

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 6, 2003
TWENTY-SECOND SESSION DAY
SIXTY-SEVENTH 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
Thursday, February 6, 2003

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—71:

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

Quorum present.

**At 1:52 p.m., Assistant Speaker pro Tempore Leland Yee,
12th 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 Bates, Chavez, Cogdill, Jerome E. Horton, Shirley Horton, Kehoe, La Malfa, and La Suer.

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:

January 23, 2003

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

Dear Mr. Speaker,

The purpose of this letter is to respectfully request permission to be absent for Check-In Session on Thursday, February 6th, 2003. I previously requested permission to travel on Wednesday, February 5th and would like to extend that through February 6th. I will attend the Floor Session on February 7th, 2003.

I will be speaking at events both on Wednesday, February 5th and on Thursday, February 6th as well as conducting legislative business.

Thank you in advance for your prompt attention to this matter. Should you have any questions, please contact my Chief of Staff Cory Botts at 319-2073.

Sincerely,

PATRICIA C. BATES, Assembly Member
Seventy-third District

January 31, 2003

*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 on Thursday, February 6th, 2003. 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 6, 2003

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

Dear Mr. Speaker: I respectfully request that I be excused from check-in on Thursday, February 6, 2003. I will be on legislative business in the district.

Thank you for your consideration of this request. If you have any questions, please contact me at 319-2025.

Sincerely,

DAVE COGDILL, Assembly Member
 Twenty-fifth District

February 5, 2003

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 and Floor Session on Thursday, February 6, 2003, due to legislative business in my district.

I thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (916) 207-5100.

Sincerely,

JEROME E. HORTON, Assembly Member
 Fifty-first District

February 4, 2003

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

Dear Speaker Wesson: This letter is to ask to be excused from check-in session, Thursday, February 6th as I will be returning to my district on legislative business, returning in time for session the next morning. If you have any questions, please contact me at 319-2078.

Thank you in advance for your consideration.

Sincerely,

SHIRLEY A. HORTON, Assembly Member
 Seventy-eighth District

February 3, 2003

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session, February 6, 2003. I will be in my district attending to legislative business.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

DOUG LA MALFA, Assembly Member
 Second District

February 3, 2003

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

Dear Speaker Wesson,

Please excuse me from Floor Session for legislative business on the following dates, as I will be attending several important meetings with constituents in my district:

Check-In Session on Thursday, February 6

Regular Session, Friday, February 7.

Thank you in advance for your assistance in this matter.

Sincerely,

JAY LA SUER, Assembly Member
 Seventy-seventh District

(NOTE: For letter explaining the absence of Assembly Member Kehoe on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 5, 2003.)

COMMUNICATIONS

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

February 5, 2003

The Honorable E. Dotson Wilson
Chief Clerk, California State Assembly
State Capitol—Room 3196
Sacramento, California

E. Dotson Wilson: Please allow this letter to serve as notice that I am declining per diem on February 8, 9, & 10th, 2003, as well as February 15, 16, & 17, 2003.

Thank you for your consideration of this request. Should you have any questions please contact Sheri Pemberton of my staff at 319-2053.

Sincerely,

GEORGE NAKANO, Assembly Member
 Fifty-third District

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Select Committee on Megan's Law and Sex Offender Registration, on February 19, 2003, at 9 a.m., in Room 444;
Judiciary, on March 18, 2003, at 8 a.m., in Room 4202.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 6, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 19

Assembly Bill No. 66

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 292—Yee (Coauthors: Diaz and Spitzer). An act to add Section 36 to the Business and Professions Code, to add Section 21.5 to the Civil Code, to add Section 33.5 to the Code of Civil Procedure, to add Article 8 (commencing with Section 95) to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to add Section 755.6 to the Evidence Code, to add Part 8 (commencing with Section 296) to Division 2 of the Family Code, to add Section 27 to the Government Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 30 to the Labor Code, to add Section 24.5 to the Penal Code, to add Chapter 5 (commencing with Section 1070) to Part 1 of Division 3 of the Probate Code, to add Section 22 to the Unemployment Insurance Code, and to add Section 26.5 to the Welfare and Institutions Code, relating to translators and interpreters.

ASSEMBLY BILL NO. 293—Daucher. An act to add Chapter 7.5 (commencing with Section 10650) to Part 2 of Division 2 of the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 294—Daucher. An act to amend Section 46300.8 of the Education Code, relating to schools.

ASSEMBLY BILL NO. 295—Steinberg. An act to amend Sections 17400 and 17432 of the Family Code, relating to child support.

ASSEMBLY BILL NO. 296—Mullin. An act to amend Section 100620 of the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 297—Mullin. An act to add Article 6.7 (commencing with Section 92685) to Chapter 6 of Part 57 of the Education Code, relating to the University of California.

ASSEMBLY BILL NO. 298—Bates. An act to add and repeal Section 56141 of the Education Code, relating to special education.

ASSEMBLY BILL NO. 299—Lowenthal and Koretz. An act to add Section 21100.4 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 300—Goldberg (Coauthors: Cohn, Hancock, Liu, Mullin, Pavley, Plescia, Reyes, and Wyland). An act to amend Sections 8242, 35534, and 35738 of the Education Code, relating to education.

ASSEMBLY BILL NO. 301—Reyes. An act to amend Section 27606 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 302—Chan. An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

ASSEMBLY BILL NO. 303—Reyes. An act to add Section 92611.7 to the Education Code, relating to the University of California.

ASSEMBLY BILL NO. 304—Mullin. An act to amend Section 51504 of the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 305—Mullin. An act to amend Section 65915 of the Government Code, relating to housing.

ASSEMBLY BILL NO. 306—Kehoe (Coauthors: Hancock, Harman, Laird, and Nation) (Coauthors: Senators Alpert and Romero). An act to amend Section 521 of, and to repeal and add Section 523 of, the Water Code, relating to water.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 9—Levine. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to taxation.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 22—Correa (Coauthors: Bates, Campbell, Chan, Daucher, Harman, La Malfa, Laird, Leno Maddox Maldonado, Matthews, Montanez, Pacheco, Parra, Reyes, Spitzer, and Yee). Relative to California Peace Officers' Memorial Day.

AUTHOR'S AMENDMENTS Committee on Judiciary

February 6, 2003

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 29

Assembly Bill No. 44

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 29—An act to add Section 6302.5 to the Family Code, relating to protective orders.

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.

ASSEMBLY BILL NO. 44—An act to amend Section 366.21 of the Welfare and Institutions Code, relating to dependent children, 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.

AUTHOR'S AMENDMENTS Committee on Education

February 6, 2003

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 56

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

GOLDBERG, Chairwoman

ASSEMBLY BILL NO. 56—An act to amend Sections 46112, 48000, and 48200 of, to add Sections 46112.1, 48000.1, and 48200.1 to, and to add Article 6.5 (commencing with Section 8234.10) to Chapter 2 of Part 6 of, the Education Code, relating to children, and making an appropriation therefor.

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.

AUTHOR'S AMENDMENTS
Committee on Education

February 6, 2003

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 86

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

GOLDBERG, Chairwoman

ASSEMBLY BILL NO. 86—An act to add Chapter 5 (commencing with Section 35800) and Chapter 6 (commencing with Section 35900) to Part 21 of the Education Code, relating to education.

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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Friday, February 7, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 6, 2003

The following measures were amended in the Assembly on this day:

AB	RN	
29	0307001	
44	0306922	
56	0306928	
86	0301726	
Daily Total:		4
Cumulative Total:		23

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