

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 10, 2004

ONE HUNDRED FIFTIETH SESSION DAY

FOUR HUNDRED THIRTY-SIXTH 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
Tuesday, February 10, 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—70:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Liu	Plescia
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, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Vargas
Cohn	Jackson	Mullin	Wesson
Corbett	Kehoe	Nakanishi	Wiggins
Correa	La Malfa	Nakano	Wolk
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Oropeza	Mr. Speaker
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	

Quorum present.

At 1:38 p.m., Hon. Lois Wolk, 8th 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 Chan, Cogdill, Keene, Koretz, Nation, and Simitian.

On legislative business, and waiving per diem: Assembly Member Strickland.

Because of illness: Assembly Members Firebaugh and Wyland.

Because of jury duty: Assembly Member Lieber.

EXPLANATIONS OF ABSENCE

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

February 10, 2004

*The Honorable Fabian Nunez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am requesting to be excused from Check-In Session on Tuesday, February 10, 2004 and Wednesday, February 11, 2004, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

February 9, 2004

*The Honorable Fabian Nunez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from check in session on Tuesday, February 10, 2004. I will be in my district on legislative business.

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 9, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219*

Dear Mr. Speaker: I respectfully request to be excused from check-in session, Tuesday, February 10, 2004 due to a legislative speaking engagement in Los Angeles.

Please call Kelly Garman in my Capitol office with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

RICK KEENE, Assembly Member
Third District

February 9, 2004

*The Honorable Fabian Nunez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from check in on Tuesday, February 10, 2004 and Wednesday, February 11, 2004. I will be convening a staff retreat in my district. If you have any questions or concerns please contact Leticia Klein in my office at 916-319-2042.

Sincerely,

PAUL KORETZ, Assembly Member
Forty-second District

February 9, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-In Session on Tuesday, February 10, 2004 due to legislative business regarding Workers Compensation Reform at the University of Southern California.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

February 9, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker,

This is a request to be excused from Check-In Session on Tuesday, February 10, 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

February 9, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request that you waive my per diem for the dates of February 10, 2004 and February 11, 2004 due to out of town legislative business.

If you have any questions, please call Sarah Dawson at 319.2037.

Sincerely,

TONY STRICKLAND, Assembly Member
Thirty-seventh District

COMMUNICATIONS

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

February 10, 2004

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 Assemblymember Wilma Chan to replace Assemblymember Rebecca Cohn as Chair of the Joint Legislative Audit Committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1918—Montanez. An act to amend Sections 44977 and 45196 of the Education Code, relating to school employees.

ASSEMBLY BILL NO. 1919—Samuelian. An act to amend Sections 66 and 67 of, and to repeal Section 66.5 of, the Military and Veterans Code, relating to veterans.

ASSEMBLY BILL NO. 1920—La Malfa. An act to amend Section 422.6 of the Penal Code, relating to rights.

ASSEMBLY BILL NO. 1921—Canciamilla. An act to amend Section 10615 of the Water Code, relating to water.

ASSEMBLY BILL NO. 1922—Nation. An act to add Section 60242.6 to the Education Code, relating to instructional materials.

ASSEMBLY BILL NO. 1923—Lowenthal. An act to amend Section 6401.7 of the Labor Code, relating to occupational safety and health.

ASSEMBLY BILL NO. 1924—Bogh (Principal coauthor: Senator Battin). An act to amend Section 456 of the Penal Code, and to amend Sections 4299 and 4376 of the Public Resources Code, relating to fire prevention.

ASSEMBLY BILL NO. 1925—Haynes. An act to amend Section 51938 of the Education Code, relating to instruction.

ASSEMBLY BILL NO. 1926—Bermudez. An act to amend Section 4005 of the Fish and Game Code, relating to trapping licenses.

ASSEMBLY BILL NO. 1927—Cohn. An act to amend Section 1373 of, and to add Sections 1373.35 and 1373.45 to, the Health and Safety Code, relating to health care.

ASSEMBLY BILL NO. 1928—Parra (Coauthor: Senator Machado). An act to add and repeal Article 19 (commencing with Section 18881) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1929—Samuelian. An act to amend Section 53270 of the Government Code, relating to firefighters.

ASSEMBLY BILL NO. 1930—Negrete McLeod (Principal coauthor: Cogdill). An act to amend Section 6516.9 of the Government Code, relating to joint exercise of powers.

ASSEMBLY BILL NO. 1931—La Malfa. An act to amend Section 830.1 of the Penal Code, relating to peace officers.

ASSEMBLY BILL NO. 1932—Maze. An act relating to public postsecondary education.

ASSEMBLY BILL NO. 1933—Pacheco. An act to amend Sections 6253 and 6254 of the Government Code, relating to public records.

ASSEMBLY BILL NO. 1934—Leslie. An act to amend Section 115825 of, and to add Section 115843 to, the Health and Safety Code, relating to drinking water.

ASSEMBLY BILL NO. 1935—Bogh. An act to amend Section 10754 of the Revenue and Taxation Code, relating to taxation.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 175—Samuelian. Relative to Hmong History Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 176—Bogh. Relative to George Washington's birthday.

ADJOURNMENT

At 4:10 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 11, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk