

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, July 6, 2004

**TWO HUNDRED TWENTY-FIFTH SESSION DAY
FIVE HUNDRED EIGHTY-THIRD 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, July 6, 2004

The Assembly met at 11:21 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—52:

Aghazarian	Dutra	La Suer	Negrete McLeod
Bates	Dutton	Laird	Pacheco
Benoit	Dymally	Leno	Plescia
Berg	Frommer	Leslie	Richman
Bogh	Garcia	Levine	Runner
Calderon	Hancock	Lieber	Salinas
Campbell	Harman	Maddox	Simitian
Canciamilla	Haynes	Matthews	Spitzer
Chavez	Horton, Shirley	Maze	Steinberg
Cogdill	Houston	McCarthy	Strickland
Cohn	Keene	Mountjoy	Vargas
Cox	Koretz	Mullin	Wolk
Daucher	La Malfa	Nakanishi	Mr. Speaker

Quorum present.

At 3:46 p.m., Hon. Juan Vargas, 79th 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 Bermudez, Chan, Chu, Corbett, Correa, Diaz, Firebaugh, Goldberg, Jerome Horton, Jackson, Kehoe, Liu, Longville, Lowenthal, Montanez, Nakano, Nation, Oropeza, Parra, Pavley, Reyes, Ridley-Thomas, Wesson, Wiggins, and Yee.

On personal business, and waiving per diem: Assembly Member Maldonado.

Because of illness: Assembly Member Samuelian.

The following Assembly Member was excused for the day, and his per diem was waived: Wyland.

(Note: Per diem is waived by the following Assembly Members until passage of the Budget: Correa, p. 6619; Maldonado, p. 6633; and Kehoe, see communication later this day.)

EXPLANATIONS OF ABSENCE

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

July 6, 2004

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

Dear Mr. Speaker: This letter is to respectfully request your approval to be excused from Check-in Session today, July 6, 2004, for legislative business in my district.

Your favorable consideration in this matter would be greatly appreciated. If you have any questions, please do not hesitate to contact me.

Respectfully yours,

RUDY BERMÚDEZ, Assembly Member
Fifty-sixth District

July 6, 2004

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

Dear Speaker Nunez: I am requesting to be excused for Check-In Session on Tuesday, July 6, 2004, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

July 6, 2004

*Hon. Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Nunez: I am writing to respectfully request to be excused from Floor Session today because of legislative business in my district.

Thank you for taking the time to consider this request. Please feel free to contact me if you have any questions regarding my absence.

Sincerely,

JUDY CHU, PH.D., Assembly Member
Forty-ninth District

July 6, 2004

*The Honorable Fabian Nunez
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 Tuesday, July 6, 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

July 6, 2004

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

Dear Speaker Nunez: I am writing to respectfully request that I be excused from check-in session on Tuesday, July 6, 2004, on legislative business.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me at (916) 319-2069.

Thank you,

LOU CORREA, Assembly Member
Sixty-ninth District

July 6, 2004

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

Dear Mr. Speaker: I respectfully request your approval of my absence today for legislative business in the District.

Thank you for your attention.

Sincerely,

MANNY DIAZ, Assembly Member
Twenty-third District

July 6, 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, July 6, 2004. I will be in my district on legislative business. I am available at your request, should you need my assistance during the ongoing budget negotiations.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2050.

Sincerely,
MARCO ANTONIO FIREBAUGH, Assembly Member
Fiftieth District

July 6, 2004

*Speaker Fabian Nunez
State Capitol
Sacramento, California*

Dear Mr. Speaker: This letter will serve as a request to be excused from check-in session on Tuesday, July 6, 2004 due to legislative business in the district.

Should you have any questions please do not hesitate to contact my Executive Assistant Bertha Mardueno at ext. 2045.

Sincerely,
JACKIE GOLDBERG, Assembly Member
Forty-fifth District

July 6, 2004

*The Honorable Fabian Nunez
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, July 6 and Wednesday, July 7, 2004, due to legislative business in my district. I will be returning to Sacramento on Thursday, July 8, 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

July 6, 2004

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

Dear Mr. Speaker,

Please excuse me from check-in session today Tuesday, July 6, 2004, as I will be on legislative business in my district. If it changes to floor session, I will return within the four hour time frame.

Thank you for your favorable consideration of this request. Please contact Linda Forrest in my Capitol office should you have any questions.

Sincerely,

HANNAH-BETH JACKSON, Assembly Member
Thirty-fifth District

July 6, 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, July 6, 2004 due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CHRISTINE KEHOE, Assembly Member
Seventy-sixth District

July 6, 2004

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

Dear Mr. Speaker: I respectfully request permission to be excused from Assembly Check-in Session today, July 6, 2004. If there are any questions or concerns, please feel free to contact my capitol office at 916-319-2044.

Thank you for your assistance in this matter.

Sincerely,

CAROL LIU, Assembly Member
Forty-fourth District

July 6, 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, July 6, 2004 due to legislative business in my district.

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

Respectfully,

JOHN LONGVILLE, Assembly Member
Sixty-second District

July 6, 2004

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

Dear Mr. Speaker,

I am writing this letter to respectfully request permission to be excused from check-in session July 6, 2004 for legislative business.

Thank you for your consideration in this matter. If you have any questions, please feel free to call Nicole Anaya or me at 319-2054.

Sincerely,

ALAN LOWENTHAL, Assembly Member
Fifty-fourth District

July 6, 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, July 6, 2004. I will be in my district on legislative business.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2039.

Sincerely,

CINDY MONTAÑEZ, Assembly Member
Thirty-ninth District

July 6, 2004

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

Dear Speaker Nunez: I respectfully request to be excused from Assembly Session on Tuesday, July 6, 2004. I will be in my district on legislative business.

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

Sincerely,

GEORGE NAKANO, Assembly Member
Fifty-third District

July 6, 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 today, Tuesday, July 6, 2004 due to legislative business in my district office.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

July 6, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Tuesday, July 6, 2004, due to legislative business in my district.

Thank you for consideration of this request. Please contact my Legislative Director, Mercedes Flores, if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth District

July 6, 2004

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

Dear Speaker Nunez: Due to urgent legislative business in the district, I respectfully request permission to miss check-in on Monday, July 6, 2004. Should you have any questions please contact my Chief of Staff Bill Herms at 319-2652.

Sincerely,

NICOLE M. PARRA, Assembly Member
Thirtieth District

July 6, 2004

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session on Tuesday, July 6, 2004 due to legislative business in my district.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

FRAN PAVLEY, Assembly Member
Forty-first District

July 6, 2004

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

Dear Mr. Speaker: I would respectfully request permission to be excused from check-in session on Tuesday, July 6, 2004 due to legislative business in my district.

Should you have any questions, please feel free to contact my office at (916) 319-2083. Thank you for your attention to this request.

Sincerely,

SARAH REYES, Assembly Member
Thirty-first District

July 6, 2004

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

Dear Mr. Speaker: I write to request permission to be excused from Check-In Session on Tuesday, July 6, 2004. I have legislative commitments in my District.

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

July 6, 2004

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

Dear Speaker Nunez: I respectfully request permission to be excused from Session on Tuesday, July 6, 2004, for legislative business.

Sincerely,

HERB J. WESSON, JR.
 Speaker Emeritus of the California Assembly

July 6, 2004

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

Dear Speaker Nunez: This letter serves as a request to be excused from Assembly Check-in Session on Tuesday, July 6, 2004 due to legislative business.

Your attention to this matter is greatly appreciated.

Sincerely,

PATRICIA WIGGINS, Assembly Member
 Seventh District

July 6th 2004

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

Dear Speaker Nunez: I respectfully request that I be excused from the Assembly Check-In Session on Tuesday, July 6th. I will be in my district during that time attending to legislative business.

Sincerely,

LELAND Y. YEE, Ph.D.
 Speaker pro Tempore

COMMUNICATIONS

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

July 6, 2004

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

Dear Mr. Speaker: I respectfully request to waive per diem effective July 3, 2004 until the state budget has been passed.

Sincerely,

CHRISTINE KEHOE, Assembly Member
Seventy-sixth District

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing: June 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1729

With amendments with the recommendation: Amend, and do pass, as amended.

CHU, Chair

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 3118—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Assembly Bill No. 3118 Passed and Retained

By unanimous consent Assembly Bill No. 3118 was passed on file, to retain its place on file.

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bills Nos. 1159, 1516, 1555, and 1647 ordered to third reading;

Senate Bills Nos. 1163, 1189, 1289, 1615, and 1915 ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1181—An act to add Section 1463 to the Government Code, relating to public officials.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1330—An act to add Title 2.7 (commencing with Section 1634) to Part 2 of Division 3 of the Civil Code, and to amend Section 629.51 of the Penal Code, relating to invasions of privacy.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1912—An act to amend Section 49423 of the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1847—An act to amend Section 121360.5 of the Health and Safety Code, relating to communicable diseases.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

SENATE BILL NO. 1654—An act to amend Section 8592.1 of, and to add Section 8592.6 to, the Government Code, relating to public safety.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

SENATE BILL NO. 1623—An act to amend Section 100425 of, to add Sections 100701, 100702, and 100703 to, to repeal Sections 100710, 100715, 100720, 100730, 100735, 100740, 100745, 100750, 100755, 100760, 100765, and 100770 of, and to repeal and add Section 100700 of, the Health and Safety Code, relating to laboratories.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1840—An act to amend Sections 9904, 9910, 9912, 9932, 9941, 9942, 9943, 9944, 9971, 9972, 9973, 9974, 9975, 9976, 9977, 9978, 9979, 9980, 9981, 9982, 10003, 10006, 10061, 10062, 10063, 10064, 10065, 10066, 10067, 10068, 10103, and 10151 of, to amend the headings of Article 3 (commencing with Section 9941) and Article 4 (commencing with Section 9971) of Chapter 2 of Part 2 of Division 5 of, to add Sections 9914, 9933, and 10100 to, to repeal Sections 9905, 9906, 9911, 10002, 10004, 10005, 10008, 10009, 10104, and 10105 of, to repeal Article 6 (commencing with Section 10031), Article 8 (commencing with Section 10081), and Article 10 (commencing with Section 10131) of Chapter 2 of Part 2 of Division 5 of, and to repeal and add Sections 9907, 10004, 10007, 10101, and 10102 of, the Food and Agricultural Code, relating to diseased animals, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento
July 5, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 987 (Keene) which would extend indefinitely a sunset exception to the standard necessary small school (NSS) funding qualifications for the Plumas Unified School District (PUSD) and delete the requirement that the District provide a report on future funding plans to the state.

While I do not wish to loosen the restrictions on NSS funding in current law, I believe that PUSD has special circumstances that warrant continuing the exception initially approved in 1997 and continued through the 2003–04 school year through subsequent legislation. PUSD is a very large district geographically, which must maintain 17 schools, including four comprehensive high schools. Many of the District's 2,900 pupils already face very long commutes to attend school, and I am

concerned that, in absence of this bill, the District may be forced to close schools and further exacerbate commuting times and District transportation costs.

I further note that demographic trends suggest the district will qualify for NSS funding within 2 or 3 years and therefore, I am reluctant to have the district make drastic changes to its operations in the interim.

Sincerely,

ARNOLD SCHWARZENEGGER

MESSAGES FROM THE SENATE

Senate Chamber, July 2, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 2145
Assembly Bill No. 2207

Assembly Bill No. 2257
Assembly Bill No. 2920
GREGORY P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, July 2, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 517
Assembly Bill No. 1416
Assembly Bill No. 2408

Assembly Bill No. 2523
Assembly Bill No. 2782

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, July 2, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 1493

GREGORY P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

July 2, 2004

*Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill 1536 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

July 6, 2004

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning Senate Bill 1908 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
 Secretary of the Senate

Above bill held at the Desk.

Senate Chamber, July 6, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Alpert, Scott and McPherson as a Committee on Conference concerning:

Senate Bill No. 6.

GREGORY P. SCHMIDT, Secretary of the Senate
 By John W. Rovane, Assistant Secretary

Senate Chamber, July 6, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Alpert, Scott and McPherson as a Committee on Conference concerning:

Senate Bill No. 550.

GREGORY P. SCHMIDT, Secretary of the Senate
 By John W. Rovane, Assistant Secretary

Senate Chamber, July 2, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 2

GREGORY P. SCHMIDT, Secretary of the Senate
 By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE JOINT RESOLUTION NO. 2—Relative to health care.

ADJOURNMENT

At 7 p.m., the Assembly adjourned until 7 a.m., Wednesday, July 7, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 6, 2004**

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

SB	RN	
1623	0413721	
1654	0413853	
1840	0413758	
1847	0413630	
Daily Total:		4
Cumulative Total:		5288

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