

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 5, 2004**

**ONE HUNDRED NINETIETH SESSION DAY  
FIVE HUNDRED TWENTY-FIRST 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.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, May 5, 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—78:

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	Steinberg
Chu	Houston	Montanez	Strickland
Cogdill	Jackson	Mountjoy	Vargas
Cohn	Keene	Mullin	Wesson
Corbett	Kehoe	Nakanishi	Wiggins
Correa	Koretz	Nakano	Wolk
Cox	La Malfa	Nation	Wyland
Daucher	La Suer	Negrete McLeod	Yee
Diaz	Laird	Oropeza	
Dutra	Leno	Pacheco	

Quorum present.

**At 1:48 p.m., Hon. Nicole Parra, 30th 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 Nunez and Spitzer.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

April 23, 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 Wednesday, May 5, 2004, to travel to my district for legislative business.

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

(NOTE: For letter explaining the absence of Assembly Member Nunez on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 3, 2004.)

**SPECIAL COMMITTEE MEETINGS**

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

Public Safety, on Thursday, May 6, 2004, upon adjournment of Floor Session;

Utilities and Commerce, on Thursday, May 6, 2004, upon adjournment of Floor Session, in the Tom Bane Rules Committee Room;

Special Committee on State Mandates, on Monday, May 10, 2004, at 9:30 a.m., in Room 447;

Joint Legislative Audit Committee, on Wednesday, May 19, 2004, at 9:30 a.m., in Room 437.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 5, 2004

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

Assembly Bill No. 701  
Assembly Bill No. 1454

And reports the same correctly enrolled, and presented to the Governor on the 5th day of May, 2004, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, April 29, 2004

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

Assembly Bill No. 2798

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, May 5, 2004

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

Assembly Bill No. 1793  
 Assembly Bill No. 1926  
 Assembly Bill No. 2283  
 Assembly Bill No. 2377  
 Assembly Bill No. 2455  
 Assembly Bill No. 2456  
 Assembly Bill No. 2569

Assembly Bill No. 2572  
 Assembly Bill No. 2627  
 Assembly Bill No. 2792  
 Assembly Bill No. 2863  
 Assembly Bill No. 2938  
 Assembly Bill No. 2946

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 5, 2004

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

Assembly Bill No. 1827  
 Assembly Bill No. 1936  
 Assembly Bill No. 2506

Assembly Bill No. 2805  
 Assembly Bill No. 2883

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 5, 2004

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

Assembly Concurrent Resolution No. 217  
 Assembly Joint Resolution No. 65

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

### **AUTHOR'S AMENDMENTS** **Committee on Appropriations**

May 5, 2004

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

Assembly Bill No. 2038  
 Assembly Bill No. 2508  
 Assembly Bill No. 2545

Assembly Bill No. 2611  
 Assembly Bill No. 2830

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

CHU, Chair

**ASSEMBLY BILL NO. 2038**—An act to add Chapter 4 (commencing with Section 536) to Title 7 of Part 2 of the Code of Civil Procedure, and to amend Sections 853.6, 853.7, and 853.8 of the Penal Code, relating to bench warrants.

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. 2508**—An act relating to the Fred C. Nelles School for Boys.

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. 2545**—An act to add Section 6402.5 to the Labor Code, relating to employment.

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. 2611**—An act to amend Section 368 of the Penal Code, and to amend Section 15657 of, and to add Section 15630.2 to, the Welfare and Institutions Code, relating to elder and dependent adult abuse.

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. 2830**—An act to amend Sections 3237 and 3258 of the Public Resources Code, relating to natural resources.

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 Utilities and Commerce**

May 5, 2004

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:  
Assembly Bill No. 2799

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

REYES, Chair

**ASSEMBLY BILL NO. 2799**—An act to amend Section 2890 of the Public Utilities Code, relating to telecommunications.

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 Revenue and Taxation**

May 5, 2004

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 1869

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

BERMUDEZ, Chair

**ASSEMBLY BILL NO. 1869**—An act to amend Section 6380 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 Rules**

May 5, 2004

Mr. Speaker: The Chair of your Committee on Rules reports:  
Assembly Concurrent Resolution No. 167

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

MONTANEZ, Chair

**ASSEMBLY CONCURRENT RESOLUTION NO. 167**—Relative to condemning hateful acts and beliefs.

Resolution read; author’s amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

May 5, 2004

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 2802

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

BERMUDEZ, Chair

**ASSEMBLY BILL NO. 2802**—An act to add Section 6458 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 Revenue and Taxation**

May 5, 2004

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 2344

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

BERMUDEZ, Chair

**ASSEMBLY BILL NO. 2344**—An act to add Article 1.8 (commencing with Section 52337) to Chapter 9 of Part 28 of the Education Code, and to amend Sections 17039 and 23036 of, and to add and repeal Sections 17053.51 and 23651 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 Judiciary**

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1910

Assembly Bill No. 2583

Assembly Bill No. 2536

Assembly Bill No. 2598

Assembly Bill No. 2582

Assembly Bill No. 2713

With the recommendation: Do pass.

CORBETT, Chair

Above bills ordered to second reading.

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2167

Assembly Bill No. 2932

Assembly Bill No. 2362

Assembly Bill No. 3016

Assembly Bill No. 2708

Assembly Bill No. 3080

Assembly Bill No. 2872

With the recommendation: Do pass.

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

CORBETT, Chair

Above bills ordered to second reading.

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:  
Assembly Bill No. 2333

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

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:  
Assembly Bill No. 2804

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

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:  
Senate Bill No. 749

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

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:  
Assembly Bill No. 2761

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

CORBETT, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Elections, Redistricting and Constitutional Amendments**

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 24

Assembly Constitutional Amendment No. 29

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

LONGVILLE, Chair

Above resolutions re-referred to the Committee on Appropriations.

**Committee on Health**

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Health reports:  
Assembly Bill No. 2429

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

COHN, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Health reports:  
Assembly Bill No. 2684  
Assembly Bill No. 2821

With the recommendation: Do pass.

COHN, Chair

Above bills ordered to second reading.

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Health reports:

Assembly Concurrent Resolution No. 205

Assembly Joint Resolution No. 53

Assembly Joint Resolution No. 70

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.

COHN, Chair

Above resolutions ordered to the Consent Calendar.

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2798

With the recommendation: That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study.

COHN, Chair

Subject matter of the above bill referred to the Committee on