

CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, April 16, 2004**

**ONE HUNDRED SEVENTY-NINTH SESSION DAY**

**FIVE HUNDRED SECOND 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Friday, April 16, 2004

The Assembly met at 9:19 a.m.  
Hon. Fabian Nunez, Speaker of the Assembly, presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Wesson moved a quorum call of the Assembly.  
Motion carried. Time, 9:19 a.m.

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

#### Quorum Present

At 9:24 a.m., Speaker Nunez declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—80:

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

**PRAYER**

Upon invitation of Speaker Nunez, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

*Lord, You have given us various talents as gifts from You, talents that we use every day to accomplish the work set before us. Yet, the gift of the talents You bestow upon us is not necessary in order to speak well with You, O God. For that, we only need a sincere desire and nothing more. Strengthen our desire, Lord, to seek You through prayer at this hour and throughout the day.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Nunez, Assembly Member Reyes 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 Nakano.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 16, 2004

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

Assembly Bill No. 1807	Assembly Bill No. 2232
Assembly Bill No. 1838	Assembly Bill No. 2234
Assembly Bill No. 1854	Assembly Bill No. 2238
Assembly Bill No. 1927	Assembly Bill No. 2240
Assembly Bill No. 1949	Assembly Bill No. 2263
Assembly Bill No. 1957	Assembly Bill No. 2289
Assembly Bill No. 1960	Assembly Bill No. 2296
Assembly Bill No. 2018	Assembly Bill No. 2303
Assembly Bill No. 2019	Assembly Bill No. 2315
Assembly Bill No. 2025	Assembly Bill No. 2343
Assembly Bill No. 2051	Assembly Bill No. 2382
Assembly Bill No. 2065	Assembly Bill No. 2433
Assembly Bill No. 2078	Assembly Bill No. 2457
Assembly Bill No. 2135	Assembly Bill No. 2468

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 16, 2004

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

Assembly Bill No. 1948

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, April 16, 2004

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

Assembly Bill No. 2480	Assembly Bill No. 2708
Assembly Bill No. 2489	Assembly Bill No. 2742
Assembly Bill No. 2501	Assembly Bill No. 2753
Assembly Bill No. 2508	Assembly Bill No. 2756
Assembly Bill No. 2524	Assembly Bill No. 2759
Assembly Bill No. 2532	Assembly Bill No. 2785
Assembly Bill No. 2541	Assembly Bill No. 2817
Assembly Bill No. 2544	Assembly Bill No. 2828
Assembly Bill No. 2550	Assembly Bill No. 2840
Assembly Bill No. 2596	Assembly Bill No. 2841
Assembly Bill No. 2647	Assembly Bill No. 2868
Assembly Bill No. 2652	Assembly Bill No. 2884
Assembly Bill No. 2698	Assembly Bill No. 2885
Assembly Bill No. 2706	Assembly Bill No. 2925

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 16, 2004

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

Assembly Bill No. 2918

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, April 16, 2004

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

Assembly Bill No. 2949	Assembly Bill No. 3066
Assembly Bill No. 2970	Assembly Bill No. 3077
Assembly Bill No. 3043	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 16, 2004

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

Assembly Concurrent Resolution No. 200

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, April 16, 2004

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

Assembly Joint Resolution No. 69

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

#### **SPECIAL COMMITTEE MEETINGS**

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

Arts, Entertainment, Sports, Tourism, and Internet Media, on Thursday, April 22, 2004.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

April 16, 2004

Mr. Speaker: The Chair of your Committee on Education reports:  
Assembly Bill No. 2413

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GOLDBERG, Chair

**ASSEMBLY BILL NO. 2413**—An act to add Chapter 5.5 (commencing with Section 60700) to Part 33 of the Education Code, relating to English learners.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**RE-REFERENCE OF BILLS**

Assembly Member Frommer was granted unanimous consent that the following bills be re-referred as noted:

Assembly Bill No. 2645 from the Committee on Judiciary, to the Committee on Appropriations;

Assembly Bill No. 2835 from the Committee on Judiciary, to the Committee on Appropriations;

Assembly Bill No. 2918 from the Committee on Water, Parks and Wildlife, to the Committee on Utilities and Commerce and back to Water, Parks and Wildlife;

Assembly Bill No. 2992 from the Committee on Education, to the Committee on Public Employees, Retirement and Social Security;

Assembly Bill No. 3093 from the Committee on Governmental Organization, to the Committee on Rules.

**BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE**

Assembly Member Frommer was granted unanimous consent that Assembly Bill No. 1818, be withdrawn from the Committee on Appropriations and placed on the second reading file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Frommer was granted unanimous consent to waive Joint Rule 62(a) to permit the following bills to be heard in committees, as noted:

Committee on Utilities and Commerce, to hear Assembly Bill No. 2918, on Monday, April 19, 2004;

Committee on Transportation, to hear Assembly Bill No. 2665, on Monday, April 19, 2004;

Committee on Revenue and Taxation, to hear Assembly Bill No. 2421, on Monday, April 19, 2004.

**SUSPEND ASSEMBLY RULE 56 AND JOINT RULE 62(a)**

Assembly Member Frommer was granted unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended for the purpose of permitting the following committees to hear the following bills, pending re-referral to the committee:

Committee on Water, Parks and Wildlife, to hear Assembly Bill No. 2918, on Tuesday, April 20, 2004;

Committee on Labor and Employment, to hear Assembly Bill No. 2341, on Wednesday, April 21, 2004.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Assembly Bill No. 2416**, on request of Assembly Member Plescia.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 899 BY UNANIMOUS CONSENT**

Assembly Member Frommer was granted unanimous consent that the Conference Committee Report on Senate Bill No. 899 be taken up, out of order.

**SENATE BILL NO. 899 (As proposed by the Conference Committee)**—An act to amend Sections 62.5, 139.2, 139.48, 2699, 3201.5, 3201.7, 3201.9, 3202.5, 3207, 3823, 4060, 4061, 4062, 4062.1, 4062.5, 4600, 4603.2, 4604.5, 4650, 4656, 4658, 4660, 4706.5, 4903.05, 5402, 5703, and 6401.7 of, to amend, repeal, and add Section 5814 of, to add Sections 138.65, 4062.3, 4062.8, 4658.1, 4664, and 5814.6 to, to add Article 2.3 (commencing with Section 4616) to Chapter 2 of Part 2 of Division 4 of, to repeal Sections 4062.01, 4062.9, 4750, and 4750.5 of, to repeal and add Sections 4062.2 and 4663 of, and to repeal, add, and repeal Section 139.5 of, the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

Conference Committee Report presented by Assembly Member Keene.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—77**

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

**NOES—3**

Goldberg	Hancock	Jackson
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Report adopted by the following vote:

**AYES—77**

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

**NOES—3**

Goldberg	Hancock	Jackson
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**RECESS**

By unanimous consent, at 10:21 a.m., Speaker Nunez declared the Assembly recessed.

**RECONVENED**

At 11:08 a.m., the Assembly reconvened.

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

**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. 1948**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1796**—An act to add Section 18901.3 to the Welfare and Institutions Code, relating to human services.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1857**—An act to add Section 597.6 to the Penal Code, relating to animals.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1894**—An act to add Section 1536.5 to the Penal Code, relating to business records.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1953**—An act to amend Sections 15006 and 15027 of, and to add Section 15027.1 to, of the Insurance Code, relating to public insurance adjusters.

Bill read second time, and ordered to third reading.

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

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2089**—An act to add Section 358.5 to the Family Code, relating to marriage.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2095**—An act to add Article 5.5 (commencing with Section 6010) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2313**—An act to amend Section 130311.5 of the Health and Safety Code, relating to medical information.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2346**—An act to add and repeal Article 11.5 (commencing with Section 18825) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2388**—An act to amend Section 8670.23 of the Government Code, relating to harbors.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2408**—An act to amend Sections 7294, 7299.4, and 7299.6 of, and to add Sections 7299.7 and 7299.75 to, the Government Code, relating to bilingual services.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2505**—An act to amend Section 829 of the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2705**—An act to amend Section 487 of the Penal Code, relating to crimes.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2871**—An act to amend Section 11364.7 of, and to add Chapter 18 (commencing with Section 121349) to Part 4 of Division 105 of, the Health and Safety Code, relating to clean needle and syringe exchange projects.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1787**—An act to add Section 9560 to the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1801**—An act to add amend Sections 365.6, 600.2, and 600.5 of the Penal Code, relating to guide dogs.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1814**—An act to add Section 487h to the Penal Code, relating to theft.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1826**—An act to amend Section 530.5 of the Penal Code, relating to professional and trade licenses.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1848**—An act to amend Section 18100.5 of, and to add Sections 18105, 18106, 18107, and 18108 to, the Probate Code, relating to trusts.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1907**—An act to amend Section 451.5 of the Penal Code, relating to arson.

Bill read second time, and ordered to Consent Calendar.



**ASSEMBLY BILL NO. 1928**—An act to add and repeal Article 19 (commencing with Section 18881) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1929**—An act to amend Section 53270 of the Government Code, relating to firefighters.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1930**—An act to amend Section 6516.9 of the Government Code, relating to joint exercise of powers.

Bill read second time, and ordered to Consent Calendar.

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

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1971**—An act to amend Section 40720 of the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to Consent Calendar.

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

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2074**—An act to amend Section 4505 of the Food and Agricultural Code, relating to fairs.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2129**—An act to amend Section 10139.5 of the Insurance Code, relating to structured settlements.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2172**—An act to amend Section 280.5 of the Public Utilities Code, relating to telecommunications.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2355**—An act to amend Section 20536 of the Government Code, relating to public employees' retirement.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2581**—An act to amend Section 65863.7 of the Government Code, relating to mobilehome parks.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2639**—An act to amend Section 12411 of the Insurance Code, relating to title insurance.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2711**—An act to add Section 20589 to the Government Code, relating to public employees' retirement.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2795**—An act to amend Sections 11404, 16051.1, and 16506 of the Welfare and Institutions Code, relating to child welfare services.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1866**—An act to add Sections 2602 and 2603 to the Penal Code, relating to prisoners.

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.

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

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.

**ASSEMBLY BILL NO. 3031**—An act to add Section 61813 to the Food and Agricultural Code, relating to milk.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2164**—An act to amend Section 19605.73 of the Business and Professions Code, relating to horse racing.

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

**ASSEMBLY BILL NO. 2367**—An act to add Article 15 (commencing with Section 49595) to Chapter 9 of Part 27 of the Education Code, relating to pupil health.

Bill read second time; amendments proposed by the Committee on Education read and adopted; bill ordered reprinted and to be re-referred to the Committee on Health.

**ASSEMBLY BILL NO. 2318**—An act to add Section 36525 to the Government Code, relating to cities.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2474**—An act to add Section 15630.1 to the Welfare and Institutions Code, relating to elder abuse.

Bill read second time; amendments proposed by the Committee on Aging and Long-Term Care read and adopted; bill ordered reprinted and to be re-referred to the Committee on Public Safety.

**ASSEMBLY BILL NO. 2611**—An act to amend Sections 368 and 803 of the Penal Code, and to amend Sections 15610.30, 15630, and 15657 of the Welfare and Institutions Code, relating to elder and dependent adult abuse.

Bill read second time; amendments proposed by the Committee on Aging and Long-Term Care read and adopted; bill ordered reprinted and to be re-referred to the Committee on Public Safety.

**ASSEMBLY BILL NO. 2329**—An act to add Section 29550.6 to the Government Code, and to repeal Section 4016.5 of the Penal Code, relating to prisoners.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 2665**—An act to amend Sections 71.4, 76.3, 76.6, 85, and 85.2 of the Harbors and Navigation Code, relating to harbors and ports.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted; bill ordered reprinted and to be re-referred to the Committee on Transportation.

**ASSEMBLY BILL NO. 2518**—An act to add Section 5080.29 to the Public Resources Code, relating to state parks.

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.

**ASSEMBLY BILL NO. 1851**—An act to amend Sections 3412, 3413, 3600, 3601, 3602, 3603, 3604, 3610, 3611, and 3612 of, and to add Section 3613 to, the Probate Code, relating to incapacity.

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

**ASSEMBLY BILL NO. 1867**—An act to amend Section 1281 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time, and ordered to third reading.

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

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2384**—An act to amend Sections 10163.3, 10172.5, 10174, and 10489.93 of, and to add Section 10163.935 to, the Insurance Code, relating to life insurance.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

#### SECOND READING OF SENATE BILLS

**SENATE BILL NO. 631**—An act to amend Section 13903 of the Government Code, and to amend Sections 1202.4, 1202.45, 1214, and 2085.5 of, and to add Section 1202.44 to, the Penal Code, relating to restitution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 16, 2004

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

Assembly Bill No. 1796	Assembly Bill No. 2408
Assembly Bill No. 1857	Assembly Bill No. 2505
Assembly Bill No. 2089	Assembly Bill No. 2705
Assembly Bill No. 2313	Assembly Bill No. 2871
Assembly Bill No. 2388	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, April 16, 2004

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

Assembly Bill No. 1867  
Assembly Bill No. 2028

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, April 16, 2004

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

Assembly Bill No. 1930	Assembly Bill No. 2639
Assembly Bill No. 2027	Assembly Bill No. 2711
Assembly Bill No. 2581	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

**ASSEMBLY BILL NO. 2490 (Maddox)**—An act to amend Section 1764.1 of the Insurance Code, relating to surplus line brokers.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 2049 (Nakanishi)**—An act to add Article 4.5 (commencing with Section 123620) to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, relating to maternal and child health.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 2126 (Dutton)**—An act to amend Section 11112.4 of the Penal Code, relating to crime prevention.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 2674 (Leno)**—An act to amend Section 8700 of the Family Code, relating to adoption.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1820 (Maze)**—An act to add and repeal Section 37700.1 of the Education Code, relating to schooldays.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1979 (Wiggins)**—An act to amend Section 1916.5 of the Civil Code, relating to lending.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 2069 (Chavez)**—An act to repeal Article 6 (commencing with Section 10237) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code, relating to real estate.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 1987 (Wolk)**—An act to amend Sections 52314 and 52326 of the Education Code, relating to regional occupational programs.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**ASSEMBLY CONCURRENT RESOLUTION NO. 151 (Cox)**—Relative to George M. Clark Memorial Bicycle Bridge.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's Consent Calendar roll call.)*

**Consent Calendar—Senate Resolutions**

**SENATE CONCURRENT RESOLUTION NO. 54 (Denham)**—Relative to World Languages and Cultures Month.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 55 (Alpert)**—Relative to Educational Options Month.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

**AYES—80**

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

**NOES—None**

**ADJOURN IN MEMORY**

Assembly Member Bates was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Aaron Bank, of Dana Point and Scott Helvenston, of Oceanside.

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jack Hitt and Victor Schaub, of Arcata.

Assembly Member Dutra was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Leona Cooper Nagy, of San Leandro.

Assembly Member Houston was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kyle Crowley, of San Ramon; Matthew Thomas Kirkpatrick, of Discovery Bay; and Michael Vega, of Livermore.

Assembly Member Laird was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Beth Cunningham, of Monterey.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jess Burdette and Alex Pivovarov, of Lancaster.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Shirley Ann Adams, Emma Pettersen, and Richard “Dusty” Rhodes, of Fairfield; Raymond W. Allen, of Woodland; Clarence John Chamberlain, Leslie H. Ovre, and Eunice Washington, of Vacaville; and Emma “Amy” Montesinos, of Dixon.

#### **MOTION TO ADJOURN**

At 11:10 a.m., Assembly Member Reyes moved that the Assembly do now adjourn.

Assembly Member Frommer seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

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

#### **RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 217—Mountjoy (Coauthors: Aghazarian, Bates, Benoit, Bogh, Campbell, Cogdill, Cox, Dutton, Frommer, Garcia, Haynes, Jerome Horton, Keene, La Malfa, La Suer, Leslie, Maddox, Maldonado, Maze, McCarthy, Pacheco, Ridley-Thomas, Samuelian, Strickland, Vargas, and Wyland) (Coauthor: Senator Hollingsworth).** Relative to National Day of Prayer.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Education**

April 16, 2004

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 2909

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GOLDBERG, Chair

**ASSEMBLY BILL NO. 2909**—An act to amend Section 95020 of the Government Code, relating to early intervention services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

April 16, 2004

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 3001

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GOLDBERG, Chair

**ASSEMBLY BILL NO. 3001**—An act to add Section 17292.7 to the Education Code, relating to school facilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Business and Professions**

April 16, 2004

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Assembly Bill No. 1959

Assembly Bill No. 2298

Assembly Bill No. 2184

Assembly Bill No. 2912

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORREA, Chair

**ASSEMBLY BILL NO. 1959**—An act to add and repeal Section 8546.9 of the Government Code, relating to the state auditor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 2184**—An act to add Section 4119.1 to the Business and Professions Code, and to amend Sections 1261.5 and 1261.6 of the Health and Safety Code, relating to health facilities, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 2298**—An act to add Article 11 (commencing with Section 65610) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to water conservation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 2912**—An act to add Chapter 16 (commencing with Section 8900) to Division 3 of the Business and Professions Code, relating to interpreters and transliterators.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

April 16, 2004

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 2224

Assembly Bill No. 2348

Assembly Bill No. 2243

Assembly Bill No. 2717

Assembly Bill No. 2290

Assembly Bill No. 3065

With author's amendments with the recommendation: Amend, and re-refer to the committee.

SALINAS, Chair

**ASSEMBLY BILL NO. 2224**—An act to amend Sections 17557, 17558, 17558.5, and 17561 of, and to add Section 17572 to, the Government Code, relating to state mandates.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 2243**—An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 2290**—An act to add Section 6102 to the Government Code, relating to local agency fees.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 2348**—An act to amend Section 65584 of the Government Code, relating to housing.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 2717**—An act to add Section 65591.1 to the Government Code, relating to water conservation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 3065**—An act to add Section 65302.4 to the Government Code, relating to general plans.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Education**

April 16, 2004

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 1858

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GOLDBERG, Chair



**ASSEMBLY BILL NO. 1858**—An act to add Sections 56160 and 56161 to the Education Code, relating to special education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **AUTHOR'S AMENDMENTS**

##### **Committee on Public Employees, Retirement and Social Security**

April 16, 2004

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 2275

With author's amendments with the recommendation: Amend, and re-refer to the committee.

NEGRETE McLEOD, Chair

**ASSEMBLY BILL NO. 2275**—An act to repeal and add Chapter 12 (commencing with Section 19790) of Part 2 of Division 5 of Title 2 of the Government Code, relating to state civil service.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Appropriations**

Date of Hearing: April 14, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1951

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

CHU, Chair

Above bill ordered to second reading.

##### **Committee on Higher Education**

Date of Hearing: April 14, 2004

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 2177

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

LIU, Chair

Above bill ordered to second reading.

##### **Committee on Human Services**

Date of Hearing: April 13, 2004

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 2013

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

WOLK, Chair

Above bill ordered to second reading.

