

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, November 18, 2003
FIRST SESSION DAY
FIRST CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, November 18, 2003

At 5:01 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated November 17, 2003, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2003–04 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Christine Kehoe, Speaker pro Tempore of the Assembly for the 2003–04 Regular Session, presiding.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called and the following answered to their names—79:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	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
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Rev. Constantine C. Pappademos, Chaplain of the Assembly for the 2003–04 Regular Session:

Lord God, Send down upon us Your good grace, and sanctify our souls, bodies and spirits. Direct our thoughts toward piety and perfect our spiritual vision with Your boundless light. Cleanse us from all defilement of flesh and spirit and make us worthy of Your presence in our midst. For You are a most compassionate and merciful God, and we glorify You forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Pavley then led the Assembly in the pledge of allegiance to the Flag.

LEAVES OF ABSENCE FOR THE DAY

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

On personal business, and waiving per diem: Assembly Member Chan.

PROCLAMATION OF THE GOVERNOR

Speaker pro Tempore Kehoe directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

A PROCLAMATION**BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 18th day of November, 2003, at a time to be determined, for the following purpose and to legislate upon the following subject:

To consider and act upon legislation relating to reform of California's workers' compensation system.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 17th day
of November, 2003.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

KEVIN SHELLEY
Secretary of State



ELECTION OF SPEAKER

Assembly Member Firebaugh moved that the unanimous consent vote on December 2, 2002, electing Assembly Member Herb J. Wesson, Jr. to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered (Assembly Journal, Page 7), be substituted in the 2003–04 Fourth Extraordinary Session.

Assembly Member Mullin seconded the motion.

Motion carried.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Herb J. Wesson, Jr., on Monday, December 2, 2002 by the Honorable Willie L. Brown, Jr., Mayor of San Francisco, and without objection, substituted in the Fourth Extraordinary Session:

OATH

for the Office of Speaker of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 1

By Assembly Member Nation.

*Relative to the Standing Rules of the Assembly
for the 2003–04 Fourth Extraordinary Session.*

Resolved by the Assembly of the State of California, That the Standing Rules of the Assembly for the 2003–04 Regular Session are hereby adopted as the Standing Rules of the Assembly for the 2003–04 Fourth Extraordinary Session.

(NOTE: For text of Assembly Standing Rules, see Assembly Journal for December 2, 2002 for the Regular Session, page 9.)

CONSIDERATION OF HOUSE RESOLUTION NO. 1

On motion of Assembly Member Firebaugh, House Resolution No. 1 was taken up.

HOUSE RESOLUTION NO. 1 (Nation)—Relative to the Standing Rules of the Assembly for the 2003–04 Fourth Extraordinary Session.

Resolution read, and adopted by the following vote:

AYES—78

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescía
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, 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	
Dutton	Levine	Parra	

NOES—None**RESOLUTIONS**

The following resolution was offered:

House Resolution No. 2

By Assembly Member Firebaugh.

*Relative to the organization of the Assembly
for the 2003–04 Fourth Extraordinary Session.*

Resolved by the Assembly of the State of California, That

(a) The Chief Clerk or the Sergeant at Arms is authorized to received from the Controller all warrants for the payment of Members, officers, and attaches of the Assembly; and

(b) The Chief Clerk shall provide copies of the Assembly Weekly Histories to the Legislative Counsel, Governor, Attorney General, and accredited newspaper representatives.

CONSIDERATION OF HOUSE RESOLUTION NO. 2

On motion of Assembly Member Firebaugh, House Resolution No. 2 was taken up.

HOUSE RESOLUTION NO. 2 (Firebaugh)—Relative to the organization of the Assembly for the 2003–04 Fourth Extraordinary Session.

Resolution read, and adopted by the following vote:

AYES—78

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescía
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, 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	
Dutton	Levine	Parra	

NOES—None**ELECTION OF OFFICERS OF THE ASSEMBLY**

Assembly Member Firebaugh moved that the following officers of the Assembly for the 2003–04 Regular Session be deemed elected in the 2003–04 Fourth Extraordinary Session and that the roll call vote and oaths of office taken on December 2, 2002 be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant-at-Arms, Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

Assembly Member Steinberg seconded the motion.

Motion carried and the following vote substituted:

AYES—79

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	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
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

NOES—None

(NOTE: Assembly Member Chan was present when the above vote was taken on December 2, 2002, but is excused on this day.)

OATH OF OFFICE

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 2, 2002, by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California, and without objection, substituted in the Fourth Extraordinary Session:

OATH

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

OATH OF OFFICE

The following oath of office was administered to Speaker pro Tempore-elect Christine Kehoe on December 2, 2002 by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California, and without objection, substituted in the Fourth Extraordinary Session:

OATH

for the Office of Speaker pro Tempore of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

LEADERSHIP ANNOUNCEMENT

Speaker pro Tempore Kehoe announced that the following leadership would serve in the 2003–04 Fourth Extraordinary Session, consistent with the 2003–04 Regular Session:

Democratic Leadership

Speaker pro Tempore	Hon. Christine Kehoe
Assistant Speaker pro Tempore	Hon. Leland Yee
Majority Floor Leadership	Hon. Marco Firebaugh
Majority Leader	Hon. Wilma Chan
Majority Whip	Hon. Fabian Nunez
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Joe Nation
Assistant Whips	Hon. Ron Calderon
	Hon. Jackie Goldberg
	Hon. Lloyd Levine
	Hon. Cindy Montanez
	Hon. Gloria Negrete McLeod
	Hon. Fran Pavley
	Hon. Simon Salinas

Republican Leadership

Republican Leader	Hon. Dave Cox
Caucus Chair	Hon. Tony Strickland
Assistant Republican Leaders	Hon. John Campbell
	Hon. Patricia Bates
	Hon. Dave Cogdill
	Hon. Bill Maze
	Hon. Guy Houston
	Hon. Bonnie Garcia
	Hon. Russ Bogh
	Hon. Tom Harman
	Hon. Keith Richman
	Hon. Lynn Daucher
	Hon. Robert Pacheco
	Hon. Ray Haynes
	Hon. Ken Maddox
	Hon. Sharon Runner
	Hon. Shirley Horton
Whips	Hon. George Plescia
	Hon. Mark Wyland
	Hon. Kevin McCarthy
	Hon. Rick Keene

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1—Maldonado (Coauthors: Aghazarian, Bates, Benoit, Bogh, Campbell, Cogdill, Daucher, Garcia, Harman, Haynes, Shirley Horton, Houston, Keene, La Malfa, Leslie, Maddox, Maze, McCarthy, Nakanishi, Pacheco, Plescia, Richman, Runner, Samuelian, Spitzer, and Wyland). An act to amend Section 1877.5 of the Insurance Code, and to amend Sections 3201.5, 3208, 3208.1, 3209.3, 3600, 4060, 4061, 4062, 4062.5, 4064, 4068, 4600, 4600.2, 4600.7, 4603.2, 4604, 4658, 4660, and 6401.7 of, to amend and renumber the heading of Part 1 (commencing with Section 3200) of Division 4 of, to add Sections 4600.31, 4604.5, 4611, 4611.1, 4611.2, 4658.1, 4658.6, and 5705.1 to, to add Article 2.3 (commencing with Section 3737) to Chapter 4 of Part 1.5 of Division 4 of, to add Part 1 (commencing with Section 3110) to Division 4 of, to repeal Sections 3139.48, 3139.49, 4062.9, 4600.35, 4600.6, 4601, 4602, 4603, 4609, 4614, 4614.1, and 5814.5 of, to repeal Chapter 5 (commencing with Section 110) of Division 1 of, and to repeal and add Sections 4600.3, 4600.5, and 5814 of, the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2—Nation. An act to amend Section 1871.8 of the Insurance Code, to amend Section 5307.1 of the Labor Code, and to amend Sections 549 and 550 of the Penal Code, relating to insurance.

COMMUNICATIONS

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

November 18, 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 the following members to the Insurance Committee for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Assemblymember Juan Vargas, Chair
Assemblymember John Benoit, Vice Chair
Assemblymember Russ Bogh
Assemblymember Ron Calderon
Assemblymember John Campbell
Assemblymember Ed Chavez
Assemblymember Lou Correa
Assemblymember Manny Diaz
Assemblymember John Dutra
Assemblymember Robert Dutton
Assemblymember Dario Frommer
Assemblymember Jerome Horton
Assemblymember Paul Koretz
Assemblymember Sally Lieber
Assemblymember Ken Maddox
Assemblymember Dennis Mountjoy
Assemblymember George Nakano
Assemblymember Keith Richman
Assemblymember Mark Ridley-Thomas

Sincerely,

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

November 18, 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 the following members to the Assembly Rules Committee for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Assemblymember Joe Nation, Chair
Assemblymember Dave Cogdill, Vice Chair
Assemblymember John Benoit
Assemblymember Ron Calderon
Assemblymember Judy Chu
Assemblymember Merv Dymally
Assemblymember Tim Leslie
Assemblymember Cindy Montanez
Assemblymember Loni Hancock, Democratic Alternate
Assemblymember Lynn Daucher, Republican Alternate

Sincerely,

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

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Vargas announced that the Insurance Committee would meet on Wednesday, November 20, 2003, at 9 a.m.

DESK HELD OPEN

Speaker pro Tempore Kehoe was granted unanimous consent that the Desk be held open to permit the introduction and reference of bills.

COMMUNICATIONS

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

Governor's Office, Sacramento
November 18, 2003

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

Dear Mr. Speaker: I hereby designate Richard Costigan, Cynthia Bryant, Pamela Oto and Jamey Tak on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Thank you for your attention to this matter.

Sincerely,

ARNOLD SCHWARZENEGGER

ADJOURNMENT

At 5:10 p.m., the Assembly adjourned to reconvene upon Call of the Speaker, and consents that the Senate do the same.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

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