

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 11, 2004

ONE HUNDRED FIFTY-FIRST SESSION DAY

FOUR HUNDRED THIRTY-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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 11, 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—72:

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

Quorum present.

At 1:40 p.m., Hon. Russ Bogh, 65th 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, Chavez, Longville, Pacheco, and Simitian.

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

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

Because of illness: Assembly Member Wyland.

EXPLANATIONS OF ABSENCE

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

February 11, 2004

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

Dear Mr. Speaker Nunez: I respectfully request that I be excused from check-in session on Wednesday, February 11, 2004. 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 11, 2004

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

Dear Mr. Speaker: I respectfully request to be excused for check-in session on Wednesday, February 11, 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

February 9, 2004

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

Dear Speaker Nunez: I respectfully request that I be excused from Assembly Check-in Session for Wednesday, February 11, 2004. I have legislative business in my district that requires my attendance and will unfortunately prevent me from attending check-in session. Should you have any questions regarding my absence, please do not hesitate to contact my office at (916) 319-2060.

Thank you in advance for your consideration of this matter.

Sincerely,

BOB PACHECO, Assembly Member
Sixtieth 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 Wednesday, February 11, 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

(NOTE: For letters explaining the absence of Assembly Member Chan on this day on legislative business and the absence of Assembly Member Strickland on this day on legislative business and waiving per diem, pursuant to the Assembly Rules, see Assembly Daily Journal for February 10, 2004.)

**COMMUNICATIONS
Proposed Initiative**

The following communication was presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated February 5, 2004, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**State Electoral Districts.
San Francisco Bay Area Regional Authority Board.
Initiative Constitutional Amendment. SA 2003RF0060, Amdt. #3-NS**

Referred by the Speaker to the Committee on Elections, Redistricting and Constitutional Amendments.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1936—Berg (Coauthor: Senator Aanestad). An act to amend Section 56030 of the Government Code, relating to local government organization.

ASSEMBLY BILL NO. 1937—Corbett. An act to add Section 290.9 to the Penal Code, relating to sex offenders.

ASSEMBLY BILL NO. 1938—Maze. An act to amend Sections 23536, 23540, and 23546 of, and to add Section 23579 to, the Vehicle Code relating to vehicles.

ASSEMBLY BILL NO. 1939—Cox. An act to add Section 429.6 to the Government Code, relating to veterans.

ASSEMBLY BILL NO. 1940—Chan. An act to add Section 57013 to the Health and Safety Code, relating to hazardous chemicals.

ASSEMBLY BILL NO. 1941—Chan. An act to amend Sections 851.5, 1170, 1170.3, 1170.45, 1203, and 1203.016 of, and to add Sections 833.2 and 13517.7 to, the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 1942—Lowenthal. An act to amend Sections 25200 and 25200.15 of the Health and Safety Code, relating to hazardous waste.

ASSEMBLY BILL NO. 1943—Leslie. An act to amend Section 27279.1 of the Government Code, relating to recorded documents.

ASSEMBLY BILL NO. 1944—Hancock (Principal coauthor: Senator Torlakson). An act to amend Section 48205 of the Education Code, relating to pupils.

ASSEMBLY BILL NO. 1945—Nakano. An act to amend Section 1569.616 of the Health and Safety Code, relating to residential care facilities for the elderly.

ASSEMBLY BILL NO. 1946—Steinberg. An act to amend Section 1170 of the Penal Code, relating to sentencing.

ASSEMBLY BILL NO. 1947—Strickland. An act to amend Section 22511.59 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1948—Aghazarian. An act to add Section 727.05 to the Welfare and Institutions Code, relating to wards.

ASSEMBLY BILL NO. 1949—Hancock. An act to amend Section 8482.3 of the Education Code, relating to after school programs.

ASSEMBLY BILL NO. 1950—Wiggins. An act to add Section 1798.81.5 to the Civil Code, relating to privacy.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 23—Daucher, Berg, Canciamilla, Correa, Harman, Liu, Lowenthal, Maldonado, Matthews, Richman, and Wolk. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of, and adding Section 5.1 to, Article II thereof, relating to elections.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 177—Maze. Relative to the University of California.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

Date of Hearing: February 11, 2004

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1786

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

SALINAS, Chair

Above bill ordered to second reading.

Date of Hearing: February 11, 2004

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 1086

With the recommendation: Do pass.

SALINAS, Chair

Above bill ordered to second reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, February 12, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk