

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 13, 2004

ONE HUNDRED FIFTY-THIRD SESSION DAY

FOUR HUNDRED THIRTY-NINTH 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
Friday, February 13, 2004

The Assembly met at 6 a.m.
Hon. Mervyn M. Dymally, Assembly Member, 52nd 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—46:

Aghazarian	Dutra	Leslie	Negrete McLeod
Bates	Dutton	Levine	Parra
Benoit	Dymally	Liu	Pavley
Berg	Frommer	Longville	Richman
Canciamilla	Garcia	Lowenthal	Ridley-Thomas
Chan	Hancock	Maldonado	Samuelian
Chavez	Harman	Matthews	Steinberg
Chu	Jackson	Maze	Vargas
Cogdill	La Malfa	Mullin	Wiggins
Cohn	La Suer	Nakanishi	Yee
Cox	Laird	Nakano	
Daucher	Leno	Nation	

Quorum present.

At 12:03 p.m., Hon. Gene Mullin, 19th 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, Bogh, Calderon, Corbett, Correa, Diaz, Firebaugh, Goldberg, Haynes, Jerome E. Horton, Shirley Horton, Houston, Kehoe, Koretz, Lieber, Maddox, Mountjoy, Nunez, Oropeza, Pacheco, Plescia, Runner, Salinas, Simitian, Spitzer, and Wesson.

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

On legislative business, per diem waived for the 2003–2004 Session (See Assembly Journal, page, 126): Assembly Member Wolk.

On personal business, and waiving per diem: Assembly Members Campbell, McCarthy, and Reyes.

Because of illness: Assembly Members Keene, Montanez, and Wyland.

EXPLANATIONS OF ABSENCE

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

February 9, 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 on Friday, February 13, 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 BERMUDEZ, Assembly Member
Fifty-sixth District

February 9, 2004

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

Dear Assembly Speaker Nunez,

This letter is a request to be excused from Session on Friday, February 13th 2004 for legislative business in my District.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member
Sixty-fifth District

February 10, 2004

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

Dear Mr. Speaker: I am writing today to request to be excused from Check in Session on Friday, February 13, 2004 to attend legislative business in my district. If you have any questions please contact Tiffany Morrison in my office at (916) 319-2058.

Sincerely,

RONALD S. CALDERON, Assembly Member
Fifty-eighth District

February 9, 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 Friday, February 13, 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

February 13, 2004

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

Dear Mr. Speaker: Although I was in the building this morning for check-in, I inadvertently did not follow the correct procedure to do so. As such, please excuse me from check-in session on Friday, February 13, 2004 for legislative business. I apologize for any inconvenience this may have caused.

Thank you.

Sincerely,

LOU CORREA, Assembly Member
Sixty-ninth District

February 12, 2004

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

Dear Mr. Speaker: The purpose of this letter is to respectfully request permission to be excused from session/check-in session on Friday, February 13, 2004. I have legislative business to attend to in my district.

Your consideration of this matter is greatly appreciated. If you have any questions please do not hesitate to contact my chief of staff, Saeed Ali at 916.319.2023.

Sincerely,

MANNY DIAZ, Assembly Member
Twenty-third District

February 11, 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 Friday, February 13, 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) 319-2050.

Sincerely,

MARCO ANTONIO FIREBAUGH, Assembly Member
Fiftieth District

February 10, 2004

*Speaker Fabian Nunez
State Capitol
Sacramento, California*

Dear Speaker Nunez: This letter is to request permission to be excused from Check-In session on Friday, February 13, 2004 due to legislative business in my district.

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

Sincerely,

JACKIE GOLDBERG, Assembly Member
Forty-fifth District

February 12, 2004

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

Dear Mr. Speaker: Please excuse me, Assembly Member Ray Haynes, District #66, from Assembly Check-in Session on Friday, February 13, 2004, due to legislative business in my district.

Sincerely,

RAY HAYNES, Assembly Member
Sixty-sixth District

February 9, 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 Friday, February 13, 2004, due to legislative business in my district. I will return to Sacramento on Tuesday, February 17, 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

February 10, 2004

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

Dear Speaker Nunez: Please excuse me from check-in session on February 13, 2004. I have legislative business to attend to in my district.

Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY A. HORTON, Assembly Member
Seventy-eighth District

February 10, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Friday, February 13, 2004 for legislative meetings in my district.

If you have any questions, please contact Julianna Thomas in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

February 9, 2004

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

Dear Speaker Nunez: I respectfully request permission to be excused from Floor Session on Friday, February 13, 2004 due to legislative business. 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 12, 2004

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

Dear Speaker Nunez,

I request to be excused from check in session on February 13, 2004 due to legislative business in my district.

Matt Moretti, my Chief of Staff, is available to respond to any questions at 319-2022.

Sincerely,

SALLY J. LIEBER, Assembly Member
Twenty-second District

February 12, 2004

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

Dear Mr. Speaker: I request that I be excused from session on Friday, February 13, 2004. I need to attend to Legislative business in my district.

Thank you in advance for your favorable consideration of this request.

Sincerely,

DENNIS MOUNTJOY, Assembly Member
Fifty-ninth District

February 11, 2004

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I will be in my district on legislative business on Friday, February 13, 2004.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 9, 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 Friday, February 13, 2004, due to legislative business in my district.

Thank you for consideration of this request. Please contact my Chief of Staff, Toni Symonds, if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth 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 Friday, February 13, 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 12, 2004

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

Dear Mr. Speaker: I respectfully request that I be excused from Assembly check-in session on Friday, February 13, 2004. I have legislative business in my district.

If you have any questions regarding this request, please feel free to contact Elizabeth Helmsin in my office at 319-2075.

Sincerely,

GEORGE A. PLESCIA, Assembly Member
Seventy-fifth District

February 10, 2004

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

Dear Speaker Nunez: I am writing to request an excused absence for February 13, 2004. I will be in my district on legislative business, conducting meetings with local leaders concerning workers' compensation.

Should you have any questions regarding this request, please contact Will Smith in my office at 319-2036.

Sincerely,

SHARON RUNNER, Assembly Member
Thirty-sixth District

February 12, 2004

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

Dear Mr. Speaker: I am writing to respectfully request to be excused from Floor Session on February 13, 2004. I am committed to speak with a group from my area.

If you have any questions about this request, please feel free to contact Jalene Romo in my Capitol Office.

Sincerely,

SIMÓN SALINAS, Assembly Member
Twenty-eighth District

February 12, 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 Session or Check-In Session on Friday, February 13, 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 12, 2004

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

Dear Mr. Speaker: I would like to be excused from session on Friday, February 13, 2004 for legislative business in the district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member
Seventy-first District

February 12, 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 date of February 13, 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

February 9, 2004

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

Dear Fabian: This is to request permission to be excused from check in Session on Friday, February 13 on legislative business.

Sincerely,

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

February 13, 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 check-in session today, February 13, 2004, due to legislative business in my district.

If you have any questions or concerns, please contact Jenn Short, my scheduler, at 319-2008.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

(NOTE: For letters explaining the absences of Assembly Members Kehoe and Maddox on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 12, 2004.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 13, 2004

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

Assembly Bill No. 1786

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, February 13, 2004

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

Assembly Concurrent Resolution No. 172

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, February 13, 2004

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

Assembly Concurrent Resolution No. 153

Assembly Concurrent Resolution No. 160

Assembly Concurrent Resolution No. 164

And reports the same correctly enrolled, and presented to the Secretary of State on the 13th day of February, 2004, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

SPECIAL COMMITTEE MEETINGS

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

Banking and Finance on Thursday, February 19, 2004, at 9:30 a.m., in Room 444.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1988—Hancock. An act to add Section 38086 to the Education Code, relating to schools.

ASSEMBLY BILL NO. 1989—Mullin. An act to amend Sections 15202 and 15202.1 of the Government Code, relating to trial costs.

ASSEMBLY BILL NO. 1990—Campbell. An act to amend Section 16461 of the Probate Code, relating to trusts.

ASSEMBLY BILL NO. 1991—Lowenthal. An act relating to petroleum infrastructure projects.

ASSEMBLY BILL NO. 1992—Mullin and Maldonado. An act to amend Section 11372.5 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 1993—Mullin. An act to add Article 13 (commencing with Section 44670) to Chapter 3 of Part 25 of the Education Code, relating to staff development.

ASSEMBLY BILL NO. 1994—Berg. An act to amend Section 18723 of the Revenue and Taxation Code, and to amend Section 9203.5 of the Welfare and Institutions Code, relating to the California Commission on Aging.

ASSEMBLY BILL NO. 1995—Cox. An act to amend Section 1771 of the Labor Code, relating to public works.

ASSEMBLY BILL NO. 1996—Bogh. An act to amend Section 457.1 of the Penal Code, relating to arson.

ASSEMBLY BILL NO. 1997—Liu (Coauthors: Berg, Jackson, Lowenthal, Matthews, Nakanishi, Negrete McLeod, and Pacheco). An act to amend Sections 66025.6, 69750.3, 69750.5, and 69751 of the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 1998—Dutton. An act to add Sections 6377, 17053.49, and 23649 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1999—Liu (Coauthors: Berg, Jackson, Lowenthal, Matthews, Nakanishi, Negrete McLeod, and Pacheco). An act to repeal Sections 90450 and 90500 of the Education Code, to amend Section 7298 of the Government Code, and to amend Sections 10705 and 10760 of the Public Contracts Code, relating to the California State University.

ASSEMBLY BILL NO. 2000—Dutton. An act to add Section 15627 to, and to repeal Part 10 (commencing with Section 15700) of Division 3 of Title 2 of, the Government Code, and to add Section 20.5 to the Revenue and Taxation Code, relating to governmental organization.

ASSEMBLY BILL NO. 2001—Nation. An act to amend Section 23109 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 2002—Daucher. An act to amend Sections 366.2 and 369 of the Public Utilities Code, and to amend Section 80110 of the Water Code, relating to electricity.

ASSEMBLY BILL NO. 2003—Longville. An act to amend Sections 332, 6902, 6906, 8150, 8650, 8651, 8653, 13103, 13105, 13109, 13111, 13205, 13207, 13210, 13211, 13213, 13242, 15340, 15620, 15623, 15624, 15628, 15632, 17301, 17303, 17305, 17502, 17504, and 19303 of, to add Section 339.5 to, and to repeal Sections 6901, 7100, 7300, 7578, 7843, 8303, and 8304 of, the Elections Code, relating to presidential electors.

ASSEMBLY BILL NO. 2004—Committee on Business and Professions (Correa (Chair), Aghazarian, Bermudez, Shirley Horton, Koretz, Leno, Maldonado, Maze, Nation, Vargas, Wyland, and Yee). An act to repeal and add Section 4532 of the Business and Professions Code, relating to psychiatric technicians.

ASSEMBLY BILL NO. 2005—Aghazarian. An act relating to community care facilities.

ASSEMBLY BILL NO. 2006—Nunez. An act to add Article 17 (commencing with Section 400) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to electricity.

ASSEMBLY BILL NO. 2007—Committee on Business and Professions (Correa (Chair), Aghazarian, Bermudez, Shirley Horton, Koretz, Leno, Maldonado, Maze, Nation, Vargas, Wyland, and Yee). An act to amend Section 1749.5 of the Civil Code, relating to gift certificates.

ASSEMBLY BILL NO. 2008—Committee on Business and Professions (Correa (Chair), Aghazarian, Bermudez, Shirley Horton, Koretz, Leno, Maldonado, Maze, Nation, Vargas, Wyland, and Yee). An act to amend Section 2883 of the Business and Professions Code, relating to nursing.

ASSEMBLY BILL NO. 2009—Pacheco (Coauthor: Senator Machado). An act to amend Sections 17561 and 17568 of the Government Code, relating to state mandates.

ASSEMBLY BILL NO. 2010—Hancock (Principal coauthor: Chan). An act to add and repeal Section 26840.10 of the Government Code, to add and repeal Section 103627 of the Health and Safety Code, and to add and repeal Section 18309 of the Welfare and Institutions Code, relating to domestic violence.

ASSEMBLY BILL NO. 2011—Firebaugh. An act to add Section 1272.2 to the Penal Code, relating to bail.

ASSEMBLY BILL NO. 2012—Chu. An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

ASSEMBLY BILL NO. 2013—Steinberg. An act to amend Section 11372 of, and to repeal Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to statewide fingerprint imaging.

ASSEMBLY BILL NO. 2014—Committee on Banking and Finance (Wiggins (Chair), Bogh, Calderon, Chan, Chavez, Corbett, Correa, Cox, Houston, Leslie, Montanez, Strickland, and Vargas). An act to amend Sections 14252 and 14703 of the Financial Code, relating to financial institutions.

ASSEMBLY BILL NO. 2015—Chu. An act to amend Section 56341 of the Education Code, relating to special education.

ASSEMBLY BILL NO. 2016—Maze. An act to amend Sections 667.1, 667.5, and 1192.7 of the Penal Code, relating to sentencing.

ASSEMBLY BILL NO. 2017—Bermudez. An act to add Chapter 5 (commencing with Section 32460) to Part 19 of the Education Code, relating to the Pupil Volunteer Award Program.

ASSEMBLY BILL NO. 2018—Chu. An act relating to community property.

ASSEMBLY BILL NO. 2019—Steinberg. An act to add Article 15.5 (commencing with Section 645) to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to minors.

ASSEMBLY BILL NO. 2020—Maze. An act to amend Section 290 of the Penal Code, relating to sex offenders.

ASSEMBLY BILL NO. 2021—Chu. An act to amend Sections 25214.14 and 25214.15 of, and to amend the heading of Article 10.3 (commencing with Section 25214.11) of Chapter 6.5 of Division 20 of, the Health and Safety Code, relating to hazardous waste.

ASSEMBLY BILL NO. 2022—Chu. An act relating to sex offenders.

ASSEMBLY BILL NO. 2023—Nakano. An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

ASSEMBLY BILL NO. 2024—Bermudez. An act to add Chapter 4.8 (commencing with Section 2195) to Division 3 of the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2025—Chu. An act to amend Section 111725 of the Health and Safety Code, relating to cosmetics.

ASSEMBLY BILL NO. 2026—Hancock (Coauthors: Leslie and Nation) (Coauthors: Senators Perata and Torlakson). An act to amend Section 18987.5 of the Welfare and Institutions Code, relating to children, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2027—Chan. An act to amend Section 560 of the Streets and Highways Code, relating to highways.

ASSEMBLY BILL NO. 2028—Koretz. An act to amend Section 1265.1 of the Unemployment Insurance Code, relating to unemployment insurance.

ASSEMBLY BILL NO. 2029—Vargas. An act to amend Section 45452 of the Education Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 2030—Codgill. An act to amend Section 30458.3 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 2031—Cogdill. An act to amend Section 26614 of the Government Code, relating to search and rescue.

ASSEMBLY BILL NO. 2032—Dutra. An act to add Section 149.5 to the Streets and Highways Code, relating to transportation.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 24—Dutra. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 2 to Article XIX B thereof, relating to transportation.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 63—Maze. Relative to State Highway Route 99.

CONSIDERATION OF DAILY FILE**ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 1786, ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 12 noon, Tuesday, February 17, 2004.

LELAND Y. YEE, Speaker pro Tempore

PAM CAVILEER, Minute Clerk