

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 25, 2003

THIRTIETH SESSION DAY

EIGHTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

(Corrected: 2-26-03, for Roll Call, p. 516)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 25, 2003

The Assembly met at 7 a.m.

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

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dutton	Lieber	Pavley
Bates	Dymally	Liu	Plescia
Benoit	Firebaugh	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, Shirley	McCarthy	Simitian
Chan	Houston	Montanez	Spitzer
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Correa	La Suer	Negrete McLeod	Wyland
Cox	Laird	Nunez	Mr. Speaker
Daucher	Leno	Oropeza	
Diaz	Leslie	Pacheco	
Dutra	Levine	Parra	

Quorum present.

At 1:55 p.m., Hon. Patricia Wiggins, 7th 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 Jerome E. Horton and Yee.

To attend a funeral: Assembly Member Frommer.

EXPLANATIONS OF ABSENCE

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

February 21, 2003

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 Tuesday, February 25, 2003 and Wednesday, February 26, 2003, due to legislative business in my district. I will return to Sacramento on Thursday, February 27, 2003, in time for Assembly Floor Session.

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 20th 2003

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

Dear Speaker Wesson: I respectfully request that I be excused from the Assembly Check-In Session on Tuesday February 25th. I will be in my district during that time attending to legislative business.

Sincerely,

LELAND Y. YEE, Ph.D., Assembly Member
 Twelfth District

COMMUNICATIONS

The following communication was presented by the Chief Clerk from:

Richard P. West, Executive Vice Chancellor, Chief Financial Officer, California State University, dated December 20, 2002, relative to a delay in submitting a report concerning Faculty Compensation and a report concerning Reading, Writing, and Mathematics Proficiency of All First-time Freshman.

(Pursuant to the Supplemental Report to the 2001 Budget Act)

Referred by the Speaker to the Committee on Budget.

REPORTS

The following reports were presented by the Chief Clerk:

Year Round Operations (YRO) Report
(Pursuant to Item 6610-001-0001 (provision 14) of
the Budget Act of 2002)

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated December 16, 2002, referred by the Speaker to the Committee on Budget.

**Joint Doctor of Education (Ed.D) Programs
(Pursuant to the Supplemental Report to the 2002 Budget Act)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated December 20, 2002, referred by the Speaker to the Committee on Budget.

**Collaborative Academic Preparation Initiative (CAPI)
(Pursuant to the Supplemental Report to the 2001 Budget Act)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated December 20, 2002, referred by the Speaker to the Committee on Budget.

**Faculty Service in the California State University (CSU),
An Integral Component in
the Retention, Tenure, and Promotion of Faculty
(Pursuant to the Supplemental Report to the 2001 Budget Act
Section 6610-001-0001)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated January 27, 2003, referred by the Speaker to the Committee on Budget.

**2002-03 Tax Expenditure Report
(Pursuant to Government Code Section 13305)**

Above transmitted report, together with letter of transmittal from Kathryn Radtkey-Gaither, Assistant Director, Department of Finance, dated, referred by the Speaker to the Committee on Revenue and Taxation.

**Public Utilities Commission Report on Audit Backlog
(Pursuant to the Supplemental Report to the 2002 Budget Act
(Chapter 379, Statutes of 2002))**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, dated February 7, 2003, referred by the Speaker to the Committee on Budget.

**2003-04 Railroad Corporation Fees Budget Report
(Pursuant to Public Utilities Code Section 421)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, dated February 7, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Driver Distraction and Inattention Data Summary Report
(Pursuant to Vehicle Code Section 2407.5)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, dated February 20, 2003, referred by the Speaker to the Committee on Transportation.

**Preliminary Inventory of
Ocean Resource Science Coordination Efforts in California
(Draft Report) December 2002
(Pursuant to Public Resources Code Section 36980)**

Above transmitted report, together with letter of transmittal from Mary D. Nichols, Secretary, Resources Agency, dated January 8, 2003, referred by the Speaker to the Committee on Water, Parks and Wildlife.

Strategic Conservation Investments: Revised Methodology

Above transmitted report, together with letter of transmittal from Mary D. Nichols, Secretary, Resources Agency, dated February 10, 2003, referred by the Speaker to the Committee on Natural Resources.

**Feasibility of a California Ballistics Identification System
(Pursuant to Penal Code Section 12072.5)**

Above transmitted report, together with letter of transmittal from Chris D. Janzen, Director, Administrative Services Division, Department of Justice, dated January 30, 2002, referred by the Speaker to the Committee on Public Safety.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 25, 2003

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

Assembly Bill No. 36

Assembly Bill No. 150

Assembly Bill No. 45

Assembly Bill No. 168

Assembly Bill No. 62

Assembly Bill No. 169

Assembly Bill No. 86

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 25, 2003

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

Assembly Concurrent Resolution No. 24

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1699—Committee on Environmental Safety and Toxic Materials (Laird (Chair), Chu, Levine, Lieber, and Lowenthal). An act to add Article 10.3 (commencing with Section 25214.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste, and making an appropriation therefor.

ASSEMBLY BILL NO. 1700—Committee on Environmental Safety and Toxic Materials (Laird (Chair), Chu, Levine, Lieber, and Lowenthal). An act to amend Section 116365 of the Health and Safety Code, relating to drinking water.

ASSEMBLY BILL NO. 1701—Committee on Environmental Safety and Toxic Materials (Laird (Chair), Aghazarian (Vice Chair), Chu, Levine, Lieber, Lowenthal, and Maddox). An act to amend Section 25360.2 of the Health and Safety Code, relating to hazardous substance releases.

ASSEMBLY BILL NO. 1702—Committee on Environmental Safety and Toxic Materials (Laird (Chair), Chu, Levine, Lieber, and Lowenthal). An act to amend Sections 25281, 25288, 25292, 25293, 25295, 25295.5, 25298, and 25299 of, and to add Section 25280.6 to, the Health and Safety Code, relating to underground storage tanks.

ASSEMBLY BILL NO. 1703—Committee on Environmental Safety and Toxic Materials (Laird (Chair), Chu, Levine, Lieber, and Lowenthal). An act to add Section 232 to the Water Code, relating to water.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 53—Lowenthal, Dymally, Chan, Diaz, Dutra, Frommer, Hancock, Leno, Nunez, Pavley, Ridley-Thomas, Salinas, Steinberg, Wiggins, and Yee (Coauthors: Senators Alpert, Bowen, Ducheny, Kuehl, Machado, Romero, Scott, Speier, and Vasconcellos). Relative to the Fair Housing Act of 1963.

AUTHOR'S AMENDMENTS

Committee on Business and Professions

February 25, 2003

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 116

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

CORREA, Chairman

ASSEMBLY BILL NO. 116—An act to amend Section 4980.01 of the Business and Professions Code, relating to the healing arts.

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 Transportation

February 25, 2003

Mr. Speaker: The Chair of your Committee on Transportation reports:
Assembly Bill No. 117

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

DUTRA, Chairman

ASSEMBLY BILL NO. 117—An act to amend Sections 120508 and 120521, and to add Section 120509 to, the Public Utilities Code, relating to transportation.

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 Utilities and Commerce

February 25, 2003

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Assembly Bill No. 151

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

REYES, Chairperson

ASSEMBLY BILL NO. 151—An act to add Section 41514.15 to the Health and Safety Code, relating to air pollution, 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 Judiciary

February 25, 2003

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

Assembly Bill No. 18

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 18—An act to amend Section 12993 of the Government Code, relating to civil rights.

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 Revenue and Taxation

February 25, 2003

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

Assembly Bill No. 94

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

CHAVEZ, Chairman

ASSEMBLY BILL NO. 94—An act to amend Section 96.31 of the Revenue and Taxation Code, relating to property taxation.

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 Judiciary

February 25, 2003

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

Assembly Joint Resolution No. 6

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

CORBETT, Chairwoman

ASSEMBLY JOINT RESOLUTION NO. 6—Relative to Korean immigrants.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 26, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 25, 2003**

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

AB RN

18 0307465
94 0307304
116 0307033
117 0307508
151 0306919

AJR RN

6 0307581

Daily Total: 6

Cumulative Total: 51

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