

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, July 7, 2004

**TWO HUNDRED TWENTY-SIXTH SESSION DAY
FIVE HUNDRED EIGHTY-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
Wednesday, July 7, 2004

The Assembly met at 7 a.m.

Hon. Abel Maldonado, Assembly Member, 33rd 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—62:

| | | | |
|-------------|-----------------|----------------|-------------|
| Aghazarian | Dutton | Leslie | Pavley |
| Bates | Dymally | Levine | Plescia |
| Benoit | Firebaugh | Lieber | Reyes |
| Berg | Frommer | Liu | Richman |
| Bermudez | Garcia | Lowenthal | Runner |
| Bogh | Goldberg | Maddox | Salinas |
| Calderon | Harman | Maldonado | Spitzer |
| Campbell | Haynes | Matthews | Steinberg |
| Canciamilla | Horton, Shirley | Maze | Strickland |
| Chavez | Houston | McCarthy | Vargas |
| Chu | Keene | Montanez | Wiggins |
| Cohn | Koretz | Mountjoy | Wolk |
| Cox | La Malfa | Nakanishi | Wyland |
| Daucher | La Suer | Nakano | Mr. Speaker |
| Diaz | Laird | Negrete McLeod | |
| Dutra | Leno | Pacheco | |

Quorum present.

At 1:05 p.m., Hon. Rebecca Cohn, 24th 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 Chan, Cogdill, Corbett, Correa, Hancock, Jerome E. Horton, Jackson, Kehoe, Longville, Oropeza, Parra, Ridley-Thomas, Simitian, Wesson, and Yee.

On legislative business, and waiving per diem: Assembly Member Mullin.

Because of illness: Assembly Members Nation and Samuelian.

EXPLANATIONS OF ABSENCE

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

July 7, 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 Wednesday, July 7, 2004, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

July 6, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check in session on Wednesday, July 7, 2004. I will be in my district on legislative business. In the event that session is called, I can be in Sacramento well within the designated period of time.

Thank you for your consideration of this request. If you have any questions, please contact me at 319-2025.

Sincerely,

DAVE COGDILL, Assembly Member
Twenty-fifth District

July 7, 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 Wednesday, July 7, 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

July 7, 2004

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

Re: Check-in Excuse Request—Wednesday, July 7, 2004

Dear Speaker Nunez: I am writing to respectfully request that I be excused from check-in session on Wednesday, July 7, 2004, due to legislative business.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact my office at (916) 319-2069.

Thank you.

Sincerely,

LOU CORREA, Assembly Member
 Sixty-ninth District

July 6, 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 check-in on Wednesday, July 7, 2004 so that I may attend to legislative business in my district.

Should you have any questions please contact my Capitol office.

Thank you for your assistance.

Sincerely,

LONI HANCOCK, Assembly Member
 Fourteenth District

July 6, 2004

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

Dear Mr. Speaker,

Please excuse me from check-in session on Wednesday, July 7, 2004, as I will be on legislative business in my district. If it changes to floor session, I will return within the four-hour time frame.

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

July 6, 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 Session on Wednesday, July 7, 2004 due to legislative business in my district. Thank you for your consideration of this request.

Sincerely,

CHRISTINE KEHOE, Assembly Member
Seventy-sixth District

July 7, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Wednesday, July 7, 2004 due to legislative business in my district.

Thank you for your consideration of this request. If your staff should have any further questions or require additional information, please feel free to contact Traci Holt at 319-2062.

Respectfully,

JOHN LONGVILLE, Assembly Member
Sixty-second District

July 7, 2004

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

Dear Mr. Speaker: Please excuse me from Check-in Session on Wednesday, July 7 and Thursday, July 8, 2004. I will be in my district conducting legislative business and I will be waiving per diem.

Your attention to this matter would be greatly appreciated.

Sincerely,

GENE MULLIN, Assembly Member
Nineteenth District

July 6, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Wednesday, July 7, 2004, due to legislative business in my district.

Thank you for consideration of this request. Please contact my Legislative Director, Mercedes Flores, if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth District

July 7, 2004

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

Dear Speaker Nunez: Due to urgent legislative business in the district, I respectfully request permission to miss check-in on Wednesday, July 7 and Thursday July 8, 2004. Should you have any questions please contact me or my Chief of Staff Bill Herms at 319-2652.

Sincerely,

NICOLE M. PARRA, Assembly Member
Thirtieth District

July 6, 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 Wednesday, July 7, 2004. 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

July 6, 2004

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

Dear Speaker Nunez,

This is a request to be excused from Check-In Session on Wednesday, July 7, 2004. I have legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member
Twenty-first District

July 6, 2004

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

Dear Speaker Nunez: I respectfully request permission to be excused from Session on Wednesday, July 7, 2004, for legislative business.

Sincerely,

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

July 7, 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 Wednesday July 7th. I will be in my district during that time attending to legislative business.

Sincerely,

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

(NOTE: For letter explaining the absence of Assembly Member Jerome E. Horton on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for July 6, 2004.)

COMMUNICATIONS

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

Session Excuse—July 2, 2004

July 1, 2004

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

Dear Mr. Speaker: Please excuse me, Assembly Member Ray Haynes, District #66, from Assembly Check-in or Regular Floor Session on Friday, July 2, 2004, due to legislative business in my district.

Sincerely,

RAY HAYNES, Assembly Member
Sixty-sixth District

Session Excuse—July 2, 2004

June 30, 2004

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

Dear Speaker Nunez: If Friday, July 2, becomes a check-in session day I need to be excused from check-in or legislative session on legislative business. I have to attend a dedication ceremony of the "Semper Fi" Highway in accordance to my ACR 121.

Thank you for your consideration.

Sincerely,

JAY LA SUER, Assembly Member
Seventy-seventh District

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2003-114
July 6, 2004

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the Department of Mental Health's (department) implementation of Chapter 717, Statutes of 1998 (Chapter 717), commonly known as Assembly Bill 947.

This report concludes that even though the department has acted to implement Chapter 717 at its four hospitals, a key issue—whether

psychologists have the authority to serve as attending clinicians in patient care and treatment—remains unresolved. In addition, state regulations specifically allow only physicians to order the restraint and seclusion of patients, an action that psychologists at the four hospitals contend is within their scope of license. Further, no significant changes occurred either to psychologists' membership on certain key committees or in the clinical privileges available to them at the department's hospitals after the enactment of Chapter 717. Finally, although California is considered one of the more progressive states with regard to the status of psychologists in state hospitals, some other states' statutes allow more privileges for their psychologists. However, psychologists in these other states are not always performing these activities in practice.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Health.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 95—Goldberg and Dymally (Coauthors: Chu, Firebaugh, Hancock, Laird, and Longville) (Coauthor: Senator Vasconcellos). Relative to the federal budget.

AUTHOR'S AMENDMENTS Committee on Appropriations

July 7, 2004

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

Senate Bill No. 785

Senate Bill No. 1676

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

CHU, Chair

SENATE BILL NO. 785—An act to add Section 14016.51 to 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.

SENATE BILL NO. 1676—An act to add Section 5030 to the Penal Code, relating to prisoners.

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 GOVERNOR

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

Governor's Office, Sacramento
July 6, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2614 without my signature.

This bill would increase the deadline for the submittal of a bidder's prequalification documents from no fewer than five days, to no fewer than 15 days prior to the opening of bids for a public contract let by a school district. I understand that the intent of this bill is to give school districts additional time to review applications for prequalification. However, the law already allows school districts to require that the information be submitted earlier than the stated five days and therefore this change is both unnecessary and would reduce school district flexibility.

Further, the bill contains a requirement that bids be opened at the same time. While I understand this is intended to clarify existing law, my concern is that this provision could be construed as mandating a higher level of service and the State General Fund may be required to pay for this service. Since this is already common practice by school districts, I find no compelling need to mandate that bids should be opened at the same time and place.

For these reasons, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Office, Sacramento
July 6, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill No. 2512 without my signature.

This bill would authorize adopted courses of study in social sciences to include instruction on World War II and the role of Filipinos in that war.

While I respect the author's intent to recognize the phenomenal contributions of Filipinos during World War II, State content standards and curriculum frameworks are necessarily broad, allowing for coverage of many important historical events and cultural developments. Current law already allows schools to incorporate in their social science instruction the role of Filipinos during World War II. I believe it is important for the State to refrain from prescribing too much of the details of school curriculum.

For these reasons, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 6th day of July at 4:50 p.m., of Assembly Bills Nos. 2614 and 2512 without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette D. J. Madsen.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

MESSAGES FROM THE SENATE

Senate Chamber, July 7, 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. 1260

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

July 7, 2004

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

Dear Dotson: By direction of the Senate I am returning Senate Bill 1884 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

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

Assembly Bill No. 3118 Passed and Retained

By unanimous consent Assembly Bill No. 3118 was passed on file, to retain its place on file.

SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bill No. 1623, ordered to third reading;

Senate Bills Nos. 1847, 1654, and 1840, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1729—An act to amend Sections 42301, 42310, and 42310.1 of, and to repeal Sections 42310.3 and 42324 of, the Public Resources Code, relating to solid waste.

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

ADJOURNMENT

At 3:45 p.m., the Assembly adjourned until 7 a.m., Thursday, July 8, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 7, 2004**

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

| SB | RN |
|-----------|-----------|
| 785 | 0414021 |
| 1676 | 0413563 |
| 1729 | 0413971 |

| | |
|--------------------------|-------------|
| Daily Total: | 3 |
| Cumulative Total: | 5291 |

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