

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, August 29, 2003

**ONE HUNDRED TWENTIETH SESSION DAY
TWO HUNDRED SEVENTY-FIRST 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, August 29, 2003

The Assembly met at 6 a.m.

Hon. Bill Maze, Assembly Member, 34th 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—60:

Aghazarian	Frommer	Longville	Parra
Bates	Garcia	Maddox	Pavley
Benoit	Goldberg	Maldonado	Reyes
Berg	Hancock	Matthews	Richman
Bermudez	Harman	Maze	Ridley-Thomas
Calderon	Haynes	Montanez	Runner
Chan	Horton, Jerome	Mountjoy	Salinas
Chavez	Jackson	Mullin	Samuelian
Chu	Keene	Nakanishi	Simitian
Cogdill	La Malfa	Nakano	Steinberg
Cohn	La Suer	Nation	Vargas
Correa	Laird	Negrete McLeod	Wiggins
Daucher	Leslie	Nunez	Wolk
Diaz	Levine	Oropeza	Wyland
Dutra	Lieber	Pacheco	Yee

Quorum present.

At 10:02 a.m., Hon. Dennis Mountjoy, 59th 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, Campbell, Canciamilla, Cox, Dutton, Dymally, Houston, Kehoe, Koretz, Lowenthal, McCarthy, Plescia, Spitzer, Strickland, and Wesson.

On personal business, and waiving per diem: Assembly Members Shirley Horton, Leno, and Liu.

To attend a funeral: Assembly Member Corbett.

Because of illness: Assembly Member Firebaugh.

EXPLANATIONS OF ABSENCE

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

August 25, 2003

*The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Assembly Speaker Wesson,

This letter is a request to be excused from Check-In Session on Friday, August 29, 2003 for legislative business in my District.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member
Sixty-fifth District

August 28, 2003

*The Honorable Herb Wesson, Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Wesson: I respectfully request to be excused from Check-in-Session, Friday, August 29th, 2003 due to legislative business.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 319-2070.

Sincerely,

JOHN CAMPBELL, Assembly Member
Seventieth District

August 28, 2003

*The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Speaker Wesson: I request to be excused from check-in session on Friday, August 29, 2003, due to legislative business in my district.

Sincerely,

JOSEPH CANCIAMILLA, Assembly Member
Eleventh District

August 29, 2003

*The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: While I was in the Capitol this morning, I neglected to check in. Therefore, this letter is to request that I be excused from session check in due to legislative business.

Thank you for your attention to this matter.

Sincerely,

DAVE COX, Assembly Member
Fifth District

August 29, 2003

*The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Wesson,

I will not attend session on August 29, 2003 due to pressing legislative business in my district.

For information regarding this situation please contact my Chief-of-Staff Russell Lowery at 916-319-2063.

Sincerely,

BOB DUTTON, Assembly Member
Sixty-third District

August 28, 2003

*Mr. Herb Wesson, Jr.
Speaker of the Assembly*

Dear Mr. Speaker,

I respectfully request authorization to travel to my district for legislative business on the evening of Thursday, August 28, 2003. Therefore permission is sought for legislative leave of absence for Friday August 29, 2003.

I am thanking you in advance.

Sincerely,

MERVYN M. DYMALLY, Assembly Member
Fifty-second District

August 28, 2003

The Honorable Herb Wesson
Speaker, California State Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Session on Friday August 29 for legislative meetings in my district.

If you have any questions, please contact Sarah Sprouse in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

August 14, 2003

The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request permission to be excused from Floor Session, Friday, August 29, 2003, for legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

CHRISTINE KEHOE, Speaker pro Tempore
Seventy-sixth District

August 7, 2003

The Honorable Herb J. Wesson, Jr.
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from floor session on Friday, August 29, 2003 for legislative business.

Should you have any questions, please contact Tish Becerra in my Capitol office at 319-2042. Thank you for your consideration of this request.

Cordially,

PAUL KORETZ, Assembly Member
Forty-second District

August 27, 2003

The Honorable Herb Wesson, Jr.
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 August 29, 2003 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

August 25, 2003

The Honorable Herb Wesson
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Wesson,

I am writing to request that I be excused from Check in session on Friday August 29th, 2003 due to legislative business in my district.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Julie Sauls at 319-2032.

Sincerely,

KEVIN McCARTHY, Assembly Member
Thirty-second District

August 28, 2003

Hon. Herb Wesson
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker: I respectfully request that I be excused from Assembly Floor Session Friday, August 29, 2003. I have last minute legislative business in my district.

If you have any questions regarding this request, please feel free to contact my Chief of Staff Tim Rosales in my office at 319-2075.

Sincerely,

GEORGE A. PLESCIA, Assembly Member
Seventy-fifth District

August 25, 2003

The Honorable Herb Wesson
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Wesson: This letter is to request permission to leave early from Session on Thursday and miss Check-in Session on Friday, August 28th and 29th respectively.

On Thursday, August 28th, I am attending a retirement event in my district and on Friday, August 29th I have legislative business in the district throughout the day.

I appreciate your favorable consideration of this matter.

Sincerely,

TODD SPITZER, Assembly Member
Seventy-frist District

August 28, 2003

The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Check In Session tomorrow, August 29, 2003 due to legislative business in my district.

If you have any questions, please call my legislative director, Jennifer Long, at 319.2037.

Sincerely,

TONY STRICKLAND, Assembly Member
Thirty-seventh District

August 29, 2003

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

Dear Dotson: This is to advise you that I will be absent from Session today on legislative business.

Sincerely,

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

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

August 28, 2003

E. Dotson Wilson

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

Dear Dotson: Please be advised that I have created the Select Committee on the King/Drew Medical Center and have appointed the following Assemblymembers to the Committee:

Assemblymember Mervyn Dymally, Chair
Assemblymember Keith Richman, Vice Chair
Assemblymember Judy Chu
Assemblymember Dario Frommer
Assemblymember Jackie Goldberg
Assemblymember Paul Koretz
Assemblymember Alan Nakanishi
Assemblymember Fabian Nunez
Assemblymember Jenny Oropeza
Assemblymember Mark Ridley-Thomas
Assemblymember Todd Spitzer
Assemblymember Tony Strickland

Sincerely,

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

SPECIAL COMMITTEE MEETINGS

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

Select Committee on King Drew Medical Center, on Tuesday, September 16, 2003, in Los Angeles;
Higher Education, on December 9, 2003.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 29, 2003

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

Assembly Bill No. 1784

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, August 29, 2003

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

Assembly Concurrent Resolution No. 132

Assembly Concurrent Resolution No. 134

Assembly Concurrent Resolution No. 136

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, August 29, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Joint Resolution No. 49
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, August 29, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 310
And reports the same correctly enrolled, and presented to the Governor on the
29th day of August, 2003, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

RESOLUTIONS

The following resolution was offered:
ASSEMBLY CONCURRENT RESOLUTION NO. 138—Nakano, Cox, Dymally, and Nation. Relative to Prostate Cancer Awareness Month.

REQUEST TO SUSPEND JOINT RULES

The following requests were received, and read:

Assembly Chamber, August 29, 2003

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(11) as it relates to Senate Concurrent Resolutions Nos. 35, 45, and 46.

JOHN DUTRA

Assembly Chamber, August 29, 2003

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9)(11) as it relates to Assembly Concurrent Resolution No. 119, Senate Bill No. 838, and Senate Joint Resolution No. 17.

NICOLE PARRA

Above requests ordered transmitted to the Committee on Rules.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

Governor’s Office, Sacramento
August 28, 2003

To the Members of the California Legislature:

I am pleased to sign Assembly Bill 634, which will permit courts to lift protective orders and make public those documents that are exchanged in litigation and are evidence of elder abuse as defined by the Elder Abuse and Dependent Adult Protection Act.

While protective orders and confidential settlement agreements play an important role in encouraging settlement and in expediting resolution of many civil claims, the claims filed on behalf of victims of elder abuse are filed to protect our most vulnerable population—our loved ones—our aging parents and grandparents.

Thus, it is in the interest of the citizens of this state to declare a policy against “secret settlements” in elder abuse claims. I am confident that this measure, as narrowly drawn, strikes a balance of protecting our seniors and dependent adults while preserving the role of protective orders and confidential agreements in other civil litigation matters.

Sincerely,

GRAY DAVIS

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

Senate Bills Nos. 651, 362, 1078, and 156, on request of Assembly Member Chan;

Senate Bill No. 84, on request of Assembly Member Bermudez;

Senate Bill No. 494, on request of Assembly Member Oropeza.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: August 29, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 17	Senate Bill No. 297
Senate Bill No. 18	Senate Bill No. 311
Senate Bill No. 68	Senate Bill No. 317
Senate Bill No. 151	Senate Bill No. 322
Senate Bill No. 162	Senate Bill No. 345
Senate Bill No. 259	Senate Bill No. 360
Senate Bill No. 261	Senate Bill No. 411
Senate Bill No. 268	Senate Bill No. 413
Senate Bill No. 269	

With the recommendation: Do pass.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: August 29, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 418	Senate Bill No. 613
Senate Bill No. 439	Senate Bill No. 623
Senate Bill No. 448	Senate Bill No. 627
Senate Bill No. 452	Senate Bill No. 636
Senate Bill No. 504	Senate Bill No. 639
Senate Bill No. 507	Senate Bill No. 654
Senate Bill No. 566	Senate Bill No. 654
Senate Bill No. 610	Senate Bill No. 666

With the recommendation: Do pass.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: August 29, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 707	Senate Bill No. 838
Senate Bill No. 709	Senate Bill No. 879
Senate Bill No. 720	Senate Bill No. 892
Senate Bill No. 760	Senate Bill No. 970
Senate Bill No. 771	Senate Bill No. 976
Senate Bill No. 802	Senate Bill No. 1009
Senate Bill No. 821	

With the recommendation: Do pass.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: August 29, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 649

Senate Bill No. 808

Senate Bill No. 678

Senate Bill No. 810

Senate Bill No. 694

Senate Bill No. 857

Senate Bill No. 719

Senate Bill No. 923

Senate Bill No. 748

Senate Bill No. 926

With amendments with the recommendation: Amend, and do pass, as amended.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: August 29, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1005

Senate Bill No. 1016

Senate Bill No. 1060

With amendments with the recommendation: Amend, and do pass, as amended.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: August 29, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Constitutional Amendment No. 1

With the recommendation: Be adopted.

STEINBERG, Chair

Above resolution ordered to second reading.

Date of Hearing: August 29, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Concurrent Resolution No. 115

Assembly Concurrent Resolution No. 116

Assembly Concurrent Resolution No. 121

Assembly Concurrent Resolution No. 131

Assembly Concurrent Resolution No. 133

Assembly Concurrent Resolution No. 135

Assembly Joint Resolution No. 50

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

STEINBERG, Chair

Above resolutions ordered to the Consent Calendar.

Date of Hearing: August 29, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Concurrent Resolution No. 24

Senate Concurrent Resolution No. 40

Senate Concurrent Resolution No. 41

Senate Concurrent Resolution No. 43

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

STEINBERG, Chair

Above resolutions ordered to the Consent Calendar.

Committee on Budget

Date of Hearing: August 28, 2003

Mr. Speaker: Your Committee on Budget reports:

Senate Bill No. 96

With amendments with the recommendation: Amend, and do pass, as amended.

OROPEZA, Chair

Above bill ordered to second reading.

ADJOURNMENT

At 9:45 p.m., the Assembly adjourned until 12 noon, Tuesday, September 2, 2003.

LELAND Y. YEE, Assistant Speaker pro Tempore

PAM CAVILEER, Minute Clerk

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