

CALIFORNIA LEGISLATURE
2003–04 THIRD EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, December 1, 2003
SECOND SESSION DAY
FOURTEENTH 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
Monday, December 1, 2003

The Assembly met at 2:50 p.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 Cogdill moved a quorum call of the Assembly.
Motion carried. Time, 2:51 p.m.

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

Quorum Present

At 2:53 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	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mountjoy	Steinberg
Cogdill	Jackson	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:

O Merciful God, Send Your good grace upon all of us who pray to You. You have told us, Lord, that nothing touches You more than a repentant soul, and so we ask that You free us from the destruction of a spiritual death. Help us to turn away from temptation and toward You, as a testimony to Your presence in our life. For Your name, O Lord, is worthy of praise and is exalted forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Salinas 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:

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

FIRST READING OF SENATE BILLS

The following resolution was read:

(NOTE: The following resolution was received in the Assembly November 18, 2003, Assembly Journal, page 17.)

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 2003–04 Third Extraordinary Session.

The following bill was read the first time:

(NOTE: The following bill was received in the Assembly on November 24, 2003, Assembly Journal, page 19.)

SENATE BILL NO. 1—An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of, and to repeal Sections 12801.2 and 12801.9 of, the Vehicle Code, and to repeal Section 9 of Chapter 326 of the Statutes of 2003, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

Date of Hearing: November 25, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 1

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: November 25, 2003

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1

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.

MESSAGES FROM THE SENATE

November 24, 2003

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

Dear Dotson: This is to inform you that the Senate on this day consented to allow the Assembly to be in recess for more than 10 days as required by Article IV, Section 7(d) of the Constitution.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

ADJOURN IN MEMORY

Assembly Members Cox and Steinberg were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Bill Hughes, Mayor of Citrus Heights.
(Assembly Rule 45.5 suspended.)

Assembly Member Frommer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Spc. Rel A. Ravago, IV, of Glendale.
(Assembly Rule 45.5 suspended.)

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Alice Diener, of Fresno.
(Assembly Rule 45.5 suspended.)

Assembly Member Wyland was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Andrew Markey, of Oceanside.
(Assembly Rule 45.5 suspended.)

Assembly Member Jackson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rebecca Singer-Beilin, of Ventura.
(Assembly Rule 45.5 suspended.)

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 2:58 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.

RECESS

By unanimous consent, at 2:58 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 3:17 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

**REPORTS OF STANDING COMMITTEES
Committee on Appropriations**

Date of Hearing: December 1, 2003

Mr. Speaker: Your Committee on Appropriations reports:
Senate Bill No. 1

With the recommendation: Do pass.

STEINBERG, Chair

Above bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Benoit.

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—79

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mountjoy	Steinberg
Cogdill	Jackson	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

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

Second Reading of Senate Bill No. 1

SENATE BILL NO. 1—An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of, and to repeal Sections 12801.2 and 12801.9 of, the Vehicle Code, and to repeal Section 9 of Chapter 326 of the Statutes of 2003, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

CONSIDERATION OF SENATE BILL NO. 1 BY UNANIMOUS CONSENT

Assembly Member Benoit was granted unanimous consent to take up Senate Bill No. 1 without reference to file, for purpose of consideration.

SENATE BILL NO. 1 (Oller)—An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of, and to repeal Sections 12801.2 and 12801.9 of, the Vehicle Code, and to repeal Section 9 of Chapter 326 of the Statutes of 2003, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—64

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

NOES—9

Chan	Goldberg	Montanez
Correa	Hancock	Vargas
Dymally	Longville	Yee

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—64

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

NOES—9

Chan	Goldberg	Montanez
Correa	Hancock	Vargas
Dymally	Longville	Yee

Bill ordered transmitted to the Senate immediately.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced that the Democratic Caucus would meet on Tuesday, December 2, 2003, at 8:30 a.m., in the Assembly Lounge.

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced that for the remainder of this week the House is upon Call of the Speaker.

ADJOURN IN MEMORY

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John H. "Chub" Morris III, of Klamath; Robert J. Coulter, of Weaverville; and William Zerlang, of Eureka.

Assembly Member Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bob Crevier, of Corona del Mar.

Assembly Member Jackson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Genevieve Nowlin, of Santa Barbara.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sister Rosemarie Julie Gavin, of Belmont (Sisters of Notre Dame de Namur).

Assembly Member Nakano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mitzi Uller, of San Pedro and Torrance; and Mary Lou Elsner, of Redondo Beach.

Assembly Member Nation was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Private Joel Cox, of Petaluma.

Assembly Member Parra was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Andrea Lynn Perez, of Lemoore.

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 Ruth Newhall, of San Francisco.

Assembly Member Yee was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dymphna "Wai-Yung" Brown, of San Francisco.

MOTION TO ADJOURN

At 3:45 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 3:45 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 3:45 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned and consented for the Senate to do the same, to reconvene upon Call of the Speaker, out of respect to the memory of John H. "Chub" Morris III, Robert J. Coulter, and William Zerlang, on motion of Assembly Member Berg; out of respect to the memory of Bob Crevier, on motion of Assembly Member Campbell; out of respect to the memory of Sister Rosemarie Julie Gavin, on motion of Assembly Member Mullin; out of respect to the memory of Mitzi Uller and Mary Lou Elsner, on motion of Assembly Member Nakano; out of respect to the memory of Private Joel Cox, on motion of Assembly Member Nation; out of respect to the memory of Andrea Lynn Perez, on motion of Assembly Member Parra; out of respect to the memory of Ruth Newhall, on motion of Assembly Member Runner; out of respect to the memory of Dympna "Wai-Yung" Brown, on motion of Assembly Member Yee; out of respect to the memory of Spc. Rel A. Ravago, IV, on motion of Assembly Member Frommer; out of respect to the memory of John Andrew Markey, on motion of Assembly Member Wyland; out of respect to the memory of Rebecca Singer-Beilin and Genevieve Nowlin, on motion of Assembly Member Jackson; out of respect to the memory of Mary Alice Diener, on motion of Assembly Member Reyes; and out of respect to the memory of Hon. Bill Hughes, on motion of Assembly Members Cox and Steinberg.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

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