

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 25, 2004**

**ONE HUNDRED FIFTY-NINTH SESSION DAY  
FOUR HUNDRED FIFTY-FIRST CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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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 25, 2004

The Assembly met at 7 a.m.

Hon. Simon Salinas, Assembly Member, 28th 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—72:

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

Quorum present.

**At 1:38 p.m., Hon. John Laird, 27th 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 Maddox and McCarthy.*

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

*On personal business, and waiving per diem: Assembly Members Campbell, Diaz, Koretz, Longville, and Simitian.*

**EXPLANATIONS OF ABSENCE**

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

February 20, 2004

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

Dear Mr. Speaker: I respectfully request authorization to be absent from check-in session on Wednesday, February 25th and session on Thursday, February 26th. I will be in my district on legislative business.

Thank you for your consideration of my request.

Sincerely,

KEN MADDOX, Assembly Member  
Sixty-eighth District

February 20, 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 Session on Wednesday, February 25th, because of legislative business in my district.

If you have any questions, please contact Julie Sauls at 319-2032.

Sincerely,

KEVIN MCCARTHY, Assembly Member  
Thirty-second District

February 24, 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 25, 2004, February 26, 2004, and March 1, 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 25, 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 changed the regular hearing time for Budget Subcommittee #3—Resources from 8:00 a.m. to 8:30 a.m. on every Wednesday.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Special Committee on State Mandates, on Monday, March 1, 2004, at 10 a.m., in Room 447.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 25, 2004

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

Assembly Concurrent Resolution No. 154

Assembly Concurrent Resolution No. 163

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO  
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communications were presented permitting the introduction of Assembly bills:

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Calderon to introduce a bill relating to seismic safety. Request No. 0403663.

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Calderon to introduce a bill relating to seismic safety. Request No. 0403680.

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Calderon to introduce a bill relating to environmental quality: biotechnology industry. Request No. 0402338.

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. 3023—Committee on Agriculture (Matthews (Chair), Berg, Maze, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act to amend Section 80074 of the Food and Agricultural Code, relating to native plants.

**ASSEMBLY BILL NO. 3024—Committee on Agriculture (Matthews (Chair), Berg, Maze, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act to amend Section 52282 of the Food and Agricultural Code, relating to seeds.

**ASSEMBLY BILL NO. 3025—Committee on Agriculture (Matthews (Chair), Berg, Maze, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act to amend Section 58750 of the Food and Agricultural Code, relating to agriculture.

**ASSEMBLY BILL NO. 3026—Committee on Agriculture (Matthews (Chair), Berg, Maze, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act to add Division 22.5 (commencing with Section 79201) to the Food and Agricultural Code, relating to agriculture.

**ASSEMBLY BILL NO. 3027—Committee on Agriculture (Matthews (Chair), Berg, Maze, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act to amend Sections 112845 and 112850 of the Health and Safety Code, relating to canneries.

**ASSEMBLY BILL NO. 3028—Committee on Agriculture (Matthews (Chair), Berg, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act relating to the pesticide mill assessment.

**ASSEMBLY BILL NO. 3029—Committee on Agriculture (Matthews (Chair), Berg, Maze, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act to repeal Sections 10004, 10005, 10006, 10007, 10008, 10009, and 10031 of the Food and Agricultural Code, relating to cattle.

**ASSEMBLY BILL NO. 3030—Committee on Agriculture (Matthews (Chair), Berg, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act to amend Section 4846.5 of the Business and Professions Code, and to add Section 105.5 to the Food and Agricultural Code, relating to veterinarians.

**ASSEMBLY BILL NO. 3031—Committee on Agriculture (Matthews (Chair), Berg, Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins).** An act to amend Sections 35011, 35012, 35013, 35014, and 35015 of the Food and Agricultural Code, relating to milk.

**ASSEMBLY BILL NO. 3032—Calderon.** An act to amend Sections 8875.8 and 8875.9 of the Government Code, relating to seismic safety.

**ASSEMBLY BILL NO. 3033—Calderon.** An act to amend Section 8875.4 of, and to add and repeal Section 8875.10 of, the Government Code, and to repeal Section 19169 of the Health and Safety Code, relating to seismic safety.

**ASSEMBLY BILL NO. 3034—Calderon.** An act relating to environmental quality.

**ADJOURNMENT**

At 8:44 p.m., the Assembly adjourned until 9 a.m., Thursday, February 26, 2004.

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FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk