

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 4, 2004

ONE HUNDRED FORTY-SEVENTH SESSION DAY

FOUR HUNDRED THIRTIETH 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
Wednesday, February 4, 2004

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.
Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—64:

Aghazarian	Dymally	Lowenthal	Parra
Bates	Firebaugh	Maddox	Pavley
Benoit	Garcia	Maldonado	Plescia
Berg	Goldberg	Matthews	Reyes
Bermudez	Harman	Maze	Richman
Bogh	Haynes	McCarthy	Runner
Calderon	Horton, Shirley	Montanez	Samuelian
Canciamilla	Jackson	Mountjoy	Spitzer
Chu	Keene	Mullin	Steinberg
Cogdill	Kehoe	Nakanishi	Strickland
Cohn	Koretz	Nakano	Vargas
Correa	La Malfa	Nation	Wiggins
Cox	La Suer	Negrete McLeod	Wolk
Diaz	Laird	Nunez	Wyland
Dutra	Leno	Oropeza	Yee
Dutton	Levine	Pacheco	Mr. Speaker

Quorum present.

At 2:02 p.m., Hon. Sarah Reyes, 31st District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

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

On legislative business: Assembly Members Chavez, Corbett, Daucher, Frommer, Hancock, Jerome E. Horton, Houston, Leslie, Lieber, Longville, Ridley-Thomas, Salinas, and Simitian.

On personal business, and waiving per diem: Assembly Members Campbell and Liu.

Because of illness: Assembly Member Chan.

EXPLANATIONS OF ABSENCE

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

February 2, 2004

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

Dear Mr. Speaker Wesson: I respectfully request that I be excused from Session or Check-in Session on Wednesday, February 4, 2004. The purpose is to attend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member
Fifty-seventh District

February 3, 2004

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

Dear Mr. Speaker: I would like to request permission to be excused from check-in session on Wednesday, February 4, 2004. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns, please feel free to call me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member
Eighteenth District

February 2, 2004

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

Dear Speaker Wesson: I hereby request that I be excused from check in session on Wednesday, February 4, 2004 so that I may return to my District on legislative business.

I appreciate your consideration of this request. Please contact Chris Mowrer at 319-2072 with any questions. Thank you.

Sincerely,

LYNN DAUCHER, Assembly Member
Seventy-second District

February 4, 2004

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

Dear Mr. Speaker: I respectfully request permission to be excused from session check-in on Wednesday, February 4, 2004. I am in Van Nuys chairing the Assembly Health Committee Hearing.

Thank you for your attention to this request. If you have any questions, please telephone my scheduler, Maria Campos, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member
Forty-third District

February 3, 2004

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

Dear Mr. Speaker: I respectfully request an excused absence from Check-In Session on February 4, 2004. I have been invited to participate in an urban design conference in Charleston, South Carolina.

Sincerely,

LONI HANCOCK, Assembly Member
Fourteenth District

February 2, 2004

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-In Session on Wednesday, February 4, 2004, due to legislative business in my district. I will return to Sacramento on Thursday, February 5, 2004, in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

February 2, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Wednesday, February 4, 2004 for legislative meetings in my district.

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

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

February 3, 2004

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

Dear Speaker Wesson: I would like to be excused from check-in session on February 4, 2004, due to legislative business in my district.

If you have any questions, please contact my Chief of Staff, Matt Moretti at 319-2022.

Sincerely,

SALLY J. LIEBER, Assembly Member
Twenty-second District

February 4, 2004

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

Dear Mr. Speaker: I respectfully request approval to be excused from Session on legislative business on February 4, 2004. I will be returning back to Sacramento on February 5th for Assembly Session.

Thank you for your consideration of this request. If your staff should have any questions or require further information, please feel free to contact Traci Holt at 319-2062.

Respectfully,

JOHN LONGVILLE, Assembly Member
Sixty-second District

February 4, 2004

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

Dear Mr. Speaker: I write to request permission to travel to Burbank for the purpose of attending the Assembly Health Committee informational hearing on February 4, 2004 and be excused from check in session on legislative business.

Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Lourdes Machado, at (916) 319-2048.

With hope,

MARK RIDLEY-THOMAS, Assembly Member
Forty-eighth District

February 2, 2004

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

Dear Mr. Speaker: I am writing to respectfully request to be excused for Check-In on February 4, 2004. I am committed to speak with a group of constituents in my district office.

If you have any questions about this request, please feel free to contact Jalene Romo in my Capitol Office.

Sincerely,

SIMÓN SALINAS, Assembly Member
Twenty-eighth District

January 26, 2004

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

Dear Speaker Wesson,

This is a request to be excused from Check-In Session on Wednesday, February 4, 2004. I have legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member
Twenty-first District

(NOTE: For letter explaining the absence of Assembly Member Leslie on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 2, 2004.)

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1877—Maze. An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1878—Chan. An act to amend Sections 407.5, 4000, 12500, 12509, 12804.9, 21224, 21225, and 21235 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1879—Reyes. An act to amend Section 47601 of the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 1880—Maze. An act to add Section 66025.7 to the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 1881—Berg (Coauthors: Chan and Hancock) (Coauthors: Senators Chesbro, Perata, and Torlakson). An act to amend Sections 18986.86 and 18986.87 of, and to repeal Section 18986.88 of, the Welfare and Institutions Code, relating to health and human services.

ASSEMBLY BILL NO. 1882—Jerome Horton. An act to amend Section 486 of the Food and Agricultural Code, relating to agricultural inspectors.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 171—Maze. Relative to Vietnam War veterans.

ASSEMBLY CONCURRENT RESOLUTION NO. 172—Nakano, Shirley Horton, and Nakanishi (Principal coauthors: Chan, Chu, Liu, and Yee). Relative to a Day of Remembrance.

AUTHOR'S AMENDMENTS

Committee on Revenue and Taxation

February 4, 2004

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Senate Bill No. 438

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

CHAVEZ, Chair

SENATE BILL NO. 438—An act to amend Section 8686 of the Government Code, and to amend Sections 17207 and 24347.5 of the Revenue and Taxation Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

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 Utilities and Commerce

Date of Hearing: February 2, 2004

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 772

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

REYES, Chair

Above bill re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3:50 p.m., the Assembly adjourned until 9 a.m., Thursday, February 5, 2004.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 4, 2004**

The following measure was amended in the Assembly on this day:

SB RN

438 0405466

Daily Total: 1

Cumulative Total: 3160

O