

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, July 12, 2004

**TWO HUNDRED TWENTY-EIGHTH SESSION DAY
FIVE HUNDRED EIGHTY-NINTH 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
Monday, July 12, 2004

The Assembly met at 7 a.m.
Hon. Mervyn M. Dymally, Assembly Member, 52nd 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—52:

Aghazarian	Daucher	Maddox	Pacheco
Bates	Dutton	Maldonado	Pavley
Benoit	Dymally	Matthews	Plescia
Berg	Hancock	Maze	Reyes
Bermudez	Harman	McCarthy	Richman
Bogh	Haynes	Montanez	Salinas
Campbell	Keene	Mountjoy	Samuelian
Canciamilla	La Malfa	Mullin	Steinberg
Chavez	La Suer	Nakanishi	Strickland
Cogdill	Laird	Nakano	Vargas
Cohn	Leno	Nation	Wiggins
Corbett	Leslie	Negrete McLeod	Wolk
Cox	Lowenthal	Oropeza	Mr. Speaker

Quorum present.

At 2:26 p.m., Hon. Sarah Reyes, 31st 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, Chu, Correa, Dutra, Firebaugh, Goldberg, Jerome E. Horton, Shirley Horton, Houston, Jackson, Kehoe, Koretz, Levine, Lieber, Liu, Longville, Parra, Ridley-Thomas, Runner, Simitian, Spitzer, Wesson, and Yee.

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

On personal business, and waiving per diem: Assembly Members Diaz and Garcia.

Because of illness: Assembly Members Calderon and Wyland.

(Note: Per diem is waived by the following Assembly Members until passage of the Budget: Correa, p. 6619; and Kehoe, p. 6717.)

EXPLANATIONS OF ABSENCE

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

July 12, 2004

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

Dear Speaker Nunez: I am requesting to be excused from Check-In Session on Monday, July 12, 2004, due to legislative business in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

July 9, 2004

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

Dear Speaker Nunez: I respectfully request to be excused from Check-In Session on Monday, July 12, 2004, so that I may be in my district on legislative business.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please feel free to contact either myself or my chief of staff, Bill Wong at 916/319-2049.

Kind Regards,

JUDY M. CHU, PH.D., Assembly Member
Forty-ninth District

July 12, 2004

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

Dear Speaker Nunez: I am writing to respectfully request that I be excused from check-in session on Monday, July 12, 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 9, 2004

Office of Assembly Speaker Fabian Nunez

Please excuse me from check-in session on Monday, July 12, 2004. I will be conducting legislative business in my district.

Thank you,

JOHN A. DUTRA, Assembly Member
Twentieth District

July 12, 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 session on Monday, July 12, 2004. I will be in my district on legislative business. I am available at your request, should you need my assistance during the on-going budget negotiations.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2050.

Sincerely,

MARCO ANTONIO FIREBAUGH, Assembly Member
Fiftieth District

July 12, 2004

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

Dear Mr. Speaker: I respectfully request an excuse for Check-In Session on July 12, 2004, to attend meetings in my District Office. I will waive per diem.

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

Sincerely,

DARIO FROMMER, Assembly Member
Forty-third District

July 9, 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 Monday, July 12, 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 ext. 2045.

Sincerely,

JACKIE GOLDBERG, Assembly Member
Forty-fifth District

July 9, 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 Monday, July 12, 2004, due to legislative business in my district. I will be returning to Sacramento on Tuesday, July 13, 2004, in time for Check-In Session/Floor Session Upon Call of the Speaker.

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

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

July 9, 2004

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

Dear Speaker Nunez: Please excuse me from check-in Session on Monday, July 12, 2004 as I have legislative business to attend to.

Please feel free to contact me regarding any requests or concerns you may have. Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY HORTON, Assembly Member
Seventy-eighth District

July 12, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check-in Session today Monday, July 12, 2004 for legislative meetings in my district.

If you have any questions, please contact Julianna Thomas in my office at 319-2015.

Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

July 9, 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 Monday, July 12, and Tuesday, July 13, 2004, as I have legislative business in my district. If check-in session 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 9, 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 Session on Monday July 12, 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 12, 2004

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

Dear Speaker Nunez: I respectfully request to be excused from check in and/or session on July 12, 2004 due to legislative business. I will be available to travel back to Sacramento with minimal notification if needed. 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

July 12, 2004

*The Honorable Speaker Nunez
Speaker, California State Assembly
State Capitol, 2nd Floor
Sacramento, California*

Dear Speaker Nunez,

Please excuse me from check-in today, July 12, 2004 on legislative business. While I was in my Capitol office today, I neglected to check-in.

Sincerely,

LLOYD LEVINE, Assembly Member
Fortieth District

July 12, 2004

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

Dear Speaker Nunez,

I request to be excused from check in session on July 12, 2004 due to legislative business in my district.

Matt Moretti, my Chief of Staff, is available to respond to any questions at 319-2022.

Sincerely,

SALLY J. LIEBER, Assembly Member
Twenty-second District

July 12, 2004

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-In today due to legislative business.

Please contact my assistant, Robin Robinson at x2470 if you have any questions.

Thank you for your favorable consideration of this request.

Sincerely,

CAROL LIU, Assembly Member
Forty-fourth District

July 9, 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 July 12, 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.

Respectfully,

JOHN LONGVILLE, Assembly Member
Sixty-second District

July 9, 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 Monday, July 12, 2004, for legislative business.

Should you have any questions or need additional information please contact Bill Herms at 319-2030.

Sincerely,

NICOLE M. PARRA, Assembly Member
Thirtieth District

July 9, 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 Monday, July 12, 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 8, 2004

The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 205
Sacramento, California

Dear Speaker Nunez: I am writing to request an excused absence for July 12, 2004. I will be on legislative business conducting meetings with leaders concerning natural resources and transportation options for those resources.

Should you have any questions regarding this request, please contact Will Smith in my office at 319-2036.

Sincerely,

SHARON RUNNER, Assembly Member
Thirty-sixth District

July 9, 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 Monday, July 12, 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 12, 2004

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

Dear Speaker Nunez: I am writing to request permission to miss check-in today, July 12th, 2004 due to legislative business in my district.

Thank you for your understanding.

Sincerely,

TODD SPITZER, Assembly Member
Seventy-first District

July 9, 2004

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

Dear Speaker Nunez: This is to request permission to be excused from check-in Session on Monday, July 12, 2004 due to legislative business in my district.

Sincerely,

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

July 11, 2004

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

Dear Mr. Speaker: I respectfully request that I be excused from the Assembly Check-In Session on Monday July 12th. I will be in my district during that time attending to legislative business.

Sincerely,

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

COMMUNICATIONS

Proposed Initiatives

The following communication was presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated July 6, 2004, transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Elections Code, Section 9007:

Reapportionment. Initiative Constitutional Amendment SA2004RF0020

Referred by the Speaker to the Committee on Elections, Redistricting and Constitutional Amendments.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 9, 2004

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

Assembly Bill No. 2145

Assembly Bill No. 2877

And reports the same correctly enrolled, and presented to the Governor on the 9th day of July, 2004, at 11:15 a.m.

E. DOTSON WILSON, Chief Clerk

AUTHOR'S AMENDMENTS Committee on Appropriations

July 12, 2004

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

Senate Bill No. 1233

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

CHU, Chair

SENATE BILL NO. 1233—An act to amend Section 2985.8 of the Civil Code, to amend Sections 21670.3, 21674.5, 21675, 21675.1, 99314, 99314.1, 120050, 120105, 120105.5, 120224.1, and 120550 of, and to add Section 99210.1 to, the Public Utilities Code, to amend Sections 100.21, 1730, and 1953 of the Streets and Highways Code, and to amend Sections 1655, 1685, 4000.6, 5301, 9400.1, 11205.2, 12811, 13370, 21960, 24011, 24602, 27602, and 35401 of, to add Section 314 to, to add and repeal Section 1685.1 of, and to repeal Section 11705.5 of, the Vehicle Code, relating to transportation.

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 Appropriations

July 12, 2004

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

Senate Bill No. 1585

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

CHU, Chair

SENATE BILL NO. 1585—An act to add Article 6.5 (commencing with Section 110806) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food safety.

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 Insurance

July 12, 2004

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

Senate Bill No. 1286

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

VARGAS, Chair

SENATE BILL NO. 1286—An act to amend Section 762 of the Insurance Code, relating to insurance agents and brokers.

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 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.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1618—An act to amend Section 226 of the Labor Code, relating to employee compensation.

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, and to be placed upon the Consent Calendar.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 12, 2004

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

Assembly Bill No. 3081

Assembly Bill No. 3082

And reports the same correctly enrolled, and presented to the Governor on the 12th day of July, 2004, at 3:45 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 4:20 p.m., the Assembly adjourned until 7 a.m., Thursday, July 15, 2004, or upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 12, 2004**

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

SB	RN	
1233	0414266	
1286	0414418	
1585	0414187	
1618	0413757	
Daily Total:		4
Cumulative Total:		5301

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