

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, August 27, 2004

FORTY-NINTH SESSION DAY

TWO 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, August 27, 2004

The Assembly met at 11:25 p.m.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

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

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

PRAYER

The following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Lord, Empires rise and fall, nations come and go, governments wax and wane, leaders rise to prominence and then vanish into obscurity. We play our part on the stage of history and then pass from view. But You, O Lord, are the same yesterday, today, and forever. Your righteousness is an everlasting righteousness and Your Word is truth. Help us to know Your will, to become Your children and to abide in Your love, which is eternal.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Assembly Member Strickland then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member Cogdill.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 2 (Speier)—An act to amend Sections 1871.4 and 1871.8 of the Insurance Code, to amend Sections 3700.5 and 3711 of the Labor Code, and to amend Sections 549, 550, 803, and 1524 of the Penal Code, relating to workers' compensation.

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

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Oropeza moved a call of the Assembly.

Motion carried. Time, 11:27 p.m.

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

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Vargas.

Resolved, That Senate Bill No. 11 presents a case of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—75

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

NOES—2

Jackson Koretz

Article IV, Section 8(b) of the Constitution was declared dispensed with.

Third Reading of Senate Bill No. 11

SENATE BILL NO. 11—An act to amend Section 3701.5 of, and to add Article 2.3 (commencing with Section 3737) to Chapter 4 of Part 1 of Division 4 of, and to add Sections 3741.1 and 3748 to, the Labor Code, relating to workers' compensation.

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

Bill passed by the following vote:

AYES—61

Aghazarian	Dutton	Maddox	Ridley-Thomas
Bates	Firebaugh	Maldonado	Runner
Benoit	Frommer	Matthews	Salinas
Bermudez	Garcia	Maze	Samuelian
Bogh	Harman	McCarthy	Simitian
Calderon	Haynes	Mountjoy	Spitzer
Campbell	Horton, Jerome	Nakanishi	Steinberg
Canciamilla	Horton, Shirley	Nakano	Strickland
Chavez	Houston	Nation	Vargas
Cogdill	Keene	Negrete McLeod	Wolk
Cohn	La Malfa	Oropeza	Wyland
Correa	La Suer	Pacheco	Yee
Cox	Leno	Parra	Mr. Speaker
Daucher	Leslie	Plescia	
Diaz	Liu	Reyes	
Dutra	Lowenthal	Richman	

NOES—None

Bill ordered transmitted to the Senate immediately.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 2**

At 11:35 p.m., on motion of Assembly Member Oropeza, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 2 passed by the following vote:

AYES—78

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

NOES—None

Bill ordered transmitted to the Senate.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Senate Bill No. 11, Resolution to Invoke Constitution: Bates, Bermudez, Chavez, Chu, Diaz, Firebaugh, Haynes, Jerome Horton, Laird, Liu, Maddox, Matthews, Mountjoy, Nakanishi, Oropeza, Plescia, Simitian, Spitzer, Wolk, and Wyland—Aye.

Senate Bill No. 11: Diaz, Liu, Nakano, Plescia, Ridley-Thomas, Simitian, Steinberg, and Wyland—Aye.

Senate Bill No. 2: Bermudez, Chavez, Diaz, Firebaugh, Goldberg, Hancock, Haynes, Koretz, La Malfa, Maddox, Mountjoy, Nakanishi, Plescia, Simitian, Wesson, Wolk, and Wyland—Aye.

RECESS

By unanimous consent, at 11:36 p.m., Speaker pro Tempore Yee declared the Assembly recessed.

**TWO HUNDRED EIGHTY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, August 28, 2004

At 12, midnight.

Hon. Leland Y. Yee, Speaker pro Tempore, presiding.

RECONVENED

At 3:35 a.m., the Assembly reconvened.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

Senate Chamber, August 28, 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. 2

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

MOTION TO ADJOURN

At 3:36 a.m., Assembly Member Frommer moved that the Assembly adjourn the 2003–2004 Fourth Extraordinary Session of the Legislature *sine die* at midnight on the date that this motion has been adopted by both Houses of the Legislature and consents for the Senate to do the same.

Motion carried.

ADJOURNMENT

At 3:36 a.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned the 2003–04 Fourth Extraordinary Session of the Legislature.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

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