Shelley, Controller Westly, Superintendent O'Connell, Commissioner Garamendi, Chief Justice George, Members of the Board of Equalization, Senate Republican Leader Brulte, Assembly Republican Leader McCarthy, and my colleagues in the Assembly and Senate . . . thank you for being here today.

Let me add special words of thanks to the former Speakers who are with us. Speakers Monagan, McCarthy, Brown, Pringle, Bustamante, Villaraigosa, Hertzberg and Wesson, we are honored to have you here with us today.

Mayor Brown, in your four decades of public service, no one has left as big an imprint on this house and on this great state. Thank you for your advice over the last months.

Councilmember Villaraigosa, my brother, you kept me strong. Thank you for your guidance and advice.

And finally, I'd be remiss if I didn't say a couple of words about Speaker Wesson. History will remember you as the Speaker who weathered some of our state's stormiest times. You believed in me. Thank you for your counsel.

Members, I stand before you today humbled at the trust you have placed in me, and energized by the opportunities before us.

My life has been blessed by the tremendous love and support of my family. Many of them are with us today. Will you please stand and be recognized. Thank you so much for coming.

Most of you know, I have 11 brothers and sisters. Each of them has shaped my life in a special way.

Let me tell you about just one, my brother Pablo. You won't read about him in the newspaper or see him on television, but he has been a role model for me. He has been a light to turn to in difficult times.

Pablo was the first in my family to go to college. It wasn't easy for him or the family, but he did it.

And when the time came, he made sure I went to college, too. To Pablo, I owe a debt that I can never repay.

No father can celebrate a day like this without thinking of his children.

My three—Esteban, Teresa and Carlos—are my constant reminder how precious life is. Kids, each day, you let me see the world new again.

My parents had very little schooling, but they were my greatest teachers. Their values guide me to this day.

My mom taught me compassion, caring and love. When I fell down, she picked me up and dried my tears. She brought me closer to God. She taught me the joy of giving to others.

My Dad taught me the value of hard work. He came to this country as a Bracero—a man willing to take on the back-breaking jobs others turned down.

My parents worked with their hands. For more than 50 years, they worked night and day to support our family.

For generations people have brought their talents and hopes to California.

In California we don't chase our dreams—we put them to work.

In California, my parents didn't chase their dreams, they put them to work.

Each of us has a vision for California.

Loni Hancock wants a California that has great schools for every child.

Merv Dymally envisions a California that provides quality healthcare to children, the sick and the elderly.

Ron Calderon sees a California with a strong business climate, and one that's fair to workers and their families.

Rick Keene wants a California with an agricultural industry that is second to none.

Fran Payley looks forward to a California with clean air and water, one that protects its natural resources for generations to come.

George Nakano sees a California free of prejudice and discrimination where everyone is treated with dignity.

Russ Bogh sees a California where every family feels safe and secure in their homes.

Lois Wolk wants a California where government is responsive—and responsible.

John Laird looks forward to the day when California fully recognizes the civil rights of every person, regardless of who they love.

We all want a California where everyone has a shot at the American Dream . . . that potent force that drove us and our forefathers to come here from across the country, across rivers and across seas.

But members, like me, you know that our vision alone is not enough. In California we don't chase our dreams—we put them to work.

We must start by taking a fresh look at ourselves, and our thinking.

Each of us comes to this house with strongly held beliefs. While our beliefs can be the starting point of our conversations, they should not be the end.

To do our best work, we need the right tools. We need to renew the way we run our own house.

You have told me overlapping committee assignments create conflicts. Conflicts that can keep you from doing your best work. That's going to change.

Over the course of my tenure, I will reduce committee sizes, in some cases by as much as one-third, so members are free to examine issues in greater depth.

Members, we must do more than chase our dreams—we must put them to work.

Once again this year, our greatest challenge will be balancing the budget.

Democrat and Republican alike, we all are ready to face this challenge head-on. And we must be ready to craft solutions that lessen the human toll of the tough choices ahead.

Finding a fair way to complete this task will take courage.

Courage to balance the budget without placing an unfair burden on those who cannot bear it.

Courage to invest in our future without closing the doors of educational opportunity.

Courage to set aside political advantage in the name of what is right and what is just.

And we need to start now. I will call the Assembly budget committee into session immediately to begin those discussions.

Every subcommittee will hold full and thorough hearings on how the budget will impact each program it oversees.

Members, we must all commit to pass a budget that's balanced and on time.

But acting swiftly does not mean acting carelessly. The actions we take to balance our budget today should not dash our hopes for tomorrow.

We face other challenges, too.

Governor Schwarzenegger has called upon us to pass additional workers' compensation reform.

Each of us has heard the pleas of small business owners. They face difficult choices.

Each of us wants to respond to their concerns. We must find a way to balance their needs with the needs of workers who are injured on the job.

I have already called on the Assembly Insurance Committee to convene. But in order to continue on the path of real reform—reform that's fair to both injured workers and employers—we need to bring all stakeholders together.

And Governor, we are ready to work with you on these issues today . . . tomorrow . . . day or night . . . anytime you are ready to bring all sides to the table.

Let me conclude by issuing a challenge of my own.

Not long ago, an energy crisis crippled our state. And while the situation has stabilized for the moment, it's a mistake to think the problem is behind us.

Let us resolve to work together, now, before the next crisis comes, to put California's energy house in order.

Ladies and Gentlemen, today is a wonderful day for me.

But tomorrow and the days to come will be filled with hard work for all of us.

As Theodore Roosevelt once said: "Far and away the best prize that life offers is the chance to work hard at work worth doing."

We know that the vision we share for a new California is one of opportunity for all, a California of justice, fairness and hope.

California is more than a dream worth chasing. It's a dream worth putting to work.

I'm ready. I know you're ready. So let's get to work. Thank you.

#### **INTRODUCTION OF THE GOVERNOR**

Acting Speaker Wesson introduced Hon. Arnold Schwarzenegger, Governor of the State of California.

#### **ADJOURN IN MEMORY**

Assembly Member Wiggins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Loretta Mahoney, of Santa Rosa.

(Assembly Rule 45.5 suspended.)

#### **ADJOURN IN MEMORY**

Assembly Member Plescia was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Cheryl Betyar, of Poway.

(Assembly Rule 45.5 suspended.)

#### **ANNOUNCEMENTS**

Acting Speaker Wesson announced the following session schedule for the coming week:

Tuesday, February 10th—Check-in session, 7 a.m. to 3 p.m.;

Wednesday, February 11th—Check-in session, 7 a.m. to 3 p.m.;

Thursday, February 12th—Floor session, 9 a.m.;

Friday, February 13th—Check-in session, 7 a.m. to 3 p.m.

#### **CONSIDERATION OF DAILY FILE**

#### **UNFINISHED BUSINESS**

#### **MOTION TO RECONSIDER SENATE BILL NO. 131 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 131 was continued until Thursday, February 12, 2004.

**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 Mayor Frank Taubitz, of Ferndale.

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 Robert Putarman, of La Puente.

Assembly Member Hancock was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frances Ruth Toperzer, of Orinda.

Assembly Member Houston was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Juanita “Rosie” Coan, of Pittsburg; and Nicholas Scott Gulbransen, of Oakley.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Daisy Rae Aldredge, of Fresno.

**MOTION TO ADJOURN**

At 1:42 p.m., Assembly Member Ridley-Thomas moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 1:42 p.m., Acting Speaker Wesson declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1897—Reyes.** An act to amend Section 35012 of the Education Code, relating to school districts.

**ASSEMBLY BILL NO. 1898—Nakano.** An act to amend Section 1799.2 of the Health and Safety Code, relating to emergency medical services.

**ASSEMBLY BILL NO. 1899—Runner.** An act to add Section 11100.02 to the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 1900—Runner.** An act to amend Section 11107.1 of the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 1901—Ridley-Thomas.** An act to amend Section 1203.1abc of the Penal Code, relating to criminal offenders.

**ASSEMBLY BILL NO. 1902—Maddox.** An act to amend Section 7520 of the Business and Professions Code, relating to private investigators.

**ASSEMBLY BILL NO. 1903—Maddox.** An act to amend Section 65008 of the Government Code, relating to housing.

**ASSEMBLY BILL NO. 1904—Maddox.** An act to amend Section 27279.3 of the Government Code, relating to county recorders.

**ASSEMBLY BILL NO. 1905—Parra (Coauthors: Chavez, Shirley Horton, and Vargas).** An act to add Section 107.4 to the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1906—Lowenthal.** An act to amend Section 25299.43 of the Health and Safety Code, relating to hazardous materials.



**ASSEMBLY BILL NO. 1907—Pacheco.** An act to amend Section 451.5 of the Penal Code, relating to arson.

**ASSEMBLY BILL NO. 1908—Canciamilla.** An act to amend Section 10011 of the Water Code, relating to water.

**ASSEMBLY BILL NO. 1909—Dutra.** An act to add Section 1714.4 to the Civil Code, relating to products liability.

**ASSEMBLY BILL NO. 1910—Harman.** An act to amend Sections 7611 and 7630 of the Family Code, to amend Sections 10172 and 10172.5 of the Insurance Code, and to amend Section 6453 of, and to add Sections 249.5, 249.6, 249.7, and 249.8 to, the Probate Code, relating to probate.

**ASSEMBLY BILL NO. 1911—Richman.** An act to add Section 13997.2 to the Government Code, relating to international trade, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1912—Richman.** An act to amend Section 47 of the Civil Code, relating to privileged communications.

**ASSEMBLY BILL NO. 1913—Cohn.** An act to amend Section 1522 of the Health and Safety Code, and to repeal and amend Section 361.4 of the Welfare and Institutions Code, relating to foster care.

**ASSEMBLY BILL NO. 1914—Montanez.** An act to amend Section 32500 of, and to add Sections 32501, 32502, and 32503 to, the Education Code, and to repeal Section 2053.4 of the Penal Code, relating to education in state prisons.

**ASSEMBLY BILL NO. 1915—Lowenthal.** An act to add Section 1679 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 1916—Maddox.** An act to amend Section 7280 of, and to add Sections 7283.5 and 7283.51 to, the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1917—Maze.** An act to add Section 1714.75 to the Civil code, relating to liability.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 22—Dutra.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (b) of Section 14 of Article II thereof, by amending subdivision (1) of Section 8 of Article III thereof, by amending subdivision (b) of Section 18 of Article IV thereof, by amending subdivision (b) of Section 5 of, and by amending subdivision (f) of Section 14 of, Article V thereof, by amending subdivision (a) of Section 10 of Article VII thereof, by amending subdivision (j) of Section 3 of, by amending subdivision (g) of Section 11 of, by amending Sections 17, 18, and 19 of, by amending subdivision (h) of Section 28 of, and by adding Section 17.5 to, Article XIII thereof, by amending the ninth paragraph of subdivision (d) of Section 22 of Article XX thereof, and by amending the heading of, and by amending Section 1 of, Article XXI thereof, relating to taxation.

## RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 173—McCarthy.** Relative to California Nonprofits and Philanthropy Week.

**ASSEMBLY CONCURRENT RESOLUTION NO. 174—Kehoe.** Relative to Arts Education Month.

**COMMUNICATIONS**

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

February 9, 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 made the following changes to the Democratic Leadership for the 2003–04 Regular Session:

Speaker pro Tempore	Hon. Leland Yee
Assistant Speaker pro Tempore	Hon. Sally Lieber
Majority Floor Leader/Majority Leader	Hon. Dario Frommer
Assistant Majority Leader	Hon. Ron Calderon
Majority Whip	Hon. Lloyd Levine
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Cindy Montanez

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 9, 2004

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am reappointing the Democratic membership of the Assembly Rules Committee as follows:

Assemblymember Cindy Montanez, Chair  
Assemblymember Marco Firebaugh  
Assemblymember Loni Hancock  
Assemblymember Christine Kehoe  
Assemblymember Gene Mullin  
Assemblymember Ron Calderon, Democratic Alternate

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 9, 2004

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

Dear Dotson: I have removed myself from the membership of the following committees, creating a Democratic vacancy on each:

Assembly Appropriations  
Assembly Elections, Redistricting and Constitutional Amendments  
Assembly Governmental Organization  
Assembly Utilities and Commerce

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 9, 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 Assemblymembers Judy Chu and John Laird to replace Assemblymembers Jenny Oropeza and Joe Nation on the Joint Legislative Budget Committee.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 9, 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 created the Office of Planning, Policy and Research to be administered by Assemblymember Joe Nation.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 9, 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 made the following changes to Assembly Standing and Subcommittees, effective today, February 9, 2004:

*Aging and Long-Term Care*

I have appointed Assemblymember Patty Berg to replace Assemblymember Lynn Daucher as the Chair of the committee. Assemblymember Daucher will remain as a member of the committee.

*Agriculture*

Assemblymember Barbara Matthews will remain as Chair of the committee.

*Appropriations*

I have appointed Assemblymember Judy Chu to replace Assemblymember Darrell Steinberg as Chair of the committee and removing Assemblymember Steinberg as a member.

*Arts, Entertainment, Sports, Tourism and Internet Media*

I have appointed Assemblymember Ed Chavez to replace Assemblymember Rebecca Cohn as Chair of the committee; Assemblymember Cohn remains as a member of the committee.

*Banking and Finance*

Assemblymember Patricia Wiggins will remain as Chair of the committee.

*Budget*

I have appointed Assemblymember Darrell Steinberg to replace Assemblymember Jenny Oropeza as Chair of the committee and removing Assemblymember Oropeza as a member. I have also removed Assemblymember Judy Chu from the Budget Committee, creating a Democratic vacancy on the Committee.

*Budget Subcommittee #1—Health and Human Services*

I have appointed Assemblymember Mervyn Dymally to replace Judy Chu as Chair of the subcommittee.

*Budget Subcommittee #2—Education Finance*

Assemblymember Joe Simitian remains as Chair of the subcommittee.

*Budget Subcommittee #3—Resources*

Assemblymember Fran Pavley remains as Chair of the subcommittee.

*Budget Subcommittee #4—State Administration*

I have appointed Assemblymember John Dutra to replace Assemblymember Rudy Bermudez as Chair of the subcommittee.

*Budget Subcommittee #5—Information Technology/Transportation*

Assemblymember Manny Diaz remains as Chair of the subcommittee.

*Business and Professions*

Assemblymember Lou Correa remains as Chair of the committee.

*Education*

Assemblymember Jackie Goldberg remains as Chair of the committee.

*Elections, Redistricting and Constitutional Amendments*

Assemblymember John Longville remains as Chair of the committee.

*Environmental Safety and Toxic Materials*

Assemblymember John Laird remains as Chair of the committee.

*Governmental Organization*

Assemblymember Jerome Horton remains as Chair of the committee.

*Health*

I have appointed Assemblymember Rebecca Cohn to replace Assemblymember Dario Frommer as Chair of the committee; Assemblymember Frommer remains as a member.

*Higher Education*

Assemblymember Carol Liu remains as Chair of the committee.

*Housing and Community Development*

Assemblymember Alan Lowenthal remains as Chair of the committee.

*Human Services*

Assemblymember Lois Wolk remains as Chair of the committee.

*Insurance*

Assemblymember Juan Vargas remains as Chair of the committee.

*Jobs, Economic Development and the Economy*

Assemblymember Mark Ridley-Thomas remains as Chair of the committee.

*Judiciary*

Assemblymember Ellen Corbett remains as Chair of the committee.

*Labor and Employment*

Assemblymember Paul Koretz remains as Chair of the committee.

*Local Government*

Assemblymember Simon Salinas remains as Chair of the committee.

*Natural Resources*

Assemblymember Hannah-Beth Jackson remains as Chair of the committee.

*Public Employees, Retirement and Social Security*

Assemblymember Gloria Negrete McLeod remains as Chair of the committee.

*Public Safety*

Assemblymember Mark Leno remains as Chair of the committee.

*Revenue and Taxation*

I have appointed Assemblymember Rudy Bermudez to replace Assemblymember Ed Chavez as Chair of the committee; Assemblymember Chavez remains on the committee filling the Democratic vacancy.

*Transportation*

I have appointed Assemblymember Jenny Oropeza to replace Assemblymember John Dutra as Chair of the committee; removing Assemblymember Dutra from the committee.

*Utilities and Commerce*

Assemblymember Sarah Reyes remains as Chair of the committee.

*Veterans Affairs*

Assemblymember Nicole Parra remains as Chair of the committee.

*Water, Parks and Wildlife*

Assemblymember Joe Canciamilla remains as Chair of the committee.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 9, 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 made the following committee changes:

Removed Assemblymember John Dutra from the Assembly Judiciary.

Appointed Assemblymember John Dutra to replace Assemblymember Rebecca Cohn on the Assembly Governmental Organization Committee.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

February 9, 2004

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

Senate Bill No. 772

Senate Bill No. 871

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

CHU, Chair

**SENATE BILL NO. 772**—An act to amend Sections 955.1 and 3440.1 of the Civil Code, to amend Section 9109 of the Commercial Code, and to amend Section 1731 of, to add Section 1769 to, and to add Article 5.6 (commencing with Section 848) to Chapter 4 of Part 1 of Division 1 of, the Public Utilities Code, relating to public utilities.

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.

**SENATE BILL NO. 871**—An act to amend Section 51852 of the Education Code, and to add Section 1810.3 to the Vehicle Code, relating to vehicles.

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.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 9, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 311

Senate Bill No. 976

Senate Joint Resolution No. 23

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, February 9, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 44

Assembly Bill No. 1087

Assembly Bill No. 1498

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, February 9, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 153

Assembly Concurrent Resolution No. 160

Assembly Concurrent Resolution No. 164

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolutions ordered enrolled.

Senate Chamber, February 9, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 57

Senate Concurrent Resolution No. 58

GREGORY P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

### **FIRST READING OF SENATE BILLS**

The following resolutions were read:

**SENATE CONCURRENT RESOLUTION NO. 57**—Relative to “Go Red for Women Day.”

**SENATE CONCURRENT RESOLUTION NO. 58**—Relative to California Private School Recognition Day.

### **LAST DAY TO CONSIDER GOVERNOR’S VETOES**

Pursuant to Joint Rule 58.5, Friday, February 6th was the last day to consider the Governor’s veto of Assembly Bills Nos. 1748 and 1765.

### **ADJOURNMENT**

At 3:45 p.m., pursuant to the motion by Assembly Member Ridley-Thomas, the Assembly adjourned until 7 a.m., Tuesday, February 10, 2004, out of respect to the memory of Frances Ruth Toperzer, on motion of Assembly Member Hancock; out of respect to the memory of Daisy Rae Aldredge, on motion of Assembly Member Reyes; out of respect to the memory of Mayor Frank Taubitz, on motion of Assembly Member Berg; out of respect to the memory of Juanita “Rosie” Coan and Nicholas Scott Gulbransen, on motion of Assembly Member Houston; out of respect to the memory of Robert Putarman, on motion of Assembly Member Chavez; out of respect to the memory of Loretta Mahoney, on motion of Assembly Member Wiggins; and out of respect to the memory of Cheryl Betyar, on motion of Assembly Member Plescia.

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FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk



## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 9, 2004**

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

<b>SB</b>	<b>RN</b>
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772	0405551
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871	0405498
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<b>Daily Total:</b>	<b>2</b>
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<b>Cumulative Total:</b>	<b>3165</b>
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