

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, December 9, 2002

SECOND SESSION DAY

EIGHTH 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
Monday, December 9, 2002

The Assembly met at 12:08 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Leno moved a quorum call of the Assembly.
Motion carried. Time, 12:08 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 12:10 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—78:

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

PRAYER

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

Lord, We gather this first day of the Special Session and we pray to You. Guide our hearts and our minds to do Your will in our deliberations and lead us to decisions that prove us to be good stewards of the responsibility entrusted to us by the people of this great state. In all we do let our hearts always turn to You, since denial of Your existence will inevitably lead to a contempt for humanity. We glorify Your holy name, O Lord, and we ask for Your blessing.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Montanez 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 Firebaugh, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Haynes.

Because of illness: Assembly Member Oropeza.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

December 6, 2002

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

Dear Mr. Speaker: Please excuse me from Assembly Session on Monday, December 9, 2002, due to legislative business.

Sincerely,

RAY HAYNES, Assembly Member
Sixty-sixth District

ADJOURN IN MEMORY

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 Deputy David Powell, of the Los Angeles County Sheriff's Department.

(Assembly Rule 45.5 suspended.)

Assembly Member La Malfa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Archie Boek, of Redding.

(Assembly Rule 45.5 suspended.)

COMMUNICATIONS

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

December 4, 2002

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

Dear Mr. Wilson: This letter is to state for the record that I choose to waive my per diem for the 2003–04 legislative session.

Thank you for your assistance.

Sincerely,

DARRELL STEINBERG, Assembly Member
 Ninth District

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

ASSEMBLY BILL NO. 57—Bates. An act to amend Section 11055 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 58—Bates. An act to amend Section 13308 of the Water Code, relating to water, and making an appropriation therefor.

ASSEMBLY BILL NO. 59—Dymally. An act to add Chapter 4.5 (commencing with Section 8305) to Division 1 of Title 2 of the Government Code, relating to state history and culture.

ASSEMBLY BILL NO. 60—Dymally. An act to amend Sections 89416 and 89416.3 of, and to amend the heading of Chapter 4.2 (commencing with Section 89416) of Part 55 of, the Education Code, relating to the California State University.

ASSEMBLY BILL NO. 61—Dymally. An act to amend Section 1 of Chapter 78 of the Statutes of 1993, relating to Compton Unified School District.

ASSEMBLY BILL NO. 62—Bermudez. An act to add Section 5101.10 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 63—Cogdill and Garcia. An act to add and repeal Sections 17053.18 and 23638 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 64—Pacheco. An act to amend Section 84750 of the Education Code, relating to community colleges.

RESOLUTIONS

The following resolutions were read:

ASSEMBLY CONCURRENT RESOLUTION NO. 7—Daucher (Coauthor: Pacheco) (Coauthor: Senator Ackerman). Relative to California Highway Patrol Officer Don J. Burt Memorial Highway.

ASSEMBLY CONCURRENT RESOLUTION NO. 8—Dymally. Relative to the Charles R. Drew University of Medicine and Science.

**SENATE CONCURRENT RESOLUTION NO. 1
REFERRED TO COMMITTEE**

Speaker pro Tempore Kehoe referred Senate Concurrent Resolution No. 1 to the Committee on Rules.

CAUCUS ANNOUNCEMENTS

At 12:15 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 12:16 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 1:11 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

RECESS

By unanimous consent, at 1:11 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 1:26 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

ADJOURN IN MEMORY

Assembly Member Pacheco was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jeff Holstien, of Orange.

(Assembly Rule 45.5 suspended.)

Assembly Member Dymally was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Bill Greene, former California State Senator from 1975–1992.

Assembly Member Liu was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul Reed, of Guilford, Connecticut.

Assembly Member Leslie was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Essie Floyd, of Benicia; Robert James Martin, of Moraga Valley; and Dorothy Brock, of Roseville.

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 Ellen T. Straus, of Marin County.

MOTION TO ADJOURN

At 1:27 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Strickland seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:27 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 65—Dymally. An act to add Section 5019.90 to the Public Resources Code, relating to state parks.

ASSEMBLY BILL NO. 66—Leslie. An act to amend Section 91.5 of the Streets and Highways Code, and to add Article 5 (commencing with Section 330) to Chapter 2.5 of Division 1 of the Water Code, relating to waterways.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 9—Dymally. Relative to community colleges.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned until 12 noon, Monday, January 6, 2003, out of respect to the memory of Deputy David Powell, on motion of Assembly Member Nakano; out of respect to the memory of Archie Boek, on motion of Assembly Member La Malfa; out of respect to the memory of Jeff Holstien, on motion of Assembly Member Pacheco; out of respect to the memory of Hon. Bill Greene, on motion of Assembly Member Dymally; out of respect to the memory of Paul Reed, on motion of Assembly Member Liu; out of respect to the memory of Essie Floyd, Robert James Martin, and Dorothy Brock, on motion of Assembly Member Leslie; and out of respect to the memory of Ellen T. Straus, on motion of Assembly Member Nation.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk