

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, September 12, 2003

**ONE HUNDRED TWENTY-NINTH SESSION DAY
TWO HUNDRED EIGHTY-FIFTH 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, September 12, 2003

The Assembly met at 10:30 a.m.
Hon. Christine Kehoe, 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.

Quorum Call of the Assembly

Assembly Member Benoit moved a quorum call of the Assembly.
Motion carried. Time, 10:31 a.m.

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

CAUCUS ANNOUNCEMENTS

Assembly Member Cox announced that the Republican Caucus would meet at this time in the Tom Bane Rules Committee Room.

QUORUM PRESENT

At 12:07 p.m., Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Lord, You invite us all to experience Your infinite love. When we do, we are filled with a happiness and joy that words cannot describe. Lord, help us to share our knowledge of Your love, with others, and guide us on the path to an inner re-creation that leads to salvation. For neither the technical and scientific achievements, nor the conquest of outer space, nor the world's riches and glory can compare to the value of the salvation of one single soul.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Goldberg 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 Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness: Assembly Member Firebaugh.

COMMUNICATIONS

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

September 11, 2003

*Mr. E. Dotson Wilson
Chief Clerk, California Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Julie Cerra
to Historic State Capitol Commission

Dear Mr. Wilson: Please be advised I have appointed Ms. Julie Cerra to the Historic State Capitol Commission. This is a term appointment starting September 11, 2003 and the expiration date is January 1, 2009. Ms. Cerra will be replacing Ms. Susan Lassell.

Sincerely,

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

September 11, 2003

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

RE: Rescinding the appointment of Kenneth Williams
to State Board of Barbering and Cosmetology

Dear Mr. Wilson: Please be advised I have rescinded the appointment of Mr. Kenneth Williams to the State Board of Barbering and Cosmetology effective August 18, 2003.

Sincerely,

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

September 12, 2003

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

RE: Appointment of Tamara Rasberry
to State Board of Barbering and Cosmetology

Dear Mr. Wilson: Please be advised I have appointed Ms. Tamara Rasberry to the State Board of Barbering and Cosmetology. This is a temporary term appointment starting September 12, 2003 and the expiration date is January 1, 2004. Ms. Rasberry will be replacing Mr. Kenneth Williams.

Sincerely,

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

AUTHOR'S AMENDMENTS

Committee on Environmental Safety and Toxic Materials

September 12, 2003

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 543

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

LAIRD, Chair

SENATE BILL NO. 543—An act to add Chapter 1.5 (commencing with Section 1249) to Part 2 of Division 2 of the Water Code, relating to water.

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.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Organization

Date of Hearing: September 11, 2003

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 900

With the recommendation: That the Senate amendments be concurred in.

JEROME HORTON, Chair

Above bill ordered to unfinished business.

MESSAGES FROM THE GOVERNOR

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

Governor’s Office, Sacramento
September 11, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1014, which will require the Director of the Department of Boating and Waterways to appoint an Abandoned Vessel Advisory Committee to assist the Department in making recommendations to the Legislature on or before January 1, 2005, on strategies to prevent the abandonment of recreational vessels. This legislation provides that members appointed to this Advisory Committee will serve without compensation or reimbursement by the State.

I am signing this legislation because preventing the abandonment of vessels will protect the environment from the spill of fuel and other hazardous materials into our waterways. Due to the current fiscal situation faced by the State, however, I am instructing the Department to fund any activities related to the Advisory Committee within existing resources.

Sincerely,

GRAY DAVIS

MESSAGES FROM THE SENATE

Senate Chamber, September 9, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1599

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, September 10, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 44

Assembly Bill No. 97

Assembly Bill No. 300

Assembly Bill No. 371

Assembly Bill No. 747

Assembly Bill No. 763

Assembly Bill No. 933

Assembly Bill No. 953

Assembly Bill No. 1087

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, September 11, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 351

Assembly Bill No. 523

Assembly Bill No. 715

Assembly Bill No. 944

Assembly Bill No. 1012

Assembly Bill No. 1313

Assembly Bill No. 1521

Assembly Bill No. 1618

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

BILLS PLACED ON INACTIVE FILE

The following bills were placed upon the inactive file:

Senate Bill No. 458, on request of Assembly Member Chan;

Assembly Bill No. 356, on request of Assembly Member Hancock;

Assembly Bill No. 491, on request of Assembly Member Diaz.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

SENATE BILL NO. 256—An act to amend Sections 15807, 15808.1, 15812, 15815, 15862, 70303, 70355, 70356, 70357, 70358, 70362, 70366, 70367, 70373, 70373.5, 70374, 70375, 70392, 70402, 71601, 76000, and 76100 of, to add Section 71626.1 to, to add and repeal Section 70404 of, and to repeal Section 70046.2 of, the Government Code, and to amend Section 42007 of the Vehicle Code, relating to court facilities.

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.

SENATE BILL NO. 621—An act to amend Section 12012.85 of, and to add Chapter 7.5 (commencing with Section 12710) to Part 2 of, the Government Code, relating to gambling, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

SENATE BILL NO. 623—An act to add Chapter 4.5 (commencing with Section 6450) to Division 7 of Title 1 of, to add and repeal Section 13997 of, and to repeal Article 2 (commencing with Section 6460) of Chapter 4.5 of Division 7 of Title 1 of, the Government Code, relating to international trade, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Jobs, Economic Development and the Economy read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**UNFINISHED BUSINESS
CONFERENCE COMMITTEE REPORTS**

ASSEMBLY BILL NO. 227 (As proposed by the Conference Committee)—An act to amend Sections 63010 and 63071 of, and to add Article 8 (commencing with Section 63049.6) to Chapter 2 of Division 1 of Title 6.7 of, the Government Code, to amend Sections 985, 1063, 1063.1, 1871.4, 11656.6 and 11873 of, to add Section 11742 to, to add Article 14.26 (commencing with Section 1063.70) to Chapter 1 of Part 2 of Division 1 of, and to add and repeal Section 11735.1 of, the Insurance Code, and to amend Section 62.5 of, to add Sections 4658.5 and 4658.6 to, to repeal Section 5405.5 of, to repeal Article 2.6 (commencing with Section 4635) of Chapter 2 of Part 2 of Division 4 of, and to repeal and add Section 139.5 of, the Labor Code, relating to workers' compensation.

Conference Committee Report presented by Assembly Member Vargas.

Report adopted by the following vote:

AYES—47

Berg	Dymally	Liu	Pavley
Bermudez	Frommer	Longville	Reyes
Calderon	Goldberg	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Matthews	Salinas
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Jackson	Mullin	Steinberg
Chu	Kehoe	Nakano	Vargas
Cohn	Koretz	Nation	Wiggins
Corbett	Laird	Negrete McLeod	Wolk
Correa	Leno	Nunez	Yee
Diaz	Levine	Oropeza	Mr. Speaker
Dutra	Lieber	Parra	

NOES—25

Aghazarian	Dutton	Leslie	Runner
Bates	Garcia	Maze	Samuelian
Benoit	Harman	McCarthy	Strickland
Campbell	Haynes	Mountjoy	Wyland
Cogdill	Houston	Nakanishi	
Cox	La Malfa	Pacheco	
Daucher	La Suer	Plescia	

REQUEST TO SUSPEND RULES

Assembly Member Chan requested unanimous consent that Joint Rule 62(a) be waived to permit the Committee on Transportation to meet off the Floor today for the purpose of hearing Senate Bill No. 871 and Assembly Bill No. 118.

Assembly Member Benoit withheld unanimous consent.

Motion to Waive Joint Rule 62(a)

Assembly Member Chan moved that Joint Rule 62(a) be waived to permit the Committee on Transportation to meet off the Floor today for the purpose of hearing Senate Bill No. 871 and Assembly Bill No. 118.

Assembly Member Reyes seconded the motion.

Motion carried by the following vote:

AYES—45

Berg	Frommer	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Salinas
Calderon	Hancock	Matthews	Simitian
Canciamilla	Horton, Jerome	Montanez	Steinberg
Chan	Jackson	Mullin	Vargas
Chavez	Kehoe	Nakano	Wiggins
Chu	Koretz	Nation	Wolk
Cohn	Laird	Negrete McLeod	Yee
Corbett	Leno	Nunez	Mr. Speaker
Diaz	Levine	Oropeza	
Dutra	Lieber	Parra	
Dymally	Liu	Reyes	

NOES—31

Aghazarian	Dutton	Leslie	Plescia
Bates	Garcia	Maddox	Richman
Benoit	Harman	Maldonado	Runner
Bogh	Haynes	Maze	Samuelian
Campbell	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	

REQUEST TO SUSPEND RULES

Assembly Member Chan requested unanimous consent that Joint Rule 62(a) be waived to permit the Committee on Appropriations to meet off the Floor today for the purpose of hearing Senate Bill No. 1064.

Assembly Member Benoit withheld unanimous consent.

Motion to Waive Joint Rule 62(a)

Assembly Member Chan moved that Joint Rule 62(a) be waived to permit the Committee on Appropriations to meet off the Floor today, for the purpose of hearing Senate Bill No. 1064.

Assembly Member Vargas seconded the motion.

Motion carried by the following vote:

AYES—46

Berg	Dymally	Longville	Reyes
Bermudez	Frommer	Lowenthal	Ridley-Thomas
Calderon	Goldberg	Matthews	Salinas
Canciamilla	Hancock	Montanez	Simitian
Chan	Jackson	Mullin	Steinberg
Chavez	Kehoe	Nakano	Vargas
Chu	Koretz	Nation	Wiggins
Cohn	Laird	Negrete McLeod	Wolk
Corbett	Leno	Nunez	Yee
Correa	Levine	Oropeza	Mr. Speaker
Diaz	Lieber	Parra	
Dutra	Liu	Pavley	

NOES—31

Aghazarian	Dutton	Leslie	Plescia
Bates	Garcia	Maddox	Richman
Benoit	Harman	Maldonado	Runner
Bogh	Haynes	Maze	Samuelian
Campbell	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	

COMMUNICATIONS

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

September 12, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember John Laird to fill the vacancy on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

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

September 12, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Lloyd Levine to replace Assemblymember Marco Firebaugh on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

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

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONFERENCE COMMITTEE REPORTS**

SENATE BILL NO. 228 (As proposed by the Conference Committee)—An act to amend Section 12813 of the Government Code, and to amend Sections 29, 110, 122, 124, 127.6, 138.1, 139.2, 139.3, 139.31, 139.4, 139.45, 4061, 4062.5, 4062.9, 4068, 4603.2, 4603.4, 4628, 5307.3, 5703, and 6401.7 of, to add Sections 77.5, 3823, 4062.01, 4604.5, 4610, 4903.05, and 5307.27 to, to repeal Sections 139, 139.1, and 5307.21 of, to repeal and add Sections 3201.7, 4600.1, 5307.1, 5307.2, and 5318 of, and to repeal, add, and repeal Section 4062 of, the Labor Code, relating to workers' compensation.

Conference Committee Report presented by Assembly Member Vargas.

Report adopted by the following vote:

AYES—47

Berg	Dymally	Liu	Pavley
Bermudez	Frommer	Longville	Reyes
Calderon	Goldberg	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Mathews	Salinas
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Jackson	Mullin	Steinberg
Chu	Kehoe	Nakano	Vargas
Cohn	Koretz	Nation	Wiggins
Corbett	Laird	Negrete McLeod	Wolk
Correa	Leno	Nunez	Yee
Diaz	Levine	Oropeza	Mr. Speaker
Dutra	Lieber	Parra	

NOES—19

Aghazarian	Cogdill	La Malfa	Pacheco
Bates	Cox	La Suer	Plescia
Benoit	Harman	Maze	Strickland
Bogh	Haynes	Mountjoy	Wyland
Campbell	Houston	Nakanishi	

ASSEMBLY BILL NO. 149 (As proposed by the Conference Committee)—An act to amend Section 5406.5 of the Labor Code, relating to workers' compensation.

Conference Committee Report presented by Assembly Member Cohn.

Report adopted by the following vote:

AYES—77

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

NOES—2

Campbell	Haynes
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ASSEMBLY BILL NO. 1099 (As proposed by the Conference Committee)—An act to amend Sections 1877.1, 1877.3, 1877.4, and 1877.5, of the Insurance Code, relating to insurance fraud.

Conference Committee Report presented by Assembly Member Negrete McLeod.

Report adopted by the following vote:

AYES—78

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

NOES—1

Mountjoy

ASSEMBLY BILL NO. 1262 (As proposed by the Conference Committee)—An act to add Article 5 (commencing with Section 11761) to Chapter 3 of Part 3 of Division 2 of the Insurance Code, relating to workers' compensation insurance.

Conference Committee Report presented by Assembly Member Matthews.

Report adopted by the following vote:

AYES—54

Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Canciamilla	Harman	Maldonado	Salinas
Chan	Horton, Jerome	Matthews	Simitian
Chavez	Jackson	Montanez	Spitzer
Chu	Keene	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker
Dymally	Lieber	Parra	
Frommer	Liu	Pavley	

NOES—25

Aghazarian	Daucher	Leslie	Runner
Bates	Dutton	Maze	Samuelian
Benoit	Haynes	McCarthy	Strickland
Bogh	Horton, Shirley	Mountjoy	Wyland
Campbell	Houston	Nakanishi	
Cogdill	La Malfa	Pacheco	
Cox	La Suer	Plescia	

Vote Changes

By unanimous consent, the following vote change was permitted on the Conference Committee Report on Assembly Bill No. 1262: Assembly Member Spitzer, from "No" to "Aye".

BILLS RETURNED TO THIRD READING FILE

Assembly Member Chan was granted unanimous consent that Senate Bill No. 96 be withdrawn from the inactive file and placed upon the third reading file.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

**CONSIDERATION OF GOVERNOR'S VETO—
ASSEMBLY BILL NO. 697**

ASSEMBLY BILL NO. 697 (Maldonado)—An act relating to state employees.

Governor's message stating his objections appears at page 2618 of the Assembly Journal for July 2, 2003.

The question being: Shall Assembly Bill No. 697 become a law notwithstanding the objections of the Governor?

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:17 p.m.

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

CAUCUS ANNOUNCEMENTS

At 2:17 p.m., Assembly Member Cox was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 2:18 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 3:09 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 278 | Assembly Bill No. 1467 |
| Assembly Bill No. 283 | Assembly Bill No. 1557 |
| Assembly Bill No. 1154 | Assembly Bill No. 1666 |
| Assembly Bill No. 1370 | |

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO ASSEMBLY RULE 77.2

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Kehoe re-referred the following Assembly bills to committees as noted:

- Assembly Bill No. 278, to the Committee on Governmental Organization;
- Assembly Bill No. 351, to the Committee on Appropriations;
- Assembly Bill No. 944, to the Committee on Local Government;
- Senate Bill No. 1064, to the Committee on Appropriations.

REQUEST TO SUSPEND RULES

Assembly Member Chan requested unanimous consent that Joint Rule 62(a) be waived to permit the Committee on Local Government to meet off the Floor today, for the purpose of hearing Assembly Bill No. 944.

Assembly Member Cogdill withheld unanimous consent.

Motion to Waive Joint Rule 62(a)

Assembly Member Chan moved that Joint Rule 62(a) be waived to permit the Committee on Local Government to meet off the Floor today, for the purpose of hearing Assembly Bill No. 944.

Assembly Member Goldberg seconded the motion.

Motion carried by the following vote:

AYES—46

Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Matthews	Salinas
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Jackson	Mullin	Steinberg
Chu	Kehoe	Nakano	Vargas
Cohn	Koretz	Nation	Wiggins
Corbett	Laird	Negrete McLeod	Wolk
Correa	Leno	Nunez	Yee
Diaz	Levine	Oropeza	Mr. Speaker
Dutra	Lieber	Parra	
Dymally	Liu	Pavley	

NOES—32

Aghazarian	Dutton	La Suer	Pacheco
Bates	Garcia	Leslie	Plescia
Benoit	Harman	Maddox	Richman
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland

REQUEST TO SUSPEND RULES

Assembly Member Chan requested unanimous consent that Joint Rule 62(a) be waived to permit the Committee on Governmental Organization to meet off the Floor today, for the purpose of hearing Assembly Bill No. 278.

Assembly Member Benoit withheld unanimous consent.

Motion to Waive Joint Rule 62(a)

Assembly Member Chan moved that Joint Rule 62(a) be waived to permit the Committee on Governmental Organization to meet off the Floor today for the purpose of hearing Assembly Bill No. 278.

Assembly Member Goldberg seconded the motion.

Motion carried by the following vote:

AYES—46

Berg	Dymally	Longville	Reyes
Bermudez	Frommer	Lowenthal	Ridley-Thomas
Calderon	Goldberg	Matthews	Salinas
Canciamilla	Hancock	Montanez	Simitian
Chan	Jackson	Mullin	Steinberg
Chavez	Kehoe	Nakano	Vargas
Chu	Koretz	Nation	Wiggins
Cohn	Laird	Negrete McLeod	Wolk
Corbett	Leno	Nunez	Yee
Correa	Levine	Oropeza	Mr. Speaker
Diaz	Lieber	Parra	
Dutra	Liu	Pavley	

NOES—32

Aghazarian	Dutton	La Suer	Pacheco
Bates	Garcia	Leslie	Plescia
Benoit	Harman	Maddox	Richman
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)**

SENATE BILL NO. 411 RECONSIDERED BY UNANIMOUS CONSENT

In compliance with a motion given, Assembly Member Jerome Horton was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 411 was refused passage.

Further Consideration of Senate Bill No. 411

SENATE BILL NO. 411 (Ducheny)—An act to add Section 12012.35 to the Government Code, relating to tribal gaming.

Bill read third time, and presented by Assembly Member Jerome Horton.

Bill passed by the following vote:

AYES—47

Bates	Hancock	Maddox	Pavley
Berg	Harman	Matthews	Reyes
Bermudez	Haynes	Maze	Ridley-Thomas
Canciamilla	Horton, Jerome	Montanez	Samuelian
Chan	Kehoe	Mountjoy	Spitzer
Chu	Koretz	Mullin	Steinberg
Cohn	Laird	Nakano	Vargas
Corbett	Leno	Nation	Wolk
Correa	Levine	Negrete McLeod	Wyland
Dutra	Lieber	Nunez	Yee
Dymally	Liu	Oropeza	Mr. Speaker
Goldberg	Lowenthal	Parra	

NOES—1

Campbell

Bill ordered transmitted to the Senate immediately.

SENATE BILL NO. 534 RECONSIDERED BY UNANIMOUS CONSENT

In compliance with a motion given, Assembly Member Koretz was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 534 was refused passage; and that the bill be placed upon the inactive file.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Dutra announced that the Committee on Transportation would meet today at 3:45 p.m., in the Tom Bane Rules Committee Room.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
MOTION TO RECONSIDER SENATE BILL NO. 906
Request for Reconsideration**

In compliance with a motion given on a previous day, Assembly Member Leno requested unanimous consent that the vote be reconsidered whereby Senate Bill No. 906 was refused passage.

Assembly Member Richman withheld unanimous consent.

Motion

Assembly Member Leno moved that the vote be reconsidered whereby Senate Bill No. 906 was refused passage.

Senate Bill No. 906 reconsidered by the following vote:

AYES—45

Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Matthews	Salinas
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Jackson	Mullin	Steinberg
Chu	Kehoe	Nakano	Vargas
Cohn	Koretz	Nation	Wiggins
Corbett	Laird	Negrete McLeod	Yee
Correa	Leno	Nunez	Mr. Speaker
Diaz	Levine	Oropeza	
Dutra	Lieber	Parra	
Dymally	Liu	Pavley	

NOES—32

Aghazarian	Dutton	La Suer	Pacheco
Bates	Garcia	Leslie	Plescia
Benoit	Harman	Maddox	Richman
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland

Further Consideration of Senate Bill No. 906

SENATE BILL NO. 906 (Alarcon)—An act to add Sections 31000.10 and 37103.1 to the Government Code, relating to personal services contracting.

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

Bill refused passage by the following vote:

AYES—33

Calderon	Hancock	Nakano	Simitian
Chan	Kehoe	Nation	Steinberg
Chu	Koretz	Negrete McLeod	Vargas
Corbett	Laird	Nunez	Wiggins
Diaz	Leno	Oropeza	Yee
Dutra	Levine	Parra	Mr. Speaker
Dymally	Lieber	Reyes	
Frommer	Longville	Ridley-Thomas	
Goldberg	Montanez	Salinas	

NOES—31

Aghazarian	Dutton	La Suer	Plescia
Bates	Garcia	Leslie	Richman
Benoit	Harman	Maldonado	Runner
Bogh	Haynes	Maze	Samuelian
Campbell	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Cox	Keene	Nakanishi	Wyland
Daucher	La Malfa	Pacheco	

REQUEST TO SUSPEND RULES

Assembly Member Steinberg requested unanimous consent that Joint Rule 62(a) be waived to permit the Committee on Appropriations to meet off the Floor today for the purpose of hearing Senate Bills Nos. 53, 103, 348, 407, 623, 902, 1056, and 1064.

Assembly Member Cogdill withheld unanimous consent.

Motion to Waive Joint Rule 62(a)

Assembly Member Steinberg moved that Joint Rule 62(a) be waived to permit the Committee on Appropriations to meet off the Floor today, for the purpose of hearing Senate Bills Nos. 53, 103, 348, 407, 623, 902, 1056, and 1064.

Assembly Member Chan seconded the motion.

Motion carried by the following vote:

AYES—44

Berg	Dymally	Liu	Pavley
Bermudez	Goldberg	Longville	Reyes
Calderon	Hancock	Lowenthal	Ridley-Thomas
Chan	Horton, Jerome	Matthews	Salinas
Chavez	Jackson	Montanez	Simitian
Chu	Kehoe	Mullin	Steinberg
Cohn	Koretz	Nation	Vargas
Corbett	Laird	Negrete McLeod	Wiggins
Correa	Leno	Nunez	Wolk
Diaz	Levine	Oropeza	Yee
Dutra	Lieber	Parra	Mr. Speaker

NOES—30

Aghazarian	Dutton	Leslie	Richman
Bates	Garcia	Maddox	Runner
Benoit	Harman	Maldonado	Samuelian
Bogh	Haynes	McCarthy	Spitzer
Campbell	Houston	Mountjoy	Strickland
Cogdill	Keene	Nakanishi	Wyland
Cox	La Malfa	Pacheco	
Daucher	La Suer	Plescia	

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 3:51 p.m., by unanimous consent, the members of the Committee on Transportation were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Corbett announced that the Committee on Judiciary would meet today, at 4 p.m. in the Tom Bane Rules Committee Room, upon adjournment of Transportation Committee.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****MOTION TO RECONSIDER SENATE BILL NO. 18****Request for Reconsideration**

In compliance with a motion given on a previous day, Assembly Member Steinberg requested unanimous consent that the vote be reconsidered whereby Senate Bill No. 18 was refused passage.

Assembly Member Campbell withheld unanimous consent.

Motion

Assembly Member Steinberg moved that the vote be reconsidered whereby Senate Bill No. 18 was refused passage.

Senate Bill No. 18 reconsidered by the following vote:

AYES—50

Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Maddox	Salinas
Chan	Haynes	Matthews	Simitian
Chavez	Horton, Jerome	Montanez	Steinberg
Chu	Jackson	Mullin	Strickland
Cohn	Kehoe	Nation	Vargas
Corbett	Koretz	Negrete McLeod	Wiggins
Correa	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Levine	Parra	
Dymally	Lieber	Pavley	

NOES—12

Bates	Daucher	Horton, Shirley	Leslie
Campbell	Dutton	La Malfa	Maze
Cogdill	Harman	La Suer	Mountjoy

RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO ASSEMBLY RULE 77.2

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Senate Bill No. 18 to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 274 (Soto)—An act to add Article 11.5 (commencing with Section 31770) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to public employees.

Bill read third time, and presented by Assembly Member Negrete McLeod.

Bill passed by the following vote:

AYES—74

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

NOES—3

Campbell	Haynes	Mountjoy
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Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 274: Assembly Member La Malfa, from “No” to “Aye”.

Bill ordered transmitted to the Senate immediately.

SENATE BILL NO. 364 (Figueroa)—An act to amend Sections 144, 473.1, 473.2, 473.3, 2001, 2020, 2099.5, 2153.5, 2220.1, 2531, 3010.1, 3014.6, 6732, 6732.3, 6732.4, and 7153.1 of, and to add Chapter 2 (commencing with Section 474) to, and to add a chapter heading to, Division 1.2 of, the Business and Professions Code, to amend Section 94990 of, and to add Sections 94779.1, 94779.3, and 94779.4 to, the Education Code, to amend Section 9148.8 of, to add Article 8.5 (commencing with Section 9148.50) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, and to repeal Section 9148.10 of, the Government Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to professions and vocations.

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

Bill passed by the following vote:

AYES—79

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 33 (Figueroa)—An act to amend Sections 17590, 17591, 17592, 17593, and 17594 of, and to repeal Section 17595 of, the Business and Professions Code, relating to telephone solicitations.

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

Bill passed by the following vote:

AYES—79

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 1080 (Committee on Business and Professions)—An act to amend Sections 1973, 2154.4, 5001, 5061, 5081, 5082, 5082.2, 5107, 5131, 7139.2, 7583.6, and 7583.9 of, to amend, add, and repeal Sections 10152 and 10153.3 of, to add Section 5115 to, to repeal Section 5091 of, and to repeal and add Section 5082.1 to, the Business and Professions Code, relating to professions and vocations, making an appropriation therefor.

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

Bill passed by the following vote:

AYES—79

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

NOES—None

Bill ordered transmitted to the Senate immediately.

CONSIDERATION OF SUPPLEMENTAL FILE

ASSEMBLY BILL NO. 1599 (Harman)—An act to add and repeal Section 14576 of the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—78

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 300 (Committee on Education)—An act to amend Sections 8206, 8206.1, 8206.6, 8261, 8263, 8805, 32211, 35160.5, 39831.5, 41344, 42285.2, 44505, 45037, 46201, 46202, 48916, 48918, 51224.5, 52055.640, 56343.5, 60040, and 81130.3 of, to add Section 56836.30 to, and to add Article 3 (commencing with Section 81050) to Chapter 1 of Part 49 of, and to repeal Sections 8206.5, 8206.7, 8206.8, 17912.1, 45357, 45358, 51132, 51882, 62006, 62007, and 62008 of, the Education Code, to amend Section 19050.8 of the Government Code, to add Section 97.45 to the Revenue and Taxation Code, to amend Section 45 of Chapter 1167 of the Statutes of 2002, and to amend Section 7 of Chapter 1 of the Statutes of 2003, relating to education.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—79

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 747 (Matthews)—An act to amend Section 810 of the Business and Professions Code, and to amend Sections 14105.48, 19356, and 19805 of the Welfare and Institutions Code, relating to human services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—79

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 933 (Reyes)—An act to amend Sections 21541, 31781.1, and 31787 of the Government Code, relating to death benefits.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—79

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

NOES—None

Above bill ordered enrolled.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 96, on request of Assembly Member Kehoe.

At 4:13 p.m., Assistant Speaker pro Tempore Leland Y. Yee, 12th District, presiding

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 715 (Chan)—An act to amend Sections 56.05, 56.10, 56.11, 56.17, and 56.21 of the Civil Code, relating to personal information.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—61

Aghazarian	Diaz	Lieber	Reyes
Bates	Dutra	Liu	Richman
Benoit	Dymally	Longville	Ridley-Thomas
Berg	Frommer	Lowenthal	Salinas
Bermudez	Garcia	Maddox	Simitian
Bogh	Goldberg	Maldonado	Spitzer
Calderon	Hancock	Matthews	Steinberg
Canciamilla	Harman	Montanez	Vargas
Chan	Horton, Jerome	Mullin	Wiggins
Chavez	Horton, Shirley	Nakano	Wolk
Chu	Jackson	Nation	Wyland
Cogdill	Kehoe	Negrete McLeod	Yee
Cohn	Koretz	Nunez	Mr. Speaker
Corbett	Laird	Oropeza	
Correa	Leno	Parra	
Daucher	Levine	Pavley	

NOES—18

Campbell	Keene	McCarthy	Runner
Cox	La Malfa	Mountjoy	Samuelian
Dutton	La Suer	Nakanishi	Strickland
Haynes	Leslie	Pacheco	
Houston	Maze	Plescia	

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 715: Assembly Member Maddox, from “No” to “Aye”.

Above bill ordered enrolled.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 4:16 p.m., by unanimous consent, the members of the Committee on Judiciary were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 763 (Liu)—An act to amend Section 1798.85 of the Civil Code, relating to privacy.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—78

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

NOES—1

Haynes

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1521 (Parra)—An act to amend Sections 1301, 4000, and 13113 of, to repeal Sections 1501 and 1502 of, and to repeal and add Section 1500 of, the Elections Code, relating to elections.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—58

Bates	Dutton	Liu	Pavley
Berg	Dymally	Longville	Reyes
Bermudez	Frommer	Lowenthal	Richman
Bogh	Garcia	Maldonado	Ridley-Thomas
Calderon	Goldberg	Matthews	Salinas
Canciamilla	Horton, Jerome	Montanez	Samuelian
Chan	Horton, Shirley	Mullin	Simitian
Chavez	Houston	Nakanishi	Steinberg
Chu	Jackson	Nakano	Vargas
Cohn	Kehoe	Nation	Wiggins
Corbett	Koretz	Negrete McLeod	Wolk
Correa	Laird	Nunez	Yee
Daucher	Leno	Oropeza	Mr. Speaker
Diaz	Levine	Pacheco	
Dutra	Lieber	Parra	

NOES—19

Aghazarian	Harman	Maddox	Runner
Benoit	Haynes	Maze	Spitzer
Campbell	Keene	McCarthy	Strickland
Cogdill	La Malfa	Mountjoy	Wyland
Cox	La Suer	Plescia	

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1521: Assembly Member Campbell, from "Aye" to "No".

Above bill ordered enrolled.

BILLS PLACED ON INACTIVE FILE

The following resolution was placed upon the inactive file:

Assembly Joint Resolution No. 3, on request of Assembly Member Jerome Horton.

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 871

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

DUTRA, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 118

With the recommendation: That Senate amendments be concurred in.

DUTRA, Chair

Above bill ordered to unfinished business file.

Committee on Judiciary

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 300

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

CORBETT, Chair

Above bill re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 1027 (Bermudez)—An act to add Sections 19826.2 and 19827.4 to the Government Code, relating to state employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—48

Berg	Frommer	Longville	Parra
Bermudez	Goldberg	Lowenthal	Pavly
Calderon	Hancock	Maddox	Reyes
Canciamilla	Horton, Jerome	Maldonado	Ridley-Thomas
Chavez	Jackson	Matthews	Salinas
Chu	Kehoe	Montanez	Simitian
Cohn	Koretz	Mullin	Steinberg
Corbett	Laird	Nakano	Vargas
Correa	Leno	Nation	Wiggins
Diaz	Levine	Negrete McLeod	Wolk
Dutra	Lieber	Nunez	Yee
Dymally	Liu	Oropeza	Mr. Speaker

NOES—29

Aghazarian	Dutton	Leslie	Runner
Bates	Garcia	Maze	Samuelian
Benoit	Harman	McCarthy	Spitzer
Bogh	Haynes	Mountjoy	Strickland
Campbell	Horton, Shirley	Nakanishi	Wyland
Cogdill	Houston	Pacheco	
Cox	Keene	Plescia	
Daucher	La Malfa	Richman	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 161 (Steinberg)—An act to amend Section 12076 of, and to repeal Section 12071 of, the Penal Code, and to amend Section 3 of Chapter 909 of the Statutes of 2002, and Section 4 of Chapter 911 of the Statutes of 2002, relating to firearms, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—46

Berg	Frommer	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Matthews	Salinas
Canciamilla	Horton, Jerome	Montanez	Simitian
Chan	Jackson	Mullin	Steinberg
Chavez	Kehoe	Nakano	Vargas
Chu	Koretz	Nation	Wiggins
Cohn	Laird	Nunez	Wolk
Corbett	Leno	Oropeza	Yee
Diaz	Levine	Parra	Mr. Speaker
Dutra	Lieber	Pavley	
Dymally	Liu	Reyes	

NOES—31

Aghazarian	Daucher	La Suer	Pacheco
Bates	Dutton	Leslie	Plescia
Benoit	Garcia	Maddox	Runner
Bogh	Harman	Maldonado	Samuelian
Campbell	Haynes	Maze	Spitzer
Cogdill	Houston	McCarthy	Strickland
Correa	Keene	Mountjoy	Wyland
Cox	La Malfa	Nakanishi	

Above bill ordered enrolled immediately.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 4:40 p.m., by unanimous consent, the members of the Committee on Local Government were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

ASSEMBLY RULE 69(d) SUSPENDED

Assembly Member Kehoe was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 256 without reference to file.

SENATE BILL NO. 256 (Escutia)—An act to amend Sections 15807, 15808.1, 15812, 15815, 15862, 70303, 70355, 70356, 70357, 70358, 70362, 70366, 70367, 70373, 70373.5, 70374, 70375, 70392, 70402, 71601, 76000, and 76100 of, to add Section 71626.1 to, to add and repeal Section 70404 of, and to repeal Section 70046.2 of, the Government Code, and to amend Section 42007 of the Vehicle Code, relating to court facilities.

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

Bill passed by the following vote:

AYES—78

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

NOES—None

Bill ordered transmitted to the Senate.

ASSEMBLY RULE 69(d) SUSPENDED

Assembly Member Jerome Horton was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 621 without reference to file.

SENATE BILL NO. 621 (Battin)—An act to amend Section 12012.85 of, and to add Chapter 7.5 (commencing with Section 12710) to Part 2 of, the Government Code, relating to gambling, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Jerome Horton moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

Further Consideration of Senate Bill No. 621 by Unanimous Consent

SENATE BILL NO. 621 (Battin)—An act to amend Section 12012.85 of, and to add Chapter 7.5 (commencing with Section 12710) to Part 2 of, the Government Code, relating to gambling, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Jerome Horton.

Bill passed by the following vote:

AYES—65

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

NOES—None

Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 621: Assembly Member Nation, from “No” to “Not Voting”.

Bill ordered transmitted to the Senate immediately.

At 4:51 p.m., Speaker pro Tempore Christine Kehoe, 76th District, presiding

ASSEMBLY BILL NO. 1599 WITHDRAWN FROM ENROLLMENT

Assembly Member Harman was granted unanimous consent that Assembly Bill No. 1599 be withdrawn from enrollment and held at the Desk.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 4:56 p.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 539, on request of Assembly Member Laird.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 5:03 p.m., by unanimous consent, the members of the Committee on Governmental Organization were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

RECESS

By unanimous consent, at 5:15 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

CAUCUS ANNOUNCEMENTS

At 5:25 p.m., Speaker pro Tempore Kehoe announced that the Democratic Caucus would meet in the Assembly Lounge.

RECONVENED

At 7:42 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 12, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 859
And reports the same correctly enrolled, and presented to the Governor on the 12th day of September, 2003, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

REPORTS OF STANDING COMMITTEES
Committee on Governmental Organization

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Governmental Organization reports:
Assembly Bill No. 278
With the recommendation: That the Senate amendments be concurred in.

JEROME HORTON, Chair

Above bill ordered to unfinished business.

Committee on Local Government

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Local Government reports:
Assembly Bill No. 944
With the recommendation: That the Senate amendments be concurred in.

SALINAS, Chair

Above bill ordered to unfinished business.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:
Assembly Bill No. 28
Assembly Bill No. 1680

And respectfully requests the Assembly to concur in said amendments.
GREGORY P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 17
 Assembly Bill No. 185
 Assembly Bill No. 256
 Assembly Bill No. 296
 Assembly Bill No. 375

Assembly Bill No. 457
 Assembly Bill No. 719
 Assembly Bill No. 855
 Assembly Bill No. 1302

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 1012, on request of Assembly Member Steinberg.

CONSIDERATION OF SUPPLEMENTAL FILE

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 944 (Steinberg)—An act to amend Sections 36601, 36606, 36621, 36622, 36623, 36625, 36627, 36628, 36629, 36631, 36632, 36637, 36650, 36660, 36670, and 36671 of, and to add Sections 36603.5 and 36628.5 to, and to add Chapter 3.5 (commencing with Section 36640) to Part 7 of Division 18 of, the Streets and Highways Code, relating to benefit assessments.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 8:11 p.m.

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

REQUEST TO SUSPEND RULES

Assembly Member Chan requested unanimous consent that Joint Rule 62(a) be waived to permit the Committee on Natural Resources to meet off the Floor today, for the purpose of hearing Assembly Bill No. 28.

Assembly Member Cogdill withheld unanimous consent.

Motion to Waive Joint Rule 62(a)

Assembly Member Chan moved that Joint Rule 62(a) be waived to permit the Committee on Natural Resources to meet off the Floor today, for the purpose of hearing Assembly Bill No. 28.

Assembly Member Goldberg seconded the motion.

Motion carried by the following vote:

AYES—45

Berg	Frommer	Lowenthal	Ridley-Thomas
Bermudez	Goldberg	Matthews	Salinas
Calderon	Hancock	Montanez	Simitian
Chan	Jackson	Mullin	Steinberg
Chavez	Kehoe	Nakano	Vargas
Chu	Koretz	Nation	Wiggins
Cohn	Laird	Negrete McLeod	Wolk
Corbett	Leno	Nunez	Yee
Correa	Levine	Oropeza	Mr. Speaker
Diaz	Lieber	Parra	
Dutra	Liu	Pavley	
Dymally	Longville	Reyes	

NOES—31

Aghazarian	Dutton	La Suer	Plescia
Bates	Garcia	Leslie	Richman
Benoit	Harman	Maddox	Runner
Bogh	Haynes	Maldonado	Samuelian
Campbell	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Cox	Keene	Nakanishi	Wyland
Daucher	La Malfa	Pacheco	

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONFERENCE COMMITTEE REPORTS

SENATE BILL NO. 2 (As proposed by the Conference Committee)—An act to amend Section 6254 of the Government Code, to add Article 3.11 (commencing with Section 1357.20) to Chapter 2.2 of Division 2 of the Health and Safety Code, to add Section 12693.55 to, and to add Chapter 8.1 (commencing with Section 10760) to Part 2 of Division 2 of, the Insurance Code, to add Part 8.7 (commencing with Section 2120) to Division 2 of the Labor Code, to amend Section 131 of, and to add Section 976.7 to, the Unemployment Insurance Code, and to amend Section 14124.91 of, and to add Sections 14105.981, 14124.915, and 14124.916 to, the Welfare and Institutions Code, relating to health care coverage, and making an appropriation therefor.

Conference Committee Report presented by Assembly Member Frommer.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 9:27 p.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 944**

At 9:27 p.m., on motion of Assembly Member Steinberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

Pending the announcement of the vote, Assembly Member Steinberg moved to continue the call of the Assembly.

Motion carried. Time, 9:28 p.m.

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

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS
CONFERENCE COMMITTEE REPORTS**

ASSEMBLY BILL NO. 1528 (As proposed by the Conference Committee)—An act to add Chapter 8 (commencing with Section 127670) to Part 2 of Division 107 of the Health and Safety Code, relating to health care coverage.

Conference Committee Report presented by Assembly Member Cohn.

Report adopted by the following vote:

AYES—76

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

NOES—1

Haynes

SENATE BILL NO. 1007 (As proposed by the Conference Committee)—An act to amend Section 11656.6 of the Insurance Code, relating to workers' compensation.

Conference Committee Report presented by Assembly Member Vargas.

Report adopted by the following vote:

AYES—79

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

NOES—None

Vote Changes

By unanimous consent, the following vote change was permitted on the Conference Committee Report on Senate Bill No. 1007: Assembly Member Dymally, from “No” to “Aye”.

RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO ASSEMBLY RULE 77.2

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Assembly Bill No. 28 to the Committee on Natural Resources.

JOINT RULE 62(a) WAIVED

Speaker pro Tempore Kehoe was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 28 for hearing in the Committee on Natural Resources.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 9:35 p.m., by unanimous consent, the members of the Committee on Natural Resources were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 18

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

STEINBERG, Chair

Above bill ordered to second reading.

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1064

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

STEINBERG, Chair

Above bill ordered to second reading.

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 623

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

STEINBERG, Chair

Above bill ordered to second reading.

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 348

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

STEINBERG, Chair

Above bill ordered to second reading.

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1056

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

STEINBERG, Chair

Above bill ordered to second reading.

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 53

Senate Bill No. 103

With the recommendation: Do pass.

STEINBERG, Chair

Above bills ordered to second reading.

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 407

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

STEINBERG, Chair

Above bill ordered to second reading.

SECOND READING OF BILLS BY UNANIMOUS CONSENT

By unanimous consent the following bills were taken up without reference to file, for purpose of second reading and adoption of committee amendments, and the bills ordered to the third reading file for purpose of consideration on this day.

SENATE BILL NO. 18—An act to amend Section 815.3 of the Civil Code, to amend Sections 65040.2, 65351, 65453, and 65560 of, and to add Sections 65351.1 and 65562.5 to, the Government Code, to amend Sections 7050.5 and 7054 of the Health and Safety Code, and to amend Sections 5097.9, 5097.91, 5097.92, 5097.94, 5097.96, 5097.97, 5097.98, 5097.99, and 5097.995 of, to add Sections 5097.10, 5097.96.1, 5097.96.2, 5097.96.3, 5097.96.4, 5097.96.5, 5097.993, 21084.3, 21097, and 21097.5 to, and to amend the heading of Chapter 1.75 (commencing with Section 5097.9) of Division 5 of, the Public Resources Code, relating to Traditional Tribal Cultural Sites.

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

SENATE BILL NO. 1064—An act to amend Sections 6902.2, 19047, 19333, and 19345 of the Revenue and Taxation Code, relating to taxation.

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

SENATE BILL NO. 623—An act to add and repeal Chapter 4.5 (commencing with Section 6450) to Division 7 of Title 1 of, to add and repeal Section 13997 of, and to repeal Article 2 (commencing with Section 6460) of Chapter 4.5 of Division 7 of Title 1 of, the Government Code, relating to international trade, and making an appropriation therefor.

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

SENATE BILL NO. 348—An act relating to trial costs.

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

SENATE BILL NO. 1056—An act to add Sections 20035.9 and 22825.19 to the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

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

SENATE BILL NO. 53—An act to amend Sections 21390 of, and to add Section 21391 to, the Government Code, relating to public employees' retirement.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 103—An act to amend Section 24871 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 407—An act to add Section 41204.2 to the Education Code, and to add Sections 97.5 and 97.51 to the Revenue and Taxation Code, relating to local government finance.

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

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)**

SENATE BILL NO. 122 RECONSIDERED BY UNANIMOUS CONSENT

In compliance with a motion given, Assembly Member Corbett was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 122 was refused passage.

Further Consideration of Senate Bill No. 122

SENATE BILL NO. 122 (Escutia)—An act to add Sections 17204.6 and 17204.9 to, and to repeal and add Section 17204.7 of, the Business and Professions Code, and to repeal Section 4 of Chapter ____ of the Statutes of 2003, relating to unfair competition.

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

Bill refused passage by the following vote:

AYES—35

Berg	Jackson	Montanez	Ridley-Thomas
Bermudez	Kehoe	Mullin	Salinas
Chan	Koretz	Nation	Simitian
Chu	Laird	Negrete McLeod	Steinberg
Corbett	Leno	Nunez	Vargas
Diaz	Levine	Oropeza	Wiggins
Frommer	Lieber	Parra	Yee
Goldberg	Longville	Pavley	Mr. Speaker
Hancock	Lowenthal	Reyes	

NOES—39

Aghazarian	Daucher	La Suer	Pacheco
Bates	Dutra	Leslie	Plescia
Benoit	Dutton	Liu	Richman
Bogh	Garcia	Maddox	Runner
Campbell	Harman	Maldonado	Samuelian
Canciamilla	Haynes	Matthews	Spitzer
Chavez	Horton, Shirley	Maze	Strickland
Cogdill	Houston	McCarthy	Wolk
Correa	Keene	Mountjoy	Wyland
Cox	La Malfa	Nakanishi	

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 944**

At 9:51 p.m., on motion of Assembly Member Steinberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

Pending the announcement of the vote, Assembly Member Wesson moved to continue the call of the Assembly.

Motion carried. Time, 9:51 p.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 944**

At 9:53 p.m., on motion of Assembly Member Wesson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 944 by the following vote:

AYES—41

Berg	Frommer	Lowenthal	Ridley-Thomas
Calderon	Goldberg	Montanez	Salinas
Canciamilla	Hancock	Mullin	Steinberg
Chan	Kehoe	Nakano	Vargas
Chavez	Koretz	Nation	Wiggins
Chu	Laird	Negrete McLeod	Wolk
Cohn	Leno	Nunez	Yee
Corbett	Levine	Oropeza	Mr. Speaker
Diaz	Lieber	Parra	
Dutra	Liu	Pavley	
Dymally	Longville	Reyes	

NOES—33

Aghazarian	Dutton	Leslie	Richman
Bates	Garcia	Maddox	Runner
Benoit	Harman	Maldonado	Samuelian
Bogh	Haynes	Maze	Spitzer
Campbell	Horton, Shirley	McCarthy	Strickland
Cogdill	Houston	Mountjoy	Wyland
Correa	Keene	Nakanishi	
Cox	La Malfa	Pacheco	
Daucher	La Suer	Plescia	

Above bill ordered enrolled.

CAUCUS ANNOUNCEMENTS

At 9:55 p.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 9:55 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 10:22 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Natural Resources

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 28

With the recommendation: That the Senate amendments be concurred in.

JACKSON, Chair

Above bill ordered to unfinished business.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 1557 (Vargas)—An act to add Section 4610.1 to the Labor Code, relating to workers' compensation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—75

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1666 (Cogdill)—An act to amend, repeal, and add Sections 30142, 30168, 30181, and 30182 of the Revenue and Taxation Code, relating to taxation.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—66

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

NOES—7

Dymally	Koretz	Lieber	Vargas
Goldberg	Leno	Oropeza	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 278 (Bermudez)—An act to amend Section 337j of the Penal Code, relating to gaming.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—68

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

NOES—2

Campbell	Chu
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Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

SENATE BILL NO. 18 (Burton)—An act to amend Section 815.3 of the Civil Code, to amend Sections 65040.2, 65351, 65453, and 65560 of, and to add Sections 65351.1 and 65562.5 to, the Government Code, to amend Sections 7050.5 and 7054 of the Health and Safety Code, and to amend Sections 5097.9, 5097.91, 5097.92, 5097.94, 5097.96, 5097.97, 5097.98, 5097.99, and 5097.995 of, to add Sections 5097.10, 5097.96.1, 5097.96.2, 5097.96.3, 5097.96.4, 5097.96.5, 5097.993, 21084.3, 21097, and 21097.5 to, and to amend the heading of Chapter 1.75 (commencing with Section 5097.9) of Division 5 of, the Public Resources Code, relating to Traditional Tribal Cultural Sites.

Bill read third time, and presented by Assembly Member Steinberg.
The roll was opened.

Call of the Assembly

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

Motion carried. Time, 10:55 p.m.

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

SENATE BILL NO. 1064 (Burton)—An act to amend Section 6902.2 of the Revenue and Taxation Code, relating to taxation.

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

Bill passed by the following vote:

AYES—75

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

NOES—None

Bill ordered transmitted to the Senate immediately.

SENATE BILL NO. 623 (Ducheny)—An act to add and repeal Section 13997 of, to add and repeal Chapter 4.5 (commencing with Section 6450) of Division 7 of Title 1 of, and to repeal Article 2 (commencing with Section 6460) of Chapter 4.5 of Division 7 of Title 1 of, the Government Code, relating to international trade, and making an appropriation therefor.

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

Demand for Previous Question

Assembly Members Vargas, Cohn, Dymally, Hancock, and Goldberg demanded the previous question.

CAUCUS ANNOUNCEMENTS

At 11:13 p.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:13 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 11:21 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

FURTHER CONSIDERATION OF SENATE BILL NO. 623

The demand for the previous question was withdrawn.

Senate Bill No. 623 Passed Temporarily

By unanimous consent, Senate Bill No. 623 was passed temporarily on file.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 149
Assembly Bill No. 227
Assembly Bill No. 1099

Assembly Bill No. 1262
Assembly Bill No. 1528

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

Above bills ordered enrolled.

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 2
Senate Bill No. 228

Senate Bill No. 552
Senate Bill No. 1007

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

September 12, 2003

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

Dear Dotson: By direction of the Senate I am returning Senate Bill 87 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 1370 (Yee)—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

Motion to Place a Call of the Assembly

Assembly Member Harman moved a call of the Assembly.

Assembly Member Chan withheld unanimous consent.

Motion by Assembly Member Harman

Assembly Member Harman moved a call of the Assembly.

The roll was opened and the motion for call of the Assembly as relates to Assembly Bill No. 1370 lost by the following vote:

AYES—31

Aghazarian	Daucher	Maddox	Richman
Bates	Dutra	Maldonado	Runner
Benoit	Dutton	Maze	Samuelian
Bogh	Garcia	McCarthy	Spitzer
Campbell	Harman	Nakanishi	Steinberg
Cogdill	Haynes	Pacheco	Strickland
Correa	Houston	Plescia	Wyland
Cox	Keene	Reyes	

NOES—46

Berg	Goldberg	Lieber	Parra
Bermudez	Hancock	Liu	Pavley
Calderon	Horton, Jerome	Longville	Ridley-Thomas
Canciamilla	Horton, Shirley	Lowenthal	Salinas
Chan	Jackson	Matthews	Simitian
Chavez	Kehoe	Montanez	Vargas
Chu	Koretz	Mullin	Wiggins
Cohn	La Malfa	Nakano	Wolk
Corbett	La Suer	Nation	Yee
Diaz	Laird	Negrete McLeod	Mr. Speaker
Dymally	Leno	Nunez	
Frommer	Levine	Oropeza	

Vote Changes

By unanimous consent, the following vote change was permitted on the Harman motion to Place a Call on Assembly Bill No. 1370: Assembly Member Bates, from “No” to “Aye”.

Senate amendments to Assembly Bill No. 1370 concurred in by the following vote:

AYES—70

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

NOES—None

Motion to Reconsider on Next Legislative Day

Assembly Member McCarthy moved to reconsider on the next legislative day, the vote whereby Senate amendments to Assembly Bill No. 1370 were concurred in.

Motion Ruled Out of Order

Speaker pro Tempore Kehoe ruled the motion out of order as no motion to reconsider the vote whereby a bill is passed is in order on the last two days preceding the Interim Study Recess.

Parliamentary Inquiry

Assembly Member Aghazarian arose to the following parliamentary inquiry:

Did the Chair announce the vote on Assembly Bill No. 1370 prior to posting the vote?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that Assembly Bill No. 1370 was not under Call and therefore, the vote was not posted.

Point of Order

Assembly Member Pacheco arose to the following point of order:

The Chair stated that a majority present and voting was the vote required to place a call on Assembly Bill No. 1370, and a majority of the members were not present.

Ruling by Speaker pro Tempore Kehoe

The Speaker pro Tempore ruled that pursuant to Assembly Rule 101, a majority of the members present and voting determined the motion for a call of the Assembly as it relates to Assembly Bill No. 1370.

Motion for Call of the Assembly

Assembly Member Bogh moved a call of the Assembly.

Motion Out of Order

Speaker pro Tempore Kehoe replied that the House is under Call and therefore, the motion is out of order.

Motion to Recess

Assembly Member Bogh moved to recess until 11:45 p.m.

Motion Ruled Dilatory

Speaker pro Tempore Kehoe ruled the motion dilatory and that the House would proceed with business on the Daily File.

Point of Order

Assembly Member Spitzer arose to the following point of order:

The Chair directed the Clerk to post the vote on Assembly Bill No. 1370 and the vote was not posted.

Ruling by Speaker pro Tempore Kehoe

The Speaker pro Tempore ruled the point not well-taken; that the bill was not on call as the Harman motion to place a call of the Assembly lost.

Assembly Bill No. 1370 ordered enrolled.

FURTHER CONSIDERATION OF SENATE BILL NO. 623

SENATE BILL NO. 623 (Ducheny)—An act to add and repeal Section 13997 of, to add and repeal Chapter 4.5 (commencing with Section 6450) of Division 7 of Title 1 of, and to repeal Article 2 (commencing with Section 6460) of Chapter 4.5 of Division 7 of Title 1 of, the Government Code, relating to international trade, and making an appropriation therefor.

Bill passed by the following vote:

AYES—44

Berg	Frommer	Leslie	Nunez
Bermudez	Garcia	Levine	Oropeza
Calderon	Goldberg	Lieber	Parra
Chan	Hancock	Liu	Ridley-Thomas
Chavez	Horton, Jerome	Longville	Salinas
Chu	Houston	Lowenthal	Simitian
Cohn	Jackson	Matthews	Steinberg
Corbett	Kehoe	Montanez	Vargas
Diaz	Koretz	Mullin	Wiggins
Dutra	Laird	Nakano	Yee
Dymally	Leno	Negrete McLeod	Mr. Speaker

NOES—30

Aghazarian	Cox	Maddox	Richman
Bates	Daucher	Maldonado	Runner
Benoit	Dutton	Maze	Samuelian
Bogh	Harman	McCarthy	Spitzer
Campbell	Haynes	Mountjoy	Strickland
Canciamilla	Keene	Nakanishi	Wyland
Cogdill	La Malfa	Pacheco	
Correa	La Suer	Plescia	

Bill ordered transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 53 (Negrete McLeod)—An act to amend Sections 21390 of, and to add Section 21391 to, the Government Code, relating to public employees' retirement.

Bill read third time, and presented by Assembly Member Negrete McLeod.

Caucus Request

Assembly Member Strickland requested unanimous consent that the Republican Caucus be permitted to meet in the Tom Banes Rules Committee Room.

Speaker pro Tempore Kehoe withheld unanimous consent.

The roll was opened and Senate Bill No. 53 passed by the following vote:

AYES—44

Berg	Dymally	Lieber	Pavley
Bermudez	Frommer	Longville	Reyes
Calderon	Goldberg	Maddox	Ridley-Thomas
Chan	Hancock	Montanez	Salinas
Chavez	Horton, Jerome	Mullin	Samuelian
Chu	Jackson	Nakano	Simitian
Cohn	Kehoe	Nation	Steinberg
Corbett	Koretz	Negrete McLeod	Vargas
Correa	Laird	Nunez	Wiggins
Diaz	Leno	Oropeza	Yee
Dutra	Levine	Parra	Mr. Speaker

NOES—18

Aghazarian	Haynes	Maze	Runner
Bates	Houston	McCarthy	Strickland
Campbell	Keene	Nakanishi	Wyland
Garcia	La Malfa	Pacheco	
Harman	Lowenthal	Plescia	

Bill ordered transmitted to the Senate immediately.

SENATE BILL NO. 103 (Alpert)—An act to amend Section 24871 of the Revenue and Taxation Code, relating to taxation.

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

Bill passed by the following vote:

AYES—42

Berg	Goldberg	Lowenthal	Ridley-Thomas
Bermudez	Hancock	Matthews	Salinas
Calderon	Jackson	Montanez	Simitian
Chan	Kehoe	Mullin	Steinberg
Chavez	Koretz	Nakano	Vargas
Chu	Laird	Nation	Wiggins
Corbett	Leno	Negrete McLeod	Wolk
Correa	Levine	Nunez	Yee
Diaz	Lieber	Oropeza	Mr. Speaker
Dutra	Liu	Parra	
Dymally	Longville	Pavley	

NOES—25

Aghazarian	Garcia	Maldonado	Samuelian
Bates	Harman	Maze	Spitzer
Bogh	Haynes	McCarthy	Strickland
Campbell	Houston	Nakanishi	Wyland
Canciamilla	Keene	Pacheco	
Daucher	La Malfa	Plescia	
Dutton	Maddox	Runner	

Bill ordered transmitted to the Senate.

PARLIAMENTARY INQUIRY

Assembly Member Cox arose to the following parliamentary inquiry:

What is the decorum of the House relative to public debate of issues before the Body?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that demand for the previous question on debate is decided by the Body.

Point of Order

Assembly Member Cox arose to the following point of order.

On a previous matter, the Chair recognized one proponent and one opponent, prior to recognizing the demand for the previous question.

Reply by Speaker pro Tempore Kehoe

Speaker pro Tempore Kehoe replied that the Speaker requests unanimous consent to limit debate to 3 proponents and 3 opponents for the remainder of this day.

Point of Order

Assembly Member Cox arose to the following point of order:

There are measures before the Body today that require more than 3 members to be recognized to debate.

Ruling by Speaker pro Tempore

Speaker pro Tempore Kehoe ruled that the Body would proceed with business on the Daily File.

THIRD READING OF SENATE BILLS (RESUMED)

SENATE BILL NO. 407 (Torlakson)—An act to add Section 41204.2 to the Education Code, and to add Sections 97.5, 97.51, and 97.52 to the Revenue and Taxation Code, relating to local government finance.

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

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

Assembly Chamber, September 13, 2003

At 12 midnight.

Speaker pro Tempore Christine Kehoe, presiding

The question being on passage of Senate Bill No. 407.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 12:03 a.m.

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

BILL RETURNED TO SENATE

Assembly Member Diaz was granted unanimous consent that Assembly Bill No. 1130 be returned to the Senate for further action.

POINT OF ORDER

Assembly Member Mountjoy arose to the following point of order:

Pursuant to Joint Rules 51 and 61, the hour of midnight having arrived, no further business is in order.

Ruling by Speaker pro Tempore Kehoe

The Speaker pro Tempore ruled that there is a Legislative Counsel's opinion at the Desk stating that stopping the clock is determined by the House.

ADJOURN IN MEMORY

Assembly Member Longville was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jule Boldizsar, of Yucca Valley.

(Assembly Rule 45.5 suspended.)

SPECIAL COMMITTEE MEETINGS

Assembly Member Steinberg was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting today, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 902.

CAUCUS ANNOUNCEMENTS

At 12:09 a.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

At 12:11 a.m., Assembly Member Oropeza announced that the Democratic Caucus would meet in the Assembly Lounge.

RECESS

By unanimous consent, at 12:11 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 12:20 a.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 1680 (Strickland)—An act to add and repeal Section 7310 of the Elections Code, relating to elections.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—67

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

NOES—2

Goldberg Koretz

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 18**

At 12:24 a.m., on motion of Assembly Member Steinberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

Pending the announcement of the vote, Assembly Member Steinberg moved to continue the call of the Assembly.

Motion carried. Time, 12:25 a.m.

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

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 12:27 a.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Haynes was granted unanimous consent that the following statement of clarification be printed in the Journal:

Clarification—Senate Bill No. 18

September 12, 2003

*Mr. E. Dotson Wilson
Chief Clerk, California Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: There has been a request for clarification of Section 21097(i) and (j) of the Public Resources Code as contained in SB 18. Differing opinions as to their potential meaning have been presented to the Legislature.

In subdivision (i), the NAHC may make a final determination that a proposed project will result in a substantial adverse change to a TTCS. If the consulting parties do not agree on project changes or mitigation measures, the NAHC may recommend project changes or mitigation measures to the lead agency, which must consider the recommendation.

Certain tribal, local government and construction industry representatives were concerned that, in its implementation and interpretation, this section might be read to require the lead agency to follow the recommendation of the NAHC without the lead agency exercising the lead agency's independent judgment in determining the feasibility of project changes or mitigation measures pursuant to Section 21097(i). This letter is intended to prevent that misunderstanding. In considering the recommendations of the NAHC, the lead agency shall exercise its independent judgment and, if it determines that the recommended project changes or mitigation measures are not feasible, the lead agency may not adopt them.

With respect to subdivision (j) of Section 21097, this section provides the criteria by which local lead agencies may approve or carry out a project when adopting a statement of overriding considerations. Subdivision (j)(2) applies to projects located on state lands or federal

lands managed by the state that will result in a substantial adverse change to TTCS. Subdivision (j)(1) applies to all other projects. Tribal, local government and construction industry groups were concerned that, in its implementation and interpretation, this subdivision might be read to only permit findings provided in Section 21081, subdivision (b), of the Public Resources Code. This letter is intended to clarify that for projects on private land, subdivision (j)(2) does not apply and a public agency approving or carrying out a project shall be subject to the requirements of Section 21081, including subdivision (a) of Section 21081, and subdivision (j)(1) of Section 21097; projects on private land shall not be subject to the more limited override provisions of subdivision (j)(2).

Sincerely,

RAY HAYNES, Assembly Member
Sixty-sixth District

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 487

Assembly Bill No. 896

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1588

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, September 13, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 977

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 407**

At 12:28 a.m., on motion of Assembly Member Mullin, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 407 refused passage by the following vote:

AYES—24

Chan	Goldberg	Lieber	Ridley-Thomas
Chu	Hancock	Maze	Steinberg
Cohn	Kehoe	Montanez	Vargas
Corbett	Laird	Mullin	Wiggins
Diaz	Leno	Nation	Yee
Dymally	Levine	Nunez	Mr. Speaker

NOES—39

Aghazarian	Dutton	Longville	Plescia
Bates	Garcia	Maddox	Reyes
Benoit	Haynes	Maldonado	Richman
Berg	Horton, Shirley	Matthews	Runner
Campbell	Houston	McCarthy	Samuelian
Canciamilla	Keene	Mountjoy	Spitzer
Cogdill	La Malfa	Nakanishi	Strickland
Correa	La Suer	Negrete McLeod	Wolk
Cox	Leslie	Pacheco	Wyland
Daucher	Liu	Parra	

Vote Changes

By unanimous consent, the following vote changes were permitted on Senate Bill No. 407: Assembly Member Parra, from “Aye” to “No”; Assembly Member Oropeza, from “Aye” to “Not Voting”.

**Motion to Reconsider Senate Bill No. 407
on Next Legislative Day**

Assembly Member Mullin moved to reconsider on the next legislative day the vote whereby Senate Bill No. 407 was this day refused passage.

Senate Bill No. 407 ordered to the unfinished business file.

At 12:30 a.m., Hon. Sarah Reyes, 31st District, presiding

**CONSIDERATION OF SUPPLEMENTAL FILE
UNFINISHED BUSINESS (RESUMED)**

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 17 (Kehoe)—An act to add Section 10295.3 to the Public Contract Code, relating to public contracts.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—41

Berg	Dymally	Liu	Ridley-Thomas
Bermudez	Frommer	Longville	Simitian
Calderon	Goldberg	Lowenthal	Steinberg
Canciamilla	Hancock	Montanez	Vargas
Chan	Jackson	Mullin	Wiggins
Chavez	Kehoe	Nakano	Wolk
Chu	Koretz	Nation	Yee
Cohn	Laird	Negrete McLeod	Mr. Speaker
Corbett	Leno	Nunez	
Diaz	Levine	Oropeza	
Dutra	Lieber	Pavley	

NOES—34

Aghazarian	Dutton	Leslie	Plescia
Bates	Garcia	Maddox	Richman
Benoit	Harman	Maldonado	Runner
Bogh	Haynes	Maze	Samuelian
Campbell	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Correa	Keene	Nakanishi	Wyland
Cox	La Malfa	Pacheco	
Daucher	La Suer	Parra	

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 17: Assembly Member Salinas, from “Aye” to “Not Voting”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 256 (Kehoe)—An act to amend Sections 8169.6, 14669.15, 14669.16, and 14957 of, and to add Section 14672.100 to, the Government Code, relating to public works, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 12:45 a.m.

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

ASSEMBLY BILL NO. 185 (Jerome Horton)—An act to add Section 486 to the Food and Agricultural Code, relating to cooperative agreements.

At 12:46 a.m., Speaker pro Tempore Christine Kehoe, 76th District, presiding

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—74

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

NOES—5

Campbell	McCarthy	Runner
Haynes	Mountjoy	

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONFERENCE COMMITTEE REPORTS**

SENATE BILL NO. 552 (As proposed by the Conference Committee)—An act to add Section 25722.5 to the Public Resource Code, relating to state purchases.

Conference Committee Report presented by Assembly Member Nation.

Report adopted by the following vote:

AYES—46

Berg	Horton, Shirley	Matthews	Ridley-Thomas
Chan	Jackson	Maze	Runner
Chu	Kehoe	Montanez	Salinas
Cohn	Koretz	Mullin	Simitian
Corbett	Laird	Nakano	Steinberg
Diaz	Leno	Nation	Vargas
Dutra	Levine	Negrete McLeod	Wiggins
Dymally	Lieber	Nunez	Wolk
Frommer	Liu	Oropeza	Yee
Goldberg	Longville	Pavley	Mr. Speaker
Hancock	Lowenthal	Reyes	
Harman	Maldonado	Richman	

NOES—28

Aghazarian	Cox	La Malfa	Pacheco
Bates	Daucher	La Suer	Parra
Benoit	Dutton	Leslie	Plescia
Bogh	Garcia	Maddox	Samuelian
Campbell	Haynes	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Correa	Keene	Nakanishi	Wyland

THIRD READING OF SENATE BILLS (RESUMED)

SENATE BILL NO. 428 (Perata)—An act to amend Sections 1575.5 and 100445 of, and to repeal and add Section 1575.9 of, the Health and Safety Code, and to amend Sections 14526, 14552, 14573, 14574, and 14574.1 of, and to add Sections 14552.1, 14552.2, and 14572.1 to, the Welfare and Institutions Code, relating to adult day health care, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Berg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

ASSEMBLY RULE 69(d) SUSPENDED

Assembly Member Berg was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 428, without reference to file.

SENATE BILL NO. 428 (Perata)—An act to amend Sections 1575.5 and 100445 of, and to repeal and add Section 1575.9 of, the Health and Safety Code, and to amend Sections 14526, 14552, 14573, 14574, and 14574.1 of, and to add Sections 14552.1, 14552.2, and 14572.1 to, the Welfare and Institutions Code, relating to adult day health care.

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

Bill passed by the following vote:

AYES—69

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

NOES—9

Bogh	Keene	Leslie
Campbell	La Malfa	Mountjoy
Haynes	La Suer	Nakanishi

Bill ordered transmitted to the Senate immediately.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 523 (Calderon)—An act to amend Section 7507.9 of the Business and Professions Code, relating to collateral recovery.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—78

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

NOES—None

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 18**

At 1:12 a.m., on motion of Assembly Member Steinberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 18 refused passage by the following vote:

AYES—38

Berg	Hancock	Longville	Ridley-Thomas
Chan	Haynes	Lowenthal	Simitian
Chavez	Horton, Jerome	Maddox	Steinberg
Chu	Jackson	Montanez	Strickland
Cohn	Kehoe	Nation	Vargas
Corbett	Koretz	Negrete McLeod	Wiggins
Correa	Laird	Nunez	Yee
Dymally	Leno	Oropeza	Mr. Speaker
Garcia	Levine	Pavley	
Goldberg	Lieber	Reyes	

NOES—14

Bates	Daucher	Leslie	Richman
Benoit	Horton, Shirley	Mountjoy	Wyland
Campbell	La Malfa	Parra	
Cogdill	La Suer	Plescia	

(NOTE: Later this day a motion to reconsider the above vote on Senate Bill No.18 was offered by Assembly Member Steinberg.)

**REPORTS OF STANDING COMMITTEES
Committee on Appropriations**

Date of Hearing: September 12, 2003

Mr. Speaker: Your Committee on Appropriations reports:
Senate Bill No. 902

With the recommendation: Do pass.

STEINBERG, Chair

Above bill ordered to second reading.

**SENATE BILL NO. 902 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

Assembly Member Chan was granted unanimous consent to take up Senate Bill No. 902 without reference to file, for the purpose of reading the bill a second time.

SENATE BILL NO. 902—An act to add Section 21413.5 to the Government Code, relating to public employees' retirement.

Bill read second time, and ordered to third reading.

CONSIDERATION OF SENATE BILL NO. 902 BY UNANIMOUS CONSENT

Assembly Member Pavley was granted unanimous consent to take up Senate Bill No. 902 without reference to file, for purpose of consideration.

SENATE BILL NO. 902 (Soto)—An act to add Section 21413.5 to the Government Code, relating to public employees' retirement.

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:21 a.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 256**

At 1:23 a.m., on motion of Assembly Member Mountjoy, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 256 by the following vote:

AYES—46

Berg	Goldberg	Lowenthal	Reyes
Bermudez	Hancock	Matthews	Ridley-Thomas
Chan	Horton, Jerome	Montanez	Salinas
Chavez	Jackson	Mullin	Simitian
Chu	Kehoe	Nakanishi	Steinberg
Cohn	Koretz	Nakano	Vargas
Corbett	Laird	Nation	Wiggins
Correa	Leno	Negrete McLeod	Wolk
Diaz	Levine	Nunez	Yee
Dutra	Lieber	Oropeza	Mr. Speaker
Dymally	Liu	Parra	
Frommer	Longville	Pavley	

NOES—31

Aghazarian	Daucher	La Malfa	Plescica
Bates	Dutton	La Suer	Richman
Benoit	Garcia	Maddox	Runner
Bogh	Harman	Maldonado	Samuelian
Campbell	Haynes	Maze	Spitzer
Canciamilla	Horton, Shirley	McCarthy	Strickland
Cogdill	Houston	Mountjoy	Wyland
Cox	Keene	Pacheco	

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
ASSEMBLY BILL NO. 253 RECONSIDERED
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Steinberg was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 253 was refused concurrence in Senate amendments.

Further Consideration of Assembly Bill No. 253

ASSEMBLY BILL NO. 253 (Steinberg)—An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:

AYES—29

Berg	Hancock	Lowenthal	Vargas
Bermudez	Jackson	Montanez	Wiggins
Chu	Koretz	Mullin	Wolk
Cohn	Laird	Nakano	Yee
Corbett	Leno	Nation	Mr. Speaker
Diaz	Levine	Pavley	
Dutra	Lieber	Simitian	
Goldberg	Longville	Steinberg	

NOES—33

Aghazarian	Dutton	Maldonado	Richman
Bates	Garcia	Maze	Runner
Benoit	Harman	McCarthy	Samuelian
Bogh	Haynes	Mountjoy	Spitzer
Campbell	Houston	Nakanishi	Strickland
Cogdill	Keene	Pacheco	Wyland
Correa	La Malfa	Parra	
Cox	La Suer	Plescia	
Daucher	Maddox	Reyes	

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 253: Assembly Member Oropeza, from "Aye" to "Not Voting".

ASSEMBLY BILL NO. 953 (Houston)—An act to amend Section 66462.5 of the Government Code, relating to land use.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—56

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

NOES—2

Goldberg Jackson

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 902**

At 1:45 a.m., on motion of Assembly Member Bogh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 902 passed by the following vote:

AYES—60

Aghazarian	Frommer	Longville	Pavley
Berg	Goldberg	Lowenthal	Plescia
Bermudez	Hancock	Maddox	Reyes
Bogh	Horton, Jerome	Maldonado	Ridley-Thomas
Calderon	Jackson	Matthews	Salinas
Canciamilla	Keene	Montanez	Samuelian
Chan	Kehoe	Mullin	Simitian
Chu	Koretz	Nakanishi	Steinberg
Cohn	La Malfa	Nakano	Strickland
Corbett	La Suer	Nation	Vargas
Correa	Laird	Negrete McLeod	Wiggins
Diaz	Leno	Nunez	Wolk
Dutra	Levine	Oropeza	Wyland
Dutton	Lieber	Pacheco	Yee
Dymally	Liu	Parra	Mr. Speaker

NOES—7

Campbell	Haynes	Maze	Runner
Harman	Houston	Mountjoy	

Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 902: Assembly Member Wyland, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 855 (Firebaugh)—An act to add Section 14666.8 to the Government Code, to amend Section 280 of, and to add Section 280.5 to, the Public Utilities Code, relating to telecommunications.

Bill presented by Assembly Member Levine.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—54

Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Calderon	Goldberg	Maddox	Ridley-Thomas
Canciamilla	Hancock	Maldonado	Salinas
Chan	Horton, Jerome	Matthews	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker
Dutton	Lieber	Parra	
Dymally	Liu	Pavley	

NOES—23

Aghazarian	Cox	Leslie	Plescia
Bates	Daucher	Maze	Runner
Benoit	Harman	McCarthy	Samuelian
Bogh	Haynes	Mountjoy	Strickland
Campbell	Keene	Nakanishi	Wyland
Cogdill	La Malfa	Pacheco	

Above bill ordered enrolled.

At 1:50 a.m., Hon. Sarah Reyes, 55th District, presiding

ASSEMBLY BILL NO. 296 (Oropeza)—An act to amend Sections 14612, 22825.01, 25350.8, 25350.85, 25350.10, 25350.105, 26826.4, 26827, 68086, 68933, and 69926.5 of, and to add and repeal Section 14612.2 of, the Government Code, to amend Section 62.5 of the Labor Code, to amend and repeal Section 6611 of the Public Contract Code, to amend Section 40433 of, and to repeal Section 40409 of, the Public Resources Code, to amend Section 97.68 of, and to add Section 97.46 to, the Revenue and Taxation Code, to amend Section 17604 of the Welfare and Institutions Code, and to amend Item 3910-001-0387 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to state and local government.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—49

Berg	Goldberg	Lowenthal	Reyes
Bermudez	Hancock	Matthews	Ridley-Thomas
Calderon	Horton, Jerome	Montanez	Salinas
Chavez	Horton, Shirley	Mullin	Simitian
Chu	Jackson	Nakano	Steinberg
Cohn	Kehoe	Nation	Vargas
Corbett	Koretz	Negrete McLeod	Wiggins
Cox	Laird	Nunez	Wolk
Diaz	Leno	Oropeza	Yee
Dutra	Levine	Pacheco	Mr. Speaker
Dymally	Lieber	Parra	
Frommer	Liu	Pavley	
Garcia	Longville	Plescia	

NOES—27

Aghazarian	Correa	La Malfa	Nakanishi
Bates	Daucher	La Suer	Runner
Benoit	Dutton	Leslie	Samuelian
Bogh	Harman	Maddox	Spitzer
Campbell	Haynes	Maze	Strickland
Canciamilla	Houston	McCarthy	Wyland
Cogdill	Keene	Mountjoy	

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 296: Assembly Member Wyland, from "Aye" to "No".

Above bill ordered enrolled.

At 1:52 a.m., Speaker pro Tempore Christine Kehoe, 76th District, presiding

ASSEMBLY BILL NO. 457 (Negrete McLeod)—An act to add and repeal Sections 20901.5, 20901.6, 20902.6, 20904.5, and 31641.06 of, and to repeal, add, and repeal Section 20903.5 of, the Government Code, relating to public employees' retirement.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—61

Aghazarian	Dutton	Longville	Reyes
Bates	Dymally	Maddox	Richman
Berg	Frommer	Maldonado	Ridley-Thomas
Bermudez	Garcia	Matthews	Salinas
Calderon	Goldberg	Montanez	Samuelian
Canciamilla	Hancock	Mullin	Simitian
Chan	Horton, Jerome	Nakanishi	Spitzer
Chavez	Horton, Shirley	Nakano	Steinberg
Chu	Jackson	Nation	Vargas
Cohn	Kehoe	Negrete McLeod	Wiggins
Corbett	Koretz	Nunez	Wolk
Correa	Laird	Oropeza	Yee
Cox	Leno	Pacheco	Mr. Speaker
Daucher	Levine	Parra	
Diaz	Lieber	Pavley	
Dutra	Liu	Plescia	

NOES—13

Benoit	Haynes	Maze	Wyland
Bogh	Houston	McCarthy	
Campbell	Keene	Mountjoy	
Harman	La Malfa	Strickland	

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 457: Assembly Member Cox, from “No” to “Aye”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 719 (Negrete McLeod)—An act to add Section 20909 to the Government Code, relating to public employees’ retirement, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—65

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

NOES—6

Campbell	Haynes	Mountjoy
Harman	Keene	Richman

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 719: Assembly Member Bogh, from “No” to “Aye”.

Above bill ordered enrolled.

RULES TEMPORARILY SUSPENDED

Assembly Member Chan was granted unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bills Nos. 487, 977, and 1588.

ASSEMBLY BILL NO. 487 (Frommer)—An act add Section 1936.3 to, and to add and repeal Sections 1936.2 and 1936.4 of, the Civil Code, relating to rental vehicle fees, and making an appropriation therefor

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:05 a.m.

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

MESSAGES FROM THE SENATE

Senate Chamber, September 13, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1130

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

BILLS PLACED ON INACTIVE FILE

The following bills were placed upon the inactive file:

Senate Bills Nos. 197 and 118, on request of Assembly Member Chan.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Chan was granted unanimous consent that the following statements of legislative intent be printed in the Journal:

Legislative Intent—Assembly Bill No. 715

September 11, 2003

E. Dotson Wilson

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

Dear Mr. Wilson: I am writing this letter to clarify my intent regarding Assembly Bill 715, dealing with the marketing use of personal health information by health care providers, health care service plans and their contractors. I request that this letter be placed in the Journal as a matter of record.

This bill amends the Confidentiality of Medical Information Act to provide that health care providers, health care service plans and their contractors are prohibited from using personal health information for marketing purposes. However, AB 715 specifically excludes certain communications from the definition of marketing, including communications that are tailored to the circumstances of a particular individual to educate or advise the individual about their treatment options and otherwise maintain the individual's adherence to a prescribed course of medical treatment. This exemption is limited to chronic and seriously debilitating or life-threatening conditions as defined in subdivisions (d) and (e) of Section 1367.21 of the Health and Safety Code. This code section defines "chronic and seriously debilitating" as diseases or conditions that require ongoing treatment to maintain remission or prevent deterioration and cause significant long-term morbidity.

It is my intent with respect to this bill that the definition of chronic and seriously debilitating or life-threatening apply to both physical and mental diseases or conditions.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

Legislative Intent—Assembly Bill No. 827

September 10, 2003

*E. Dotson Wilson, Chief Clerk
California State Assembly
Sacramento, California*

Dear Mr. Wilson: The purpose of the letter is to clarify my intention with respect to AB 827. Specifically, the term “representation,” as used in the bill, is intended to mean legal representation and/or lobbying services directly related to the industry or the profession regulated by the board of which the public or lay person is a member.

Thank you for your attention to this matter. If you have any questions regarding this request, please do not hesitate to contact me at 319-3301.

Sincerely,

LOU CORREA, Assembly Member
Sixty-ninth District

Legislative Intent—Assembly Bill No. 786

September 11, 2003

*E. Dotson Wilson
Chief Clerk of the Assembly*

Dear Mr. Wilson: Assembly Bill 786 would require the County of San Mateo, on a pilot project basis, to adopt the Minimum Data Set-Home Care (MDS-HC) assessment instrument for use by home- and community-based programs in San Mateo County that serve elderly and disabled persons. This bill would provide that state funds shall not be appropriated for its purposes.

Many home- and community-based health programs receive funding from State-administered programs that use federal funds, such as the Medi-Cal program, and must comply with federal requirements to maintain eligibility for federal funding. The federal government will sometimes modify those requirements, upon request by the appropriate State agency. If a federal agency requires submission of a federal Medicaid waiver for implementation of AB 786, the Department of Health Services would incur substantial costs for preparation of that request. This would create an inconsistency because AB 786 requires that no State funds be appropriated for its purposes.

To avoid this inconsistency, I am clarifying, by this letter, that implementation of this bill will be terminated if a federal agency requires the Department of Health Services to submit a federal Medicaid waiver as a condition for implementation of AB 786.

I ask that this letter be included in the Assembly Journal.

LYNN DAUCHER, Assembly Member
Seventy-second District

Legislative Intent—Senate Bill No. 709

September 10, 2003

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

Dear Speaker Wesson: I respectfully request this letter be entered into the Assembly Journal to clarify the record as to one point relative to SB 709 that I authored, as it was considered and acted upon on the Assembly Floor.

Section one of the bill creates Section 40606 in the Health and Safety Code and authorizes the San Joaquin Air Pollution Control District board to monitor emissions from all stationary agricultural pumps in the district. This would include those that might be designated by the federal Environmental Protection Agency as “nonroad” engines that are subject to the requirements of Title II of the federal Clean Air Act (42 U.S.C. Sec. 7521 et seq.).

The intent of this section is to allow the district to monitor and measure emissions from all agricultural pumps. However, I understand that with the passage of SB 700, the district will have the authority to require operating permits for all internal combustion engines used at agricultural operations, except an engine that is used to propel implements of husbandry. This would make Section 40606 of SB 709 unnecessary and duplicative.

If SB 700 is passed by the legislature and signed by the governor, it is my intent that Section 40606 of the Health and Safety Code enacted by SB 709 will be null and void.

Sincerely,

DEAN FLOREZ
Senator, Sixteenth District

Legislative Intent—Senate Bill No. 700

September 10, 2003

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

Dear Speaker Wesson: I respectfully request this letter be entered into the Assembly Journal to clarify the record as to two points relative to SB 700 that I authored, as it was considered and acted upon on the Assembly Floor.

1. Section 2 of the bill adds Section 39011.5 to the Health and Safety Code relative to the definition of “agricultural source of air pollution”. Amendments to this section of the bill on September 9, 2003, include the insertion of a new subsection (b) to read: (b) Any district rule or regulation affecting stationary sources on agricultural operations adopted on or before January 1, 2004, is applicable to an agricultural source.

The purpose of this amendment is to clarify that rules proposed by an air district regarding stationary sources of air pollution on agricultural operations adopted by January 1, 2004 apply to those agricultural sources within the district that adopts the rule or regulation.

2. Language in amendments made to the bill on September 9, 2003, in Sections 40724.6 (c)(1), 42301.16 (b)(2), 42301.16 (c)(2), refer to the showing by an air district that air pollutants “cause or contribute to a violation of a state or federal ambient air quality standard”.

The intent of these sections is to ensure that each district, in its permitting of agricultural sources, is required to use the same standards in evaluating regulatory actions on agricultural sources of air pollution that it uses when evaluating regulatory actions on other sources of air pollution. Specifically, each district’s showing shall be consistent, with its showing for other source categories as it involves the district’s determination of the significance of the emissions in causing or contributing to a violation of an ambient air quality standard, the technical and practical feasibility of reducing such emissions, the cost-effectiveness of the options for emission reductions, and the need for, and effect of requiring such sources to obtain permits.

Because of this intent, and the late date to which the amendments were made, I am proceeding with this legislation with the intent and understanding that the district rule applicability and consistent standards will be applied in implementation of the appropriate sections of this legislation.

Sincerely,

DEAN FLOREZ
Senator, Sixteenth District

Legislative Intent—Senate Bill No. 606

September 11, 2003

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

Dear Mr. Wilson: Senate Bill 606 (Vasconcellos) requires that a questionnaire regarding pupil vision be distributed to students. It also requires the State Department of Education to either develop a questionnaire, as specified, or adopt an available questionnaire. If the department elects to adopt an available questionnaire, it is required first to attempt to find and adopt a scientifically validated vision questionnaire for distribution. If the department cannot find such a questionnaire, it may then review other available questionnaires, one of which it must adopt.

I would like to clarify that among the questionnaires that the department may adopt is a "Vision Care Checklist for California Kids" published by the California Optometric Association.

Thank you for your attention to this matter.

Sincerely,

DARIO FROMMER, Assembly Member
Forty-third District

Legislative Intent—Assembly Bill No. 826

September 9, 2003

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

Re: Letter to the Assembly Journal Regarding Assembly Bill 826

Dear Mr. Speaker: I respectfully submit for your consideration, this letter for the Assembly Journal with respect to the intent of the addition of Section 25249.2 of the Health and Safety Code in the September 2, 2003, version of my AB 826, dealing with perchlorate reporting requirements. This language requires certain perchlorate facilities, as defined, to submit to the California Environmental Protection Agency, on or before July 1, 2004, a summary report of any subsurface and any groundwater monitoring, investigation, or remediation work that has been performed at the facility with regard to perchlorate.

It is not my intent to require double reporting of this information by facilities already under order to submit such information to the federal, state and local regulatory agencies. The California Environmental Protection Agency, including the affected agencies within its jurisdiction, the State Water Resources Control Board and the Department of Toxic Substances Control, have indicated that they would not expect such facilities to double report, but merely provide a letter by the compliance date that similar information has been included in response to an order issued by a regional water quality control board pursuant to Division 7, Chapter 5 of the Water Code, or an order,

consent order or consent decree issued or entered into by the department pursuant to Division 20, Chapter 6.8 of the Health & Safety Code. The letter should then merely identify the subject order.

Similarly, the facility should not be required to doubly submit similar information that is reasonably available to the California Environmental Protection Agency. Therefore, if a facility believes the document is reasonably available, it may identify by letter similar information contained in an order, consent order or consent decree issued or entered into by the United States Environmental Protection Agency pursuant to the Federal act, as that term is defined in Health and Safety Code sections 25115.1 and 25315. However, the California Environmental Protection Agency may require the facility to submit that information if it determines that such information is not reasonably available.

This letter is submitted to the journal to clarify my intent rather than to seek amendments to this measure at this late date in the process this year. Thank you for your assistance in this matter.

Sincerely,

HANNAH-BETH JACKSON, Assembly Member
Thirty-fifth District

Legislative Intent—Assembly Bill No. 1082

September 10, 2003

E. Dotson Wilson

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

Dear Dotson: This letter is to clarify the purpose of AB 1082 as to the application of the bill. At present, the bill is in Enrollment.

The purpose of adding subdivision (b) to Section 22869 was to allow a subset of local contracting agencies that currently contract with the California Public Employees' Retirement System (CalPERS) to provide health insurance benefits to their employees. Prior to January 1, 2000, these agencies adopted policies recognizing an employee's domestic partner for the purpose of providing health insurance benefits to that partner. These policies recognized both same and opposite-sex domestic partnerships. Moreover, they did not require the members of the opposite-sex domestic partnerships to be over a certain age but, like all domestic partnerships recognized by the policies, did require that they file a document with the agency attesting to their partnership. Through my research, I have determined that there are at least six local contracting agencies that fall within the bill's provisions. They include the City of Cathedral City, the City of Palo Alto, the City of Santa Cruz, the City of West Hollywood, the County of Santa Cruz and the Santa Cruz Metropolitan Transit District.

On January 1, 2000, AB 26 (Chapter 588, Statutes of 1999) became effective. AB 26 authorized local contracting agencies the option to offer domestic partner health insurance benefits to their employees through the CalPERS program but restricted this option to those employees that met the domestic partnership definition contained in Family Code section 297, i.e., same-sex couples or opposite-sex couples

where both partners are over the age of 62. AB 25 (Chapter 893, Statutes of 2001) subsequently amended this definition to require that at least one of the partners be over the age of 62.

AB 1082 will allow those few qualifying local contracting agencies the option to provide CalPERS health insurance coverage to the opposite-sex domestic partners where both partners are under the age of 62, provided that a local definition was adopted prior to January 1, 2000.

I would appreciate having this letter published in the Assembly Journal.

Sincerely,

JOHN LAIRD, Assembly Member
Twenty-seventh District

Legislative Intent—Assembly Bill No. 1640

September 10, 2003

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

Re: Letter to the Assembly Journal re:
Underground Storage Tanks and Certified Unified Program
Agencies (CUPAs)

Dear Mr. Speaker: I respectfully submit for your consideration, this letter for the Assembly Journal with the passage of AB 1640. AB 1640 was the product of consensus negotiations among the regulated community, state agencies and local agencies, and I am supportive of measures developed by consensus. Indeed there have been several measures passed this year relating to the Underground Storage Tank Program as well as the CUPA program.

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program consolidates and coordinates under the California Environmental Protection Agency the management of hazardous waste, hazardous materials and underground storage tanks. That Act authorizes the certification of local agencies (both CUPAs and local designated officers) to assume responsibility for enforcement of elements of the program. One of the six programs that are brought together under the unified system is the underground storage tank programs.

While it is not my intention to comment on any particular aspect of the legislation passed in this legislative session, I did want to state for the record that, in my capacity as Chair of the Environmental Safety Committee, I intend in the upcoming months to examine the “chain of command” elements between the state and local levels for the underground storage tank program to make sure that oversight roles and boundaries of responsibility are clear and traceable.

Thank you for your assistance in this matter.

Sincerely,

JOHN LAIRD, Assembly Member
Twenty-seventh District

Legislative Intent—Senate Bill No. 420

September 10, 2003

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

Re: Legislative Intent Regarding SB 420
(as amended September 4, 2003)

Dear Mr. Speaker: In order to clarify the Legislature's intent in enacting Senate Bill 420, I respectfully request that this letter be published in the Assembly Daily Journal.

Fully recognizing that Proposition 215 cannot be amended by the Legislature, we have resisted all efforts to make the new identification card system created by SB 420 mandatory—and at least two times SB 420 contains specific language declaring our intent that this program is wholly voluntary.

In addition, the guidelines in SB 420 establish permissible amounts that are intended to be the threshold, and not a ceiling.

Furthermore, SB 420 specifically allows localities with higher possession or cultivation amounts to retain them, and other local jurisdictions to establish new guidelines to exceed what has been set forth in this bill. No jurisdiction may establish amounts lower than those set forth in SB 420.

Altogether, we believe that our final version of SB 420 is the very best we could hope to get enacted into law and that it provides (pursuant to the California voters' will in enacting Proposition 215) broad protection to tens of thousands of ill Californians without jeopardizing any ill Californians.

Thank you for allowing us to clarify our legislative intent regarding SB 420.

Sincerely,

MARK LENO
Assemblyman, 13th District

JOHN VASCONCELLOS
Senator, 13th District

Legislative Intent—Assembly Bill No. 1541

September 5, 2003

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

Re: Letter to the Assembly Journal

Dear Mr. Speaker: I respectfully submit for your consideration language meant to clarify the intent of Assembly Bill 1541. In an effort to find common ground between all interested parties, the following language, as proposed by the California Manufacturers and Technology Association, would be entered into the Assembly Journal:

Assembly Bill 1541 adds “failure to submit” certain specified reports to the enumerated violations included in the “serious violation” category subject to mandatory minimum penalties under Water Code Section 13385. “Failure to submit” means that the permittee has not provided the report within the time frame specified in this legislation. “Failure to submit” does not include submittal of reports that are missing sample results or are otherwise incomplete.

The goal of this entry into the Journal is to help alleviate continued opposition to the bill without altering its language. Rather this step elucidates the bill’s intent and provides a satisfactory solution to the opponents.

If there are any questions or concerns regarding this language or the request, please do not hesitate to contact Janelle Beland, Legislative Director, at 319-2039. Thank you for your time and consideration.

Sincerely,

CINDY MONTAÑEZ, Assembly Member
Thirty-ninth District

Legislative Intent—Assembly Bill No. 767

August 26, 2003

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

RE: Legislative Intent of AB 767 (Nakano)

Dear Mr. Speaker: A question of intent has arisen regarding Section 1.5 of AB 767 dealing with 3-day notices. Specifically whether the Legislature intended to require that tenants receive three notices that include the new information required by AB 805, prior to being eligible to have their tenancy terminated. It is the intent of the Legislature that a tenancy may be terminated if the tenant receives three 3-day notices if

those notices were either lawfully given pursuant to Civil Code Section 798.56 prior to January 1, 2004, or lawfully given pursuant to AB 805 (Chapter 85, Statutes of 2003) after January 1, 2004.

Sincerely,

GEORGE NAKANO, Assembly Member
Fifty-third District

MANNY DIAZ, Assembly Member
Twenty-third District

Legislative Intent—Assembly Bill No. 1588

September 12, 2003

To the Members of the California Assembly: It was my intent when drafting AB 1588 (Negrete McLeod) to make it only applicable to hospitals in San Bernardino County. Therefore, I will introduce clean-up legislation in January, 2004 that will clarify that this legislation is only applicable to the county and includes a sunset provision.

Sincerely,

GLORIA NEGRETE MCLEOD, Assembly Member
Sixty-first District

Legislative Intent—Assembly Bill No. 1762

*E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol
Sacramento, California*

I respectfully request this letter printed in the Assembly Journal for the purpose of clarifying the intent of AB 1762 (Committee on Budget). AB 1762 chaptered by the Secretary of State on August 11, 2003, contains numerous statutory changes pertaining to state health care programs. Among these changes is the imposition of a quality improvement fee on the capitation payments paid to Medi-Cal managed care plans for enrolled Medi-Cal beneficiaries (Section 73, Welfare & Institutions Code Section 14464.5 (b)). While the fee would be imposed on an annual basis, it would be paid to the state monthly.

Pursuant to subdivision (c) of Section 14464.5, it is the responsibility of the Department of Health Services to implement this section in a manner that complies with federal requirements. The earliest the department can commence collection of the fee, pursuant to subdivision (k), is January 1, 2004. However, the fee will not be assessed or collected if the department does not comply with various federal requirements for federal matching funds.

While it appears unlikely that the Department will be granted federal approval from the Centers for Medicare and Medicaid Services (CMS) for this purpose, the language of the bill states that the Department can begin collecting the quality improvement fee on January 1, 2004.

Therefore, it is the intent of the budget committee that no fees be collected by the Department until CMS approves federal participation in the quality improvement fee or requires the state to collect the fee.

Sincerely,

JENNY OROPEZA
Chair, Assembly Budget Committee

Legislative Intent—Senate Bill No. 1049

September 11, 2003

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

Dear Speaker Wesson: I request that the following letter be placed in the Assembly Journal.

As currently drafted, SB 1049 establishes new fire protection fees on State Responsibility Area (SRA) land parcels.

There are two technical errors in the current version of the bill.

The first error occurs on page 55, line 5. The line should read as follows:

pursuant to this article. The department ~~may~~ shall authorize individual

The only change being striking “may” and substituting “shall”.

The second error occurs on page 55, line 22 and incorrectly identifies “County Treasurers” as being responsible for processing the State Responsibility Area fire fees. I have been informed that the county auditors are the appropriate designees for this program.

It is the intent of the Senate to authorize the county auditors to process the SRA fire fees.

Sincerely,

JENNY OROPEZA
Chair, Assembly Budget Committee

September 11, 2003

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

Dear Speaker Wesson: As the Chair of the Assembly Budget Committee, I want to inform you of the Committee’s continuing efforts to provide all available budget options to you and the State Assembly as we work to preserve the state’s fiscal security. As it is certain that additional budget cuts will impact health services, environmental protections, local governments and public safety issues, I commit to you that the Budget Committee will be evaluating all options for spending reductions, revenues, and fees.

Through special session legislation, the recently enacted 2003 Budget Act (Chapter 157, Statutes of 2003) as well as its corresponding trailer bills, new fees have been imposed and others increased. Specifically in the areas of natural resources and environmental protection, these fees have provided support for various departments who have been faced with significant General Fund cuts. Given these cuts, as well as the breadth of individuals and businesses assessed these fees, I am committed to ensuring that any new fees be spread fairly, based both on costs of delivering state’s services and the actual impacts on the environment, public health, and safety.

While many options for increased revenue from fees were evaluated during this first year of the 2003–04 session, many others remain on the table and deserve a full vetting by the Legislature prior to the final

approval of the 2004 Budget Act. Therefore, I will be working with the Chair of the Assembly Budget Subcommittee to ensure that, as part of its duties, the subcommittee will be reviewing California's environmental fee structure. This review will include an emphasis on hazardous waste fees and other similar fees that have not been reviewed in recent years.

The Legislature needs to insure that adequate funding is available for the effective regulation of the environmental and public health threats in a manner that has been well planned, thoroughly evaluated, and properly implemented.

Respectfully,

JENNY OROPEZA
Chair, Assembly Budget Committee

Legislative Intent—Assembly Bill No. 231

September 11, 2003

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

Dear Dotson: This letter serves to clarify legislative intent regarding Section 5 of my AB 231, a bill to reduce hunger in California by removing barriers to participation in the federal food stamp program. One of the barriers that has been identified is a face-to-face "in office" interview, as many working people find it difficult to leave their jobs or find transportation to be interviewed at the welfare office.

It is the intent of the Legislature to increase utilization of current law hardship exemptions from the face-to-face interview, when appropriate, without creating an undue burden on administrators of the Food Stamp Program. To that end, I have been working with advocates, the County Welfare Directors Association, and the state Department of Social Services to develop a process. I would like to clearly state for the record our intention on how this process, created in Section 5 of the bill (Welfare and Institutions Code §18901.10), would work.

Our intention is to require counties to cursorily consider an applicant/recipient's need for a face-to-face interview exemption during the intake process. Our expectation is that the county and the applicant will be able to move toward agreement on an interview location or interview alternative. Only if a satisfactory accommodation between the county and applicant/recipient cannot be worked out, would the county evaluate whether the household qualifies for an exemption. We believe this cursory consideration, followed by an evaluation only where an agreement has not been achieved, is the least burdensome process that would still lead to a reduction of the use in office interviews.

I respectfully request that this letter be printed in the Assembly Daily Journal.

Sincerely,

DARRELL STEINBERG, Assembly Member
Ninth District

Legislative Intent—Assembly Bill No. 85

September 10, 2003

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

Dear Mr. Speaker: I respectfully request to publish this letter of legislative intent in the Assembly Daily Journal relative to my AB 85.

Under current law, counties that operate a retirement system pursuant to the County Employees' Retirement Law of 1937 (a.k.a. '37 Act) are allowed to exclude temporary, seasonal, intermittent, or part time service as continual service in the retirement system. For those counties that have not acted to exclude such service, AB 85 specified that temporary, seasonal, intermittent, or part time service does count as continual service in the retirement system.

For the purposes of the provisions contained in AB 85, it is my intent that these provisions not be construed to require a '37 Act retirement system to take any action that would otherwise violate federal law pursuant to the Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001 et seq.), relating to the prohibition on in-service distributions of retirement contributions.

Sincerely,

PATRICIA WIGGINS, Assembly Member
Seventh District

Legislative Intent—Senate Bill No. 103

September 10, 2003

*Speaker Herb Wesson
California State Assembly
State Capitol
Sacramento, California*

Dear Speaker Wesson: My Senate Bill 103 reads, in part: "It is the intent of the Legislature that no inference be drawn in connection with any matter governed by Section 24871 of the Revenue and Taxation Code, from the period to which the amendments made to that section by this act apply, for any taxable year beginning before January 1, 2003."

This letter serves to clarify that it is also the intent of the Legislature that no inference be drawn with respect to prior law because SB 103 was passed by a simple majority vote.

Sincerely,

SENATOR DEDE ALPERT
Thirty-ninth District

**Legislative Intent—
Senate Bill No. 614 and Assembly Bill No. 1601**

September 11, 2003

*Senate President Pro Tempore John Burton
Assembly Speaker Herb Wesson
State Capitol
Sacramento, California*

Dear Mr. President and Mr. Speaker: We write to clarify our pending legislation, SB 614 and AB 1601, related to abusive tax shelters. We have made substantial concessions in these measures to address criticisms by interested parties. We have agreed to clarify certain points in this letter.

The bills have been amended to limit the applicability of the penalty for “noneconomic substance” transactions. It is our intent that the Franchise Tax Board rely upon the common law economic substance doctrine and that the penalty language contained in this section shall not be adopted by a court as a substantive definition other than for purposes of the penalty.

Amendments were also made to the tax shelter reporting requirements. It is our intent that the authority granted to the Franchise Tax Board by AB 1601 and SB 614 to identify and publish for California income or franchise tax purposes “listed transactions” (as defined under subdivision (a) of Section 18407 of the Revenue and Taxation Code) does not apply to transactions occurring prior to September 2, 2003. It is also our intent that the new reporting requirements apply to any transaction entered into on or after February 28, 2000, that becomes a “listed transaction” for federal income tax purposes at any time (as defined under subdivision (a) of Section 6011 of the Internal Revenue Code).

Finally, the bills have been amended to make all penalties affected by the bills apply to abusive tax shelter transactions only.

Sincerely,

GILBERT CEDILLO
Senator, 22nd District

DARIO FROMMER
Assembly Member, 43rd District

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Chan requested unanimous consent that the statements of legislative intent relative to Assembly Bill No. 1093 and Assembly Bill No. 1548 be printed in the Journal.

Assembly Member Cogdill withheld unanimous consent.

Motion to Print in Journal

Assembly Member Chan moved that statements of legislative intent relative to Assembly Bills Nos. 1093 and 1548 be printed in the Journal.

Assembly Member Goldberg seconded the motion.

Motion carried by the following vote:

AYES—46

Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Matthews	Salinas
Canciamilla	Horton, Jerome	Montanez	Simitian
Chan	Jackson	Mullin	Steinberg
Chavez	Kehoe	Nakano	Vargas
Chu	Koretz	Nation	Wiggins
Cohn	Laird	Negrete McLeod	Wolk
Corbett	Leno	Nunez	Yee
Diaz	Levine	Oropeza	Mr. Speaker
Dutra	Lieber	Parra	
Dymally	Liu	Pavley	

NOES—30

Aghazarian	Dutton	Maddox	Richman
Bates	Garcia	Maldonado	Runner
Benoit	Harman	Maze	Samuelian
Bogh	Haynes	McCarthy	Spitzer
Campbell	Horton, Shirley	Mountjoy	Strickland
Cogdill	Houston	Nakanishi	Wyland
Cox	Keene	Pacheco	
Daucher	La Malfa	Plescia	

Legislative Intent—Assembly Bill No. 1093

September 12, 2003

Dotson Wilson, Chief Clerk

California State Assembly

State Capitol, Room 3196

Sacramento, California

To Members of the Legislature: AB 1093 (Lieber) enacts the California Living Wage Act and defines the qualified state contracts that would be subject to the act. Among the exemptions from the definition of “qualified contract” are contracts with providers enrolled in the Medi-Cal program pursuant to Article 1.3 (commencing with Section 14043) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code and health facilities that provide services to Medi-Cal patients.

Due to the fact that these providers and health facilities may also serve the Medi-Cal program through their contracts with prepaid health plans that contract with the Department of Health Services to provide

services to Medi-Cal beneficiaries, it is the intent of AB 1093 that a contract with a provider, as described in Section 10480 of the bill [paragraph (2) (G) of subdivision (c)], includes contracts between the Department of Health Services and prepaid health plans.

Sincerely,

SALLY J. LIEBER, Assembly Member,
Twenty-second District

Legislative Intent—Assembly Bill No. 1548

September 12, 2003

*Mr. E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Mr. Wilson: I respectfully submit this letter to the Assembly Journal to clarify interpretation of an inadvertent error that was added to my AB1548 by the September 3, 2003 amendments.

Specifically two similar, but conflicting, sections were added to AB 1548 dealing with alignment of education materials to State Board of Education statutory requirements. Public Resources Code Section 71304(d) was incorrectly added to AB 1548. The correct section, Public Resources Code Section 71300(g), was also added on September 3, 2003. This section correctly requires that any instructional materials for use in elementary or secondary public schools produced as a result of AB 1548 comply with State Board of Education requirements contained in Chapter 1 (commencing with Section 60000) of Part 33 of the Education Code, including reviews for legal and social compliance. The predicament is that these two sections conflict with each other and gives different direction to the Secretary for Environmental Protection and California Integrated Waste Management Board for implementing this bill.

Next year I plan to introduce legislation to fix this problem by repealing Public Resources Code Section 71304(d). Until this change can be accomplished legislatively, I would ask the Secretary for Environmental Protection and the California Integrated Waste Management Board to implement AB 1548 as directed in Public Resources Code Section 71300(g).

Sincerely,

FRAN PAVLEY, Assembly Member
Forty-first District

COMMUNICATIONS

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

Explanation of Vote—Senate Bill No. 993

September 12, 2003

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

Re: SB 993—Inadvertent Vote

Dear Mr. Speaker: In order to ensure my vote on Senate Bill 993 is recorded correctly, I respectfully request this letter be published in the Assembly Daily Journal.

When SB 993 was considered on the Assembly Floor on August 21, 2003, I inadvertently cast an “aye” vote. I would like to be recorded as “not voting.”

Thank you for your help in correcting this error.

Sincerely,

JOE NATION, Assembly Member
Sixth District

**Motion to Reconsider Senate Bill No. 18
on Next Legislative Day**

Assembly Member Steinberg moved to reconsider on the next legislative day the vote whereby Senate Bill No. 18 was this day refused passage.

Senate Bill No. 18 ordered to the unfinished business file.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 375 (Bermudez)—An act to add Sections 20035.4, 20035.5, 20035.9, 22825.12, and 22825.19 to the Government Code, relating to state employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—67

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

NOES—3

Campbell	Haynes	Mountjoy
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Above bill ordered enrolled.

ASSEMBLY BILL NO. 28 (Jackson)—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14560, 14561, 14573.51, 14575, 14575.1, 14581, and 14585 of, to add Sections 14513.5, 14575.2, 14575.5, and 14582 to, and to add and repeal Section 14576 of, the Public Resources Code, relating to public resources, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—69

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

NOES—6

Bogh	Keene	Spitzer
Haynes	La Malfa	Strickland

Above bill ordered enrolled.

CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT AND ASSEMBLY RULE 77 SUSPENDED

Assembly Member Diaz was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 977, without reference to file.

ASSEMBLY BILL NO. 977 (Diaz)—An act to add Sections 20035.10 and 22825.10 to the Government Code, relating to state employees.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—47

Berg	Frommer	Longville	Pavley
Bermudez	Goldberg	Lowenthal	Reyes
Calderon	Hancock	Maddox	Ridley-Thomas
Canciamilla	Horton, Jerome	Matthews	Salinas
Chan	Jackson	Montanez	Simitian
Chavez	Kehoe	Mullin	Steinberg
Chu	Koretz	Nakano	Vargas
Cohn	Laird	Nation	Wiggins
Corbett	Leno	Negrete McLeod	Wolk
Diaz	Levine	Nunez	Yee
Dutra	Lieber	Oropeza	Mr. Speaker
Dymally	Liu	Parra	

NOES—26

Aghazarian	Dutton	La Malfa	Runner
Bates	Garcia	Maze	Samuelian
Bogh	Harman	McCarthy	Spitzer
Campbell	Haynes	Nakanishi	Strickland
Cogdill	Horton, Shirley	Pacheco	Wyland
Cox	Houston	Plescia	
Daucher	Keene	Richman	

Above bill ordered enrolled.

CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT AND ASSEMBLY RULE 77 SUSPENDED

Assembly Member Diaz was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1130, without reference to file.

ASSEMBLY BILL NO. 1130 (Diaz)—An act to amend Section 12699.62 of, and to add Section 12699.525 to, the Insurance Code, relating to health care coverage, and making an appropriation therefor.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—75

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

NOES—2

Campbell Haynes

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate amendments to Assembly Bill No. 1130: Assembly Member Wyland, from “No” to “Aye”.

Above bill ordered enrolled.

CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT AND ASSEMBLY RULE 77 SUSPENDED

Assembly Member Simitian was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1302, without reference to file.

ASSEMBLY BILL NO. 1302 (Simitian)—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:50 a.m.

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

ASSEMBLY BILL NO. 1313 (Parra)—An act to amend Sections 290 and 290.01 of, to amend and repeal Section 290.4, and to add Section 290.45 to, of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

Point of Order

Assembly Member Jackson arose to the following point of order:

Assembly Member Pacheco is not confining debate to the merits of the bill.

Ruling by Speaker pro Tempore Kehoe

The Speaker pro Tempore ruled the point of order well-taken.

Demand for Previous Question

Assembly Members Levine, Canciamilla, Vargas, Nakano, and Laird demanded the previous question. Demand sustained. The question being on concurrence in Senate amendments.

Amendments refused concurrence by the following vote:

AYES—51

Aghazarian	Dymally	Lieber	Parra
Berg	Frommer	Liu	Pavley
Bermudez	Garcia	Longville	Reyes
Calderon	Hancock	Lowenthal	Ridley-Thomas
Canciamilla	Horton, Jerome	Maldonado	Salinas
Chan	Horton, Shirley	Matthews	Simitian
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mullin	Vargas
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	Laird	Negrete McLeod	Yee
Diaz	Leno	Nunez	Mr. Speaker
Dutra	Levine	Oropeza	

NOES—None

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

At 3:16 a.m., on motion of Assembly Member Plescia, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Conference Committee Report on Senate Bill No. 2 adopted by the following vote:

AYES—46

Berg	Dymally	Liu	Pavley
Bermudez	Frommer	Longville	Ridley-Thomas
Calderon	Goldberg	Lowenthal	Salinas
Canciamilla	Hancock	Matthews	Simitian
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Jackson	Mullin	Vargas
Chu	Kehoe	Nakano	Wiggins
Cohn	Koretz	Nation	Wolk
Corbett	Laird	Negrete McLeod	Yee
Correa	Leno	Nunez	Mr. Speaker
Diaz	Levine	Oropeza	
Dutra	Lieber	Parra	

NOES—32

Aghazarian	Dutton	La Suer	Pacheco
Bates	Garcia	Leslie	Plescia
Benoit	Harman	Maddox	Richman
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland

Vote Changes

By unanimous consent, the following vote change was permitted on the Conference Committee Report on Senate Bill No. 2: Assembly Member Mountjoy, from "Aye" to "No".

**CALL OF THE ASSEMBLY DISPENSED WITH
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1302**

At 3:17 a.m., on motion of Assembly Member Simitian, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 1302 adopted by the following vote:

AYES—73

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

NOES—None

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—73

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

NOES—None

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CONSIDERATION OF GOVERNOR'S VETO
ASSEMBLY BILL NO. 697**

At 3:18 a.m., on motion of Assembly Member Maldonado, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Governor's veto of Assembly Bill No. 697 sustained by the following vote:

AYES—31

Aghazarian	Garcia	Leslie	Plescia
Bates	Harman	Maddox	Richman
Benoit	Haynes	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Campbell	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Dutton	La Suer	Pacheco	

NOES—36

Bermudez	Goldberg	Liu	Parra
Calderon	Hancock	Longville	Reyes
Chan	Jackson	Matthews	Salinas
Chavez	Kehoe	Mullin	Simitian
Chu	Koretz	Nakano	Vargas
Cohn	Laird	Nation	Wiggins
Corbett	Leno	Negrete McLeod	Wolk
Dutra	Levine	Nunez	Yee
Frommer	Lieber	Oropeza	Mr. Speaker

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 487**

At 3:18 a.m., on motion of Assembly Member Frommer, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 487 by the following vote:

AYES—42

Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Salinas
Calderon	Horton, Jerome	Matthews	Simitian
Canciamilla	Jackson	Montanez	Steinberg
Chan	Kehoe	Mullin	Vargas
Chavez	Koretz	Nakano	Wiggins
Chu	Laird	Nation	Wolk
Cohn	Leno	Negrete McLeod	Yee
Diaz	Levine	Nunez	Mr. Speaker
Dutra	Lieber	Oropeza	
Dymally	Liu	Pavley	

NOES—33

Aghazarian	Dutton	Maddox	Richman
Bates	Garcia	Maldonado	Runner
Benoit	Harman	Maze	Samuelian
Bogh	Haynes	McCarthy	Spitzer
Campbell	Horton, Shirley	Mountjoy	Strickland
Cogdill	Houston	Nakanishi	Wyland
Correa	Keene	Pacheco	
Cox	La Malfa	Parra	
Daucher	La Suer	Plescia	

Above bill ordered enrolled.

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 1209

Assembly Member Nakano was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 1209; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on September 8, 2003 (Assembly Journal, page 3590); and whereby on September 2, 2003 (Assembly Journal, page 3294), the Assembly concurred in Senate amendments and ordered the bill enrolled; and that the bill be returned to the Senate for further action.

CONSIDERATION OF SPECIAL CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Special Consent Calendar.

Consideration of Senate Amendments to Assembly Bills

ASSEMBLY BILL NO. 903 (Steinberg)—An act to amend Sections 896, 911, 912, 916, 936, 938, 941, and 945.5 of, and to amend, renumber, and add Section 942 to, the Civil Code, relating to construction defects.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's
Special Consent Calendar roll call.)*

ASSEMBLY BILL NO. 1008 (Dutton)—An act to add Section 17072.14 to the Education Code, relating to public schools.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's
Special Consent Calendar roll call.)*

ASSEMBLY BILL NO. 1131 (Jackson)—An act to amend Section 368 of the Penal Code, relating to crime.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

*(For the vote on the above bill, see this day's
Special Consent Calendar roll call.)*

Special Consent Calendar Roll Call

The roll was called, and the above bills on the Special Consent Calendar passed, by the following vote:

AYES—78

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

NOES—None

ADJOURN IN MEMORY

Assembly Member Longville was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Johnny Cash.

(Assembly Rule 45.5 suspended.)

MOTION TO RECONSIDER ASSEMBLY BILL NO. 1313 ON NEXT LEGISLATIVE DAY

Assembly Member Parra moved to reconsider on the next legislative day the vote whereby Senate amendments to Assembly Bill No. 1313 were refused concurrence.

Assembly Bill No. 1313 ordered to the unfinished business file.

ADJOURN IN MEMORY

Assembly Member McCarthy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Clarence Meddars, of Bakersfield.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marita Mae Krall, of Victorville.

VOTE ADDS

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

Assembly Bill No. 227, Conference Report: Jerome Horton and Nunez—Aye; Dutton, Mountjoy, Strickland, and Wyland—No.

Chan Motion to Waive Joint Rule 62(a): Nation and Yee—Aye; Leslie, Maddox, and Strickland—No.

Chan Motion to Waive Joint Rule 62(a): Correa—Aye; Maddox and Strickland—No.

Senate Bill No. 228, Conference Report: Correa—Aye; Wyland—No.

Assembly Bill No. 149, Conference Report: Correa, Keene, Plescia, and Wyland—Aye.

Assembly Bill No. 1099, Conference Report: Correa, Keene, Plescia, and Wyland—Aye.

Assembly Bill No. 1262, Conference Report: Correa, Garcia, and Keene—Aye; Shirley Horton and Wyland—No.

Assembly Bill No. 944, Chan Motion to Suspend Joint Rule 62(a): Chavez, Correa, Diaz, and Koretz—Aye; Haynes—No.

Assembly Bill No. 278, Chan Motion to Suspend Joint Rule 62(a): Correa, Diaz, and Koretz—Aye; Garcia and Haynes—No.

Senate Bill No. 411: Haynes and Samuelian—Aye.

Senate Bill No. 906, Leno Motion to Reconsider: Correa, Ridley-Thomas, Simitian, and Wiggins—Aye; Bogh—No.

Senate Bill No. 906: Shirley Horton and Mountjoy—No.

Steinberg Motion to Waive Joint Rule 62(a): Berg, Salinas, and Simitian—Aye; Maddox, Mountjoy, and Strickland—No.

Senate Bill No. 18, Steinberg Motion to Reconsider: Berg, Canciamilla, Simitian, and Strickland—Aye; Bates, Shirley Horton, Leslie, and Mountjoy—No.

Senate Bill No. 274: Bates, Canciamilla, Daucher, Dutton, Frommer, Shirley Horton, Houston, Keene, Leslie, Nakano, Pacheco, Plescia, Runner, Salinas, Samuelian, Simitian, Spitzer, Strickland, and Wyland—Aye; Campbell, Haynes, and Mountjoy—No.

Senate Bill No. 364: Bates, Campbell, Correa, Frommer, Shirley Horton, Keene, Leslie, Nakano, Runner, Salinas, Simitian, and Strickland—Aye.

Senate Bill No. 33: Bates, Haynes, Shirley Horton, Nakano, and Simitian—Aye.

Senate Bill No. 1080: Bates, Calderon, Chavez, Correa, Frommer, Jerome Horton, Shirley Horton, Jackson, Koretz, Nakano, Salinas, and Simitian—Aye.

Assembly Bill No. 1599, Concurrence: Aghazarian, Frommer, Nakano, Nunez, Salinas, Simitian, and Spitzer—Aye.

Assembly Bill No. 300, Concurrence: Aghazarian, Harman, Jerome Horton, Nakano, Plescia, Simitian, Spitzer, Wyland, and Yee—Aye.

Assembly Bill No. 747, Concurrence: Nakano and Simitian—Aye.

Assembly Bill No. 933, Concurrence: Cohn, Diaz, and Simitian—Aye.

Assembly Bill No. 715, Concurrence: Aghazarian, Bates, Daucher, Diaz, Harman, Shirley Horton, Simitian, Spitzer, and Wyland—Aye; Campbell, Maze, Plescia, and Runner—No.

Assembly Bill No. 763, Concurrence: Frommer, Maddox, Mountjoy, Parra, Plescia, Simitian, and Spitzer—Aye.

Assembly Bill No. 1521, Concurrence: Chan, Goldberg, Houston, and Simitian—Aye; Aghazarian, Haynes, Keene, McCarthy, Plescia, Runner, Spitzer, and Wyland—No.

Assembly Bill No. 1027, Concurrence: Maldonado and Nunez—Aye; Bates, Cox, Daucher, Dutton, Garcia, Harman, Shirley Horton, Houston, La Malfa, Maze, Mountjoy, Pacheco, Plescia, Spitzer, and Strickland—No.

Assembly Bill No. 161, Concurrence: Canciamilla—Aye; Spitzer—No.

Senate Bill No. 256: Ridley-Thomas, Simitian, and Wiggins—Aye.

Senate Bill No. 621: Bermudez, Chu, Keene, and Mountjoy—Aye.

Chan Motion to Waive Joint Rule 62(a) Correa and Simitian—Aye; Garcia, Harman, Haynes, and Houston—No.

Assembly Bill No. 1528, Conference Report: Harman, Levine, Nakanishi, Parra, Reyes, and Simitian—Aye; Haynes—No.

Senate Bill No. 1007, Conference Report: Canciamilla, Houston, Nakanishi, and Simitian—Aye.

Senate Bill No. 122: Jackson and Reyes—Aye; Dutra, Liu, Mountjoy, and Wolk—No.

Assembly Bill No. 944, Concurrence: Spitzer—No.

Assembly Bill No. 1557, Concurrence: Garcia, Jerome Horton, Keene, Maldonado, Mountjoy, and Reyes—Aye.

Assembly Bill No. 1666, Concurrence: Mountjoy and Reyes—Aye; Koretz—No.

Assembly Bill No. 278, Concurrence: Bates, Chavez, Daucher, Mountjoy, Reyes, Samuelian, and Vargas—Aye.

Senate Bill No. 1064: Bates, Corbett, Correa, Haynes, Kehoe, Maddox, Maldonado, Mountjoy, Nakanishi, Reyes, Samuelian, Steinberg, and Wolk—Aye.

Assembly Bill No. 1370, Concurrence: Bates, Bogh, Correa, Daucher, Dutton, Harman, Haynes, La Suer, Maldonado, Maze, Plescia, Reyes, Simitian, Spitzer, and Wyland—Aye.

Assembly Bill No. 1370, Harman Motion: Correa, Haynes, and Reyes—Aye; Canciamilla—No.

Senate Bill No. 623: Garcia—Aye; Correa, Daucher, Dutton, Haynes, Maldonado, and Mountjoy—No.

Senate Bill No. 53: Correa, Reyes, and Samuelian—Aye; Aghazarian, Bates, Campbell, Garcia, Harman, Haynes, Houston, Keene, La Malfa, Lowenthal, Maze, McCarthy, Nakanishi, Pacheco, Plescia, Runner, Strickland, and Wyland—No.

Senate Bill No. 103: Correa—Aye; Aghazarian, Bates, Bogh, Campbell, Canciamilla, Daucher, Dutton, Garcia, Harman, Haynes, Houston, Keene, La Malfa, Maddox, Maldonado, Maze, McCarthy, Nakanishi, Pacheco, Plescia, Runner, Samuelian, Spitzer, Strickland, and Wyland—No.

Assembly Bill No. 1680, Concurrence: Yee—Aye.

Senate Bill No. 407: Maze—Aye; Garcia and Pacheco—No.

Assembly Bill No. 17, Concurrence: Simitian—Aye; Correa, Nakanishi, and Parra—No.

Assembly Bill No. 185, Concurrence: Canciamilla—Aye; McCarthy, Mountjoy, and Runner—No.

Senate Bill No. 552, Conference Report: Diaz, Frommer, and Salinas—Aye; Mountjoy—No.

Senate Bill No. 428: Canciamilla, Chu, Levine, Montanez, Plescia, and Wyland—Aye; Mountjoy—No.

Assembly Bill No. 523, Concurrence: Canciamilla, Haynes, Levine, Mountjoy, and Reyes—Aye.

Assembly Bill No. 256, Concurrence: Correa—Aye; Canciamilla, Keene, and Wyland—No.

Assembly Bill No. 253, Concurrence: Corbett and Yee—Aye; Bates—No.

Assembly Bill No. 953, Concurrence: Canciamilla, Leno, and Wesson—Aye; Goldberg—No.

Senate Bill No. 902: Aghazarian, Bogh, Canciamilla, Correa, Dutton, La Malfa, Maldonado, Plescia, and Strickland—Aye.

Assembly Bill No. 855, Concurrence: Canciamilla, Garcia, and Goldberg—Aye.

Assembly Bill No. 296, Concurrence: Garcia and Goldberg—Aye; Canciamilla, Correa, and Maddox—No.

Assembly Bill No. 457, Concurrence: Aghazarian, Bates, Correa, Garcia, and Goldberg—Aye.

Assembly Bill No. 719, Concurrence: Correa, Dutton, Goldberg, La Malfa, McCarthy, Plescia, and Runner—Aye; Campbell—No.

Chan Motion to Print in Journal: Canciamilla and Goldberg—Aye.

Assembly Bill No. 375, Concurrence: Bogh, Canciamilla, Correa, Dutton, Goldberg, Keene, La Malfa, McCarthy, Nakanishi, Runner, and Samuelian—Aye.

Assembly Bill No. 28, Concurrence: Calderon, Maldonado, McCarthy, and Runner—Aye.

Assembly Bill No. 1313, Concurrence: Aghazarian and Houston—Aye.

Senate Bill No. 2, Conference Report: Jerome Horton—Aye.

Assembly Bill No. 1302, Urgency and Concurrence: Benoit, Bogh, Campbell, Cox, Dutton, La Malfa, McCarthy, Plescia, Samuelian, Strickland, and Wyland—Aye.

Assembly Bill No. 487, Concurrence: Correa and Houston—No.

MOTION TO ADJOURN

At 3:46 a.m., Assembly Member Mountjoy moved that the Assembly do now adjourn.

Assembly Member Calderon seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 3:46 a.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 20
Senate Bill No. 25
Senate Bill No. 27
Senate Bill No. 41
Senate Bill No. 269
Senate Bill No. 460
Senate Bill No. 570
Senate Bill No. 590
Senate Bill No. 602
Senate Bill No. 666

Senate Bill No. 686
Senate Bill No. 796
Senate Bill No. 808
Senate Bill No. 933
Senate Bill No. 1004
Senate Bill No. 1009
Senate Bill No. 1058
Senate Bill No. 1074
Senate Concurrent Resolution No. 7

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

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 33
Senate Bill No. 256
Senate Bill No. 328
Senate Bill No. 364

Senate Bill No. 411
Senate Bill No. 439
Senate Bill No. 621
Senate Bill No. 1080

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

Senate Chamber, September 13, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 103
Senate Bill No. 274

Senate Bill No. 428
Senate Bill No. 1064

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

Senate Chamber, September 12, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 968

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

ADJOURNMENT

At 3:46 a.m., pursuant to the motion by Assembly Member Mountjoy, and pursuant to the provisions of Joint Rule 51, the Assembly adjourned for the 2003 Interim Study Recess, until 12 Noon, Monday, January 5, 2004, out of respect to the memory of Jule Boldizar, on motion of Assembly Member Longville; out of respect to the memory of Clarence Meddars, on motion of Assembly Member McCarthy; out of respect to the memory of Marita Mae Krall, on motion of Assembly Member Runner; and out of respect to the memory of Johnny Cash, on motion of Assembly Member Longville.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON SEPTEMBER 12, 2003**

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

SB	RN
18	0320357
256	0320221
348	0320365
407	0320306
543	0319993
621	0320083
621	0320366
623	0320230
623	0320377
1056	0320402
1064	0320374

Daily Total:	11
Cumulative Total:	2930

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON SEPTEMBER 13, 2003**

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

SB RN
428 0320241

Daily Total: 1
Cumulative Total: 2931

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