##### **Committee on Housing and Community Development**

Date of Hearing: April 14, 2004

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 2400

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

LOWENTHAL, Chair

Above bill ordered to second reading.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: April 13, 2004

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:  
Assembly Bill No. 1942

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

LAIRD, Chair

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: April 13, 2004

Mr. Speaker: Your Committee on Public Safety reports:  
Assembly Bill No. 1864

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: April 13, 2004

Mr. Speaker: Your Committee on Public Safety reports:  
Assembly Bill No. 2749

With amendments with the recommendation: Do pass as amended, and be re-referred to the Committee on Human Services with the recommendation: To Consent Calendar.

LENO, Chair

Above bill ordered to second reading.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: April 13, 2004

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:  
Assembly Bill No. 2633

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

LAIRD, Chair

Above bill ordered to second reading.

**Committee on Transportation**

Date of Hearing: April 12, 2004

Mr. Speaker: Your Committee on Transportation reports:  
Assembly Bill No. 2085

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

OROPEZA, Chair

Above bill ordered to second reading.

Date of Hearing: April 12, 2004

Mr. Speaker: Your Committee on Transportation reports:  
Assembly Bill No. 1878

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

OROPEZA, Chair

Above bill ordered to second reading.

**Committee on Utilities and Commerce**

Date of Hearing: April 12, 2004

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 2593

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

REYES, Chair

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, April 16, 2004

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

Assembly Bill No. 691

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, April 16, 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. 678

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

Senate Chamber, April 16, 2004

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

Senate Bill No. 1172

Senate Bill No. 1364

Senate Bill No. 1493

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

Senate Chamber, April 16, 2004

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

Senate Concurrent Resolution No. 74

Senate Concurrent Resolution No. 75

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 1172**—An act to amend Section 17951 of the Revenue and Taxation Code, relating to taxation.**SENATE BILL NO. 1364**—An act to amend Sections 4521, 4535, and 4547 of the Welfare and Institutions Code, relating to developmental services.**SENATE BILL NO. 1493**—An act to amend Section 116025 of the Health and Safety Code, relating to swimming pools.

The following resolutions were read:

**SENATE CONCURRENT RESOLUTION NO. 74**—Relative to California Fitness Month.**SENATE CONCURRENT RESOLUTION NO. 75**—Relative to Love Your Neighborhood Week.

**MESSAGES FROM THE SENATE**

Senate Chamber, April 16, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 899

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

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Reyes, the Assembly adjourned until 11 a.m., Monday, April 19, 2004, out of respect to the memory of Aaron Bank and Scott Helvenston, on motion of Assembly Member Bates; out of respect to the memory of Jack Hitt and Victor Schaub, on motion of Assembly Member Berg; out of respect to the memory of Leona Cooper Nagy, on motion of Assembly Member Dutra; out of respect to the memory of Beth Cunningham, on motion of Assembly Member Laird; out of respect to the memory of Alex Pivovarovff and Jess Burdette, on motion of Assembly Member Runner; out of respect to the memory of Kyle Crowley, Matthew Thomas Kirkpatrick, and Michael Vega, on motion of Assembly Member Houston; out of respect to the memory of Shirley Ann Adams, Emma Pettersen, Richard "Dusty" Rhodes, Raymond W. Allen, Clarence John Chamberlain, Leslie H. Ovre, Eunice Washington, and Emma "Amy" Montesinos, on motion of Assembly Member Wolk.

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FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 16, 2004**

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

<b>AB</b>	<b>RN</b>	
1851	0408359	
1858	0408460	
1866	0407531	
1946	0407640	
1959	0408474	
2148	0408523	
2164	0407137	
2224	0408409	
2243	0408401	
2275	0408144	
2290	0407344	
2298	0408601	
2329	0408478	
2348	0408045	
2367	0407185	
2384	0408065	
2413	0408596	
2474	0407914	
2518	0408266	
2611	0408581	
2665	0408430	
2717	0408432	
2909	0408197	
2912	0408604	
3001	0408393	
3065	0408373	
<b>Daily Total:</b>		<b>26</b>
<b>Cumulative Total:</b>		<b>3950</b>

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