

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 1, 2004

**ONE HUNDRED SIXTY-FIRST SESSION DAY
FOUR HUNDRED FIFTY-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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 1, 2004

The Assembly met at 11 a.m.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Dutton moved a quorum call of the Assembly.
Motion carried. Time, 11:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 11:11 a.m., Speaker pro Tempore Yee declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—69:

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

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Member Mervyn M. Dymally, of the 52nd Assembly District:

Heavenly Father, We ask Your blessing on all assembled here this afternoon and on our work for the good and welfare of others. Give to all public servants eyes to behold Your truth, a seeing sense to know what is right and the genuine concern for the good of others. In Your goodness and love grant these blessings.

In the name of our Lord—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Richman then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member Cogdill.

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 Member Jackson.

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

On personal business, and waiving per diem: Assembly Members Campbell, Correa, Diaz, Kehoe, Pacheco, Parra, and Simitian.

Because of illness: Assembly Member Salinas.

Due to travel delays: Assembly Member Longville.

EXPLANATIONS OF ABSENCE

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

February 24, 2004

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

Dear Mr. Speaker: I am writing to request that I be excused from floor session on Monday, March 1, 2004. I will be in my district conducting legislative business.

Please contact Janice Rocco in my Capitol office should you have any questions. Thank you for your prompt attention to this matter.

Sincerely,

HANNAN-BETH JACKSON, Assembly Member
Thirty-fifth District

March 1, 2004

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

Dear Speaker Nunez: This letter is to request that I be excused from session on Monday, March 1 due to legislative business in my district, waiving per diem. Thank you for your attention to this matter.

Sincerely,

TONY STRICKLAND, Assembly Member
Thirty-seventh District

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 27, 2004

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

Dear Dotson: Please be advised that I have created the Select Committee on International Trade for the 2003–04 Regular Session and have appointed Assemblymember Jenny Oropeza as the Chair.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 27, 2004

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

RE: Appointment of Jenny Oropeza
to California Transportation Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Jenny Oropeza to the California Transportation Commission. This is a pleasure appointment starting February 27, 2004. Assemblymember Oropeza will be replacing Assemblymember John Dutra.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

COMMUNICATIONS
Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated February 24, 2004, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

Disclosure of Social Security Numbers, Confidential Information.
Unfair Competition Actions. Telemarketing.
Initiative Statute. SA 2003RF0072, Amdt. #1-S

Referred by the Speaker to the Committee on Judiciary.

Social Security Numbers and
Consumer Confidential Information. Disclosure.
Identity Theft Remedies. Unfair Competition Actions.
Initiative Statute. SA 2003RF0073, Amdt. #1-S

Referred by the Speaker to the Committee on Judiciary.

Disclosure of Social Security Numbers. Identity Theft Remedies.
Unfair Competition Actions. Telemarketing Calls.
Initiative Statute. SA 2003RF0074, Amdt. #1-S

Referred by the Speaker to the Committee on Judiciary.

Disclosure of Social Security Numbers.
Unfair Competition Actions.
Initiative Statute. SA 2003RF0075, Amdt. #1-S

Referred by the Speaker to the Committee on Judiciary.

Disclosure of Consumer Confidential Information and Social Security Numbers.
Unfair Competition Actions. Telemarketing Calls.
Initiative Statute. SA 2003RF0076, Amdt. #1-S

Referred by the Speaker to the Committee on Judiciary.

Disclosure of Consumer Confidential Information.
Unfair Competition Actions.
Initiative Statute. SA 2003RF0077, Amdt. #1-S

Referred by the Speaker to the Committee on Judiciary.

Social Security Numbers. Disclosure. Identity Theft Remedies.
Unfair Competition Actions. Telemarketing Calls.
Initiative Statute. SA 2003RF0078, Amdt. #1-S

Referred by the Speaker to the Committee on Judiciary.

The following communication was presented by the Chief Clerk:

From Michelle L. Levy, Senior Legal Analyst, Department of Justice, Office of the Attorney General, dated February 25, 2004, transmitting copies of the title, summary and text of the following proposed initiative, pursuant to Section 9007, Elections Code:

Compensation for Injured Workers. Eligibility and Benefit Limits.
Initiative Statute. SA 2003RF0080

Referred by the Speaker to the Committee on Insurance.

REPORTS

The following reports were presented by the Chief Clerk:

**Quarterly Report Concerning
Methyl Tertiary Butyl Ether (MTBE) Use in California Gasoline
(Pursuant to Senate Bill 1001, Chapter 814, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from James D. Boyd, Commissioner and Presiding Member Transportation Committee, California Energy Commission, dated February 25, 2004, referred by the Speaker to the Committee on Natural Resources.

**Report on Investments Regarding
Domestic and International Corporations Operating in Northern Ireland
(Pursuant to Government Code Section 7513.5)**

Above transmitted report, together with letter of transmittal from Mark Anson, Chief Investment Officer, California Public Employees' Retirement System, dated February 18, 2004, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Report on Investment Holdings
in Companies That May Owe Compensation to Victims of Slave or Forced Labor
During World War II
(Pursuant to Senate Bill 1245, Chapter 216, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Mark Anson, Chief Investment Officer, California Public Employees' Retirement System, dated February 18, 2004, referred by the Speaker to the Committee on Judiciary.

**2002–2003 Vocational Education Carryover Funds
(Pursuant to Budget Act 2003–2004)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 20, 2004, referred by the Speaker to the Committee on Budget.

**Analysis of the California Labor and Workforce Development Agency's
Enforcement of Wage and Hour Laws
(Pursuant to Assembly Bill 2985, Chapter 662, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Victoria L. Bradshaw, Acting Secretary, Labor and Workforce Development Agency, dated February 20, 2004, referred by the Speaker to the Committee on Labor and Employment.

**San Francisco Toll Bridge Report for Fiscal Year 2003–04
(Pursuant to Streets and Highway Code Sections 30961 and 30895)**

Above transmitted report, together with letter of transmittal from Steve Heminger, Executive Director, Bay Area Toll Authority, dated February 25, 2004, referred by the Speaker to the Committee on Transportation.

**Enhanced Data Elements Study
(Pursuant to Supplemental Report of the 2002 Budget Act)**

Above transmitted report, together with letter of transmittal from Herb K. Schultz, Acting Director, Employment Development Department, dated February 23, 2004, referred by the Speaker to the Committee on Budget.

**3State of California Resources Agency
The Changing California: Forest and Range
2003 Assessment Report**

Above report referenced in communication from Mike Chrisman, Secretary for Resources dated February 2, 2004, stating availability of report at CDF website. Referred by the Speaker to the Committee on Natural Resources.

**Department of General Services
Annual Capitol Area Plan Progress Report
(Pursuant to Government Code Section 8164)**

Above report referenced in communication from Ron Joseph, Interim Director, Department of General Services dated February 24, 2004, stating availability of report at DGS website. Referred by the Speaker to the Committee on Business and Professions.

**2002–03 Emergency Medical Fund (EMS) Reports
(Pursuant to Health and Safety Code Section 1797.98B(a)) from:**

Santa Barbara County, Public Health Department, Nancy Lapolla, MPH, EMS Agency Director, dated February 18, 2004.

Referred by the Speaker to the Committee on Health.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 26, 2004

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

Assembly Bill No. 44

Assembly Bill No. 1153

And reports the same correctly enrolled, and presented to the Governor on the 26th day of February, 2004, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, March 1, 2004

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

Assembly Bill No. 1808

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, March 1, 2004

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

Assembly Concurrent Resolution No. 159

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 3047—Committee on Transportation (Oropeza (Chair), Berg, Chan, Chu, Kehoe, Liu, Longville, Nakano, Parra, Pavley, and Salinas). An act to amend Section 470 of the Streets and Highways Code, and to amend Section 5201 of the Vehicle Code, relating to transportation.

ASSEMBLY BILL NO. 3048—Committee on Transportation (Oropeza (Chair), Berg, Chan, Chu, Kehoe, Liu, Longville, Nakano, Parra, Pavley, and Salinas). An act to amend Sections 22670, 22851.2, 22851.4, 22851.6, 22851.8, 22851.10, and 22852 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 3049—Committee on Transportation (Oropeza (Chair), Bates, Berg, Chan, Chu, Kehoe, Liu, Longville, Nakano, Parra, Pavley, and Salinas). An act to amend Sections 1803.5, 2800, 12505, 12517, 12517.4, 12804.9, 13353, 13353.4, 13353.7, 13369, 14601.5, 15210, 15278, 15300, 15302, 15304, 15306, 15308, 15311, 15312, 16073, 16431, 22406.1, 41501, and 42005 of, to add Sections 13366.5, 15275.1, 15311.1, 15312.1, and 15325 to, and to repeal Section 13353.6 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

ASSEMBLY BILL NO. 3050—Committee on Transportation (Oropeza (Chair), Berg, Chan, Chu, Kehoe, Liu, Longville, Nakano, Parra, Pavley, and Salinas). An act to amend Section 188.10 of the Streets and Highways Code, relating to transportation.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 187—Negrete McLeod. Relative to state employee merit awards.

ASSEMBLY CONCURRENT RESOLUTION NO. 188—Maze. Relative to Arthritis Awareness Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 189—La Malfa. Relative to the Bernie Richter Memorial Highway.

ASSEMBLY JOINT RESOLUTION NO. 66—Lieber. Relative to Equal Pay Day.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

Committee

1792 -----	A.,E.,S.,T. & I.M. and Pub. S.
1793 -----	A.,E.,S.,T. & I.M. and Rls.
1805 -----	W.,P. & W. and Rls.
1845 -----	B. & P. and L. & E.
1871 -----	Budget
1885 -----	L. & E. and J., E.D. & E.
1896 -----	Agri.
1901 -----	Pub. S.
1913 -----	Hum. S.
1914 -----	Pub. S.
1915 -----	Trans.
1924 -----	Pub. S. and Nat. Res.
1930 -----	Ins.
1934 -----	W.,P. & W.
1941 -----	Pub. S.
1945 -----	Aging & L.T.C.
1946 -----	Pub. S.
1948 -----	Pub. S.

1971	-----	Trans.
1986	-----	Hum. S.
1996	-----	Pub. S.
2004	-----	B. & P.
2008	-----	B. & P.
2010	-----	Jud.
2016	-----	Pub. S.
2042	-----	Trans.
2043	-----	Trans. and Nat. Res.
2048	-----	E.S. & T.M.
2069	-----	B. & F. and B. & P.
2072	-----	W.,P. & W.
2073	-----	W.,P. & W.
2079	-----	E.,R. & C.A.
2082	-----	Hum. S.
2089	-----	Jud.
2094	-----	B. & F.
2095	-----	Agri.
2098	-----	Budget
2099	-----	Budget
2100	-----	Budget
2101	-----	Budget
2102	-----	Budget
2103	-----	Budget
2104	-----	Budget
2105	-----	Budget
2106	-----	Budget
2107	-----	Budget
2108	-----	Budget
2109	-----	Budget
2110	-----	Budget
2111	-----	Budget
2112	-----	Budget
2113	-----	Budget
2114	-----	Budget
2115	-----	Budget
2116	-----	Budget
2117	-----	Budget
2118	-----	Budget
2119	-----	Budget
2120	-----	Budget
2121	-----	Budget
2122	-----	Budget
2123	-----	Budget
2126	-----	Pub. S.
2127	-----	Aging & L.T.C.
2129	-----	Ins.
2130	-----	Ed.
2135	-----	U. & C.
2139	-----	Trans.
2140	-----	W.,P. & W.
2141	-----	W.,P. & W.
2142	-----	B. & P.
2143	-----	Pub. S.

2145	-----	Hum. S.
2146	-----	W.,P. & W.
2148	-----	Jud.
2150	-----	B. & P.
2151	-----	Hum. S.
2154	-----	Ed.
2155	-----	Nat. Res.
2156	-----	B. & F.
2157	-----	Trans.
2159	-----	Nat. Res.
2160	-----	Pub. S.
2161	-----	Jud.
2163	-----	Health
2164	-----	G.O.
2166	-----	Nat. Res.
2168	-----	B. & P.
2171	-----	Ed.
2172	-----	U. & C.
2173	-----	Pub. S.
2174	-----	Jud.
2176	-----	Nat. Res.
2179	-----	Health
2182	-----	Jud.
2183	-----	Ed.
2185	-----	Health
2186	-----	Nat. Res.
2187	-----	Ed.
2189	-----	Jud.
2191	-----	Pub. S.
2193	-----	Jud.
2195	-----	Ins.
2197	-----	W.,P. & W.
2198	-----	B. & P.
2199	-----	Ins.
2200	-----	Ed.
2201	-----	Trans.
2202	-----	Jud.
2204	-----	Rev. & Tax.
2205	-----	Hum. S.
2206	-----	J., E.D. & E.
2211	-----	Jud.
2212	-----	H. & C.D.
2215	-----	Trans.
2216	-----	B. & P.
2217	-----	Trans.
2224	-----	L. Gov.
2226	-----	B. & P.
2228	-----	Jud.
2229	-----	Health
2232	-----	P.E.,R. & S.S.
2233	-----	P.E.,R. & S.S.
2237	-----	Trans.
2238	-----	Pub. S.
2240	-----	Ed.

2242	-----	G.O.
2243	-----	L. Gov. and W.,P. & W.
2245	-----	J., E.D. & E.
2248	-----	Health
2249	-----	Ins.
2250	-----	Pub. S.
2251	-----	Nat. Res.
2253	-----	Jud.
2254	-----	E.S. & T.M.
2255	-----	Ins.
2256	-----	L. Gov.
2257	-----	Agri.
2258	-----	L. & E.
2259	-----	B. & P.
2262	-----	B. & P.
2263	-----	Ed.
2266	-----	V.A.
2267	-----	V.A.
2268	-----	V.A.

Assembly Concurrent

<i>Resolution No.</i>		<i>Committee</i>
167	-----	Rls.
178	-----	Nat. Res.

Senate Concurrent

<i>Resolution No.</i>		<i>Committee</i>
58	-----	Rls.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Human Services, on Wednesday, March 16, 2004, at 1:30 p.m., in Room 126;

Subcommittee on Mental Health, to convene jointly with the Select Committee on Children’s Physical and Mental Well-being in Diverse California Communities, on Wednesday, March 24, 2004, at 1 p.m., in Room 127.

RE-REFERENCE OF BILLS

Assembly Member Frommer was granted unanimous consent that Senate Bill No. 749 be re-referred from the Committee on Health to the Committees on Judiciary and Appropriations.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

MOTION TO RECONSIDER SENATE BILL NO. 131 CONTINUED

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 131 was continued until the next legislative day.

THIRD READING OF SENATE BILLS

SENATE BILL NO. 87 (Hollingsworth)—An act to amend Section 379 of the Streets and Highways Code, relating to highways.

Bill read third time.

Motion to Amend

Assembly Member Haynes moved the adoption of amendments.
Amendments read and adopted; bill ordered reprinted.

**Re-reference of Bills to Committee Pursuant to
Assembly Rule 77.2**

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Senate Bill No. 87 to the Committee on Transportation.

**ADJOURN IN MEMORY
Moment of Silence**

Assembly Member Nakano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Officer Ricardo Lizarraga, of the Los Angeles Police Department, and that the Assembly observe a moment of silence in his honor.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Wiggins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bill McGee, of Santa Rosa.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Spitzer and Haynes were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lieutenant Dan Jarvis, of Temecula.

(Assembly Rule 45.5 suspended.)

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Wolk announced that the Committee on Human Services would meet today, upon adjournment of Floor session, in Room 3162.

ADJOURN IN MEMORY

Assembly Member Daucher was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Don Fox, of Brea.

MOTION TO ADJOURN

At 11:21 a.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Reyes seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Haynes, Ridley-Thomas, and Vargas, arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Frommer that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:27 a.m., Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: March 1, 2004

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 104

Assembly Concurrent Resolution No. 173

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

MONTANEZ, Chair

Above resolutions ordered to the Consent Calendar.

Committee on Human Services

Date of Hearing: March 1, 2004

Mr. Speaker: Your Committee on Human Services reports:

Senate Concurrent Resolution No. 52

With the recommendation: Be adopted.

WOLK, Chair

Above resolution ordered to second reading.

INTRODUCTION OF GUESTS

Assembly Members Lowenthal and Oropeza introduced Chris J. Steinhauser, Superintendent, Long Beach Unified School District.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 9:30 a.m., Thursday, March 4, 2004, out of respect to the memory of Officer Ricardo Lizarraga, on motion of Assembly Member Nakano; out of respect to the memory of Bill McGee, on motion of Assembly Member Wiggins; out of respect to the memory of Lieutenant Dan Jarvis, on motion of Assembly Members Spitzer and Haynes; and out of respect to the memory of Don Fox, on motion of Assembly Member Daucher.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 1, 2004**

The following measure was amended in the Assembly on this day:

SB RN

87 0406013

Daily Total: 1

Cumulative Total: 3175

O