

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, May 28, 2004

**TWO HUNDRED FOURTH SESSION DAY
FIVE HUNDRED FORTY-FOURTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, May 28, 2004

The Assembly met at 6 a.m.

Hon. Lou Correa, Assembly Member, 69th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—53:

Aghazarian	Diaz	Lieber	Plescia
Bates	Dutra	Liu	Richman
Benoit	Dutton	Maddox	Runner
Berg	Dymally	Matthews	Salinas
Bermudez	Firebaugh	Maze	Samuelian
Calderon	Frommer	McCarthy	Steinberg
Campbell	Garcia	Montanez	Vargas
Canciamilla	Harman	Mountjoy	Wesson
Chu	Horton, Shirley	Mullin	Wiggins
Cogdill	Houston	Nakanishi	Wyland
Cohn	La Suer	Negrete McLeod	Mr. Speaker
Correa	Laird	Oropeza	
Cox	Leslie	Pacheco	
Daucher	Levine	Parra	

Quorum present.

At 9:46 a.m., Hon. Dave Cox, 5th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bogh, Chan, Chavez, Corbett, Goldberg, Hancock, Haynes, Jerome E. Horton, Jackson, Keene, Kehoe, Koretz, La Malfa, Leno, Longville, Lowenthal, Maldonado, Nation, Pavley, Reyes, Ridley-Thomas, Spitzer, Strickland, and Yee.

On personal business, and waiving per diem: Assembly Members Simitian and Wolk.

Because of illness: Assembly Member Nakano.

EXPLANATIONS OF ABSENCE

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

May 27, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Assembly Speaker Nunez: This letter is a request to be excused from Check-In Session on Friday, May 28th, 2004 for legislative business.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member
Sixty-fifth District

May 24, 2004

*The Honorable Fabian Nunez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Nunez: I am requesting to be excused for Check-In Session on Friday, May 28, 2004, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

May 25, 2004

*The Honorable Fabian Nunez
Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from session or check-in session on Friday, May 28, 2004. The purpose is to tend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member
Fifty-seventh District

May 19, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I would like to request permission to be excused from Check-In Session on Friday, May 28, 2004. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns please feel free to call me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member
Eighteenth District

April 28, 2004

*Speaker Fabian Nunez
State Capitol
Sacramento, California*

Dear Speaker Nunez: This letter is to request permission to be excused from Check-In Session on Friday, May 28, 2004 due to legislative business in my district.

Should you have any questions, please do not hesitate to contact my Executive Assistant, Bertha Mardueno at 319-2045.

Sincerely,

JACKIE GOLDBERG, Assembly Member
Forty-fifth District

May 27, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
Room 219, State Capitol*

Dear Mr. Speaker: I respectfully request an excused absence from Session on May 28, 2004. I have legislative business in my district.

Sincerely,

LONI HANCOCK, Assembly Member
Fourteenth District

May 27, 2004

*The Honorable Fabian Nunez
Speaker of the House
California State Assembly
Room 219, State Capitol
Sacramento, California*

Dear Mr. Speaker: Please excuse my absence from Assembly Floor or check-in Session on Friday, May 28, 2004, due to legislative business in my district.

Sincerely,

RAY HAYNES, Assembly Member
Sixty-sixth District

May 27, 2004

The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am respectfully requesting to be excused from Check-In Session on Friday, May 28, 2004, due to legislative business in my district. I will return to Sacramento on Tuesday, June 1, 2004, in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you have questions, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

May 20, 2004

The Honorable Fabian Nunez
Speaker of the California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: In the event that Assembly business concludes on the floor Thursday, May 27th, I respectfully request to be excused from check-in session on Friday, May 28, 2004. I have an event and legislative business in my district that I would like to attend.

Thank you for your prompt attention to this request. Please contact Linda Forrest in my Capitol office should you have any questions.

Sincerely,

HANNAH-BETH JACKSON, Assembly Member
Thirty-fifth District

May 27, 2004

The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219

Dear Mr. Speaker: I respectfully request to be excused from session, Friday, May 28, 2004 due to legislative engagements in my district.

Please call Kelly Garman in my Capitol office with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

RICK KEENE, Assembly Member
Third District

April 28, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Floor Session on Friday, May 28, 2004 due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CHRISTINE KEHOE, Assembly Member
Seventy-sixth District

May 26, 2004

*The Honorable Fabian Nunez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Nunez: I respectfully request permission to be excused from check in session on May 28, 2004 due to legislative business. If you have any questions or concerns please contact Leticia Klein in my office at 916-319-2042.

Sincerely,

PAUL KORETZ, Assembly Member
Forty-second District

March 26, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from check-in session on Friday, May 28, 2004. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

DOUG LA MALFA, Assembly Member
Second District

May 28, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-in Session on Friday, May 28, 2004 due to legislative business in my district.

If you have any questions, please contact Elaine Knight in my Capitol office at 319-2013.

Thank you for your attention to this request.

Sincerely,

MARK LENO, Assembly Member
Thirteenth District

May 27, 2004

*The Honorable Fabian Nunez
Speaker of the California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Nunez: I respectfully request to be excused from check-in session on May 28, 2004 due to legislative business in my district.

Thank you in advance for your consideration of this matter. Please feel free to contact Traci Holt in my office, should you have any questions.

Sincerely,

JOHN LONGVILLE, Assembly Member
Sixty-second District

May 27, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am writing this letter to respectfully request permission to be excused from check-in session May 28, 2004 for legislative business.

Thank you for your consideration in this matter. If you have any questions, please feel free to call Nicole Anaya or me at 319-2054.

Sincerely,

ALAN LOWENTHAL, Assembly Member
Fifty-fourth District

May 27, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am writing to request that I be excused from Check-In Session on Friday, May 28, 2004, due to legislative business in my district.

Thanking your in advance for your consideration of my request.

Sincerely,

ABEL MALDONADO, Assembly Member
Thirty-third District

May 27, 2004

*The Honorable Fabian Nunez
Speaker, California State Assembly
Room 219, State Capitol
Sacramento, California*

Dear Mr. Speaker: This letter is to request an excused absence on legislative business from the Check-In Session for May 28, 2004.

Please inform me at your earliest convenience if this request may be accommodated. Please contact Jim DeBoo, my Chief of Staff with any questions.

Thank you for your attention to this matter.

Sincerely,

JOE NATION, Assembly Member
Sixth District

May 27, 2004

*The Honorable Fabian Nunez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session on Friday, May 28, 2004, due to legislative business in my district.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

FRAN PAVLEY, Assembly Member
Forty-first District

May 24, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused on legislative business from session/check-in on Friday, May 28, 2004. Should you have any questions, please feel free to contact my office at (916) 319-2031. Thank you for your attention to this letter.

Sincerely,

SARAH REYES, Assembly Member
Thirty-first District

May 24, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I write to request permission to be excused from Check-In Session on Friday, May 28th. I have Legislative commitments in my District.

Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Lourdes Machado, at (916) 319-2048.

With hope,

MARK RIDLEY-THOMAS, Assembly Member
Forty-eighth District

May 27, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
Room 219, State Capitol Building
Sacramento, California*

Dear Mr. Speaker: I would like to be excused from check-in session on Friday, May 28, 2004, to travel to my district for legislative business.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member
Seventy-first District

May 27, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request a legislative excuse for the date of Friday, May 28, 2004. I will be unable to attend session that day due to legislative business in my district.

If you have any questions, please call Sarah Dawson at 319.2037.

Sincerely,

TONY STRICKLAND, Assembly Member
Thirty-seventh District

May 27, 2004

*The Honorable Fabian Nunez
California State Assembly
Room 219, State Capitol
Sacramento, California*

Dear Speaker Nunez: I respectfully request that I be excused from the Assembly Check-In Session on Friday May 28th. I will be in my district during that time attending to legislative business.

Sincerely,

LELAND Y. YEE, Ph.D.
Speaker pro Tempore

SPECIAL COMMITTEE MEETINGS

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

Aging and Long-Term Care, on Tuesday, June 8, 2004;
Banking and Finance, on Tuesday, June 8, 2004, at 9:30 a.m., in Room 444 and on Monday, June 21, 2004, at 4 p.m., in Room 444.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 28, 2004

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

Assembly Concurrent Resolution No. 140
Assembly Concurrent Resolution No. 203
Assembly Concurrent Resolution No. 211
Assembly Concurrent Resolution No. 217
Assembly Concurrent Resolution No. 219
Assembly Concurrent Resolution No. 223

And reports the same correctly enrolled, and presented to the Secretary of State on the 28th day of May, 2004, at 1:15 p.m.

E. DOTSON WILSON, Chief Clerk

AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO JOINT RULE 54

Pursuant to the provisions of Joint Rule 54, the following communication was presented permitting the introduction of an Assembly bill:

Dear Mr. Clerk: Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Chu to introduce a bill relating to state claims. Request No. 0410439.

FABIAN NUÑEZ
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 3118—Chu. An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**AUTHOR'S AMENDMENTS
Committee on Local Government**

May 28, 2004

Mr. Speaker: The Chair of your Committee on Local Government reports:
Senate Bill No. 1165

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

SALINAS, Chair

SENATE BILL NO. 1165—An act to amend Section 17924 of the Business and Professions Code, to amend Sections 6047.70, 6047.76, 6047.77, 6047.82, 6047.97, 6253, 6293.5, 30801, 30803, 30805, and 30850 of, and to repeal Section 30806 of, the Food and Agricultural Code, to amend Sections 24003, 25151, 25502.3, 26806, 26835, 26859, 51238.2, 53630, 54222, 55631, 66452.6, and 66473.7 of, and to add Sections 50057 and 53061.2 to, the Government Code, to repeal Section 1184 of the Military and Veterans Code, to amend Sections 11534, 11910, and 22553.2 of the Public Utilities Code, to amend Sections 34701 and 60622 of the Water Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

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.

**AUTHOR'S AMENDMENTS
Committee on Health**

May 28, 2004

Mr. Speaker: The Chair of your Committee on Health reports:
Senate Bill No. 494

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

COHN, Chair

SENATE BILL NO. 494—An act to amend Section 14124.791 of the Welfare and Institutions Code, relating to Medi-Cal.

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.

**AUTHOR'S AMENDMENTS
Committee on Health**

May 28, 2004

Mr. Speaker: The Chair of your Committee on Health reports:
Senate Bill No. 1307

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

COHN, Chair

SENATE BILL NO. 1307—An act to amend Sections 4043, 4053, 4054, 4059.5, 4081, 4100, 4105, 4110, 4160, 4164, 4165, 4166, 4196, 4301, 4305.5, 4331, and 4400 of, to amend, repeal, and add Section 4163 of, to add Sections 4021.5, 4022.5, 4034, 4053.1, 4126.5, 4163.5, and 4168 to, to add and repeal Section 4169 of, and to repeal and add Sections 4161 and 4162 of, the Business and Professions Code, relating to drugs.

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.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

Senate Bill No. 1056, on request of Assembly Member Calderon.

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

ASSEMBLY BILL NO. 2756—An act to amend Sections 33127, 33128, 41320.1, 41326, 41326.1, 41327, 41328, 42127, 42127.1, 42127.6, and 42127.8 of, and to add Sections 41327.1 and 41327.2 to, the Education Code, and to amend Sections 3540.2, 3547.5, and 53260 of the Government Code, relating to school districts.

Bill read second time; amendments proposed by the Committee on Education read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 1 p.m., Tuesday, June 1, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 28, 2004**

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

AB RN
2756 0411166

SB RN
494 0411129
1165 0411049
1307 0411074

Daily Total: 4
Cumulative Total: 4724

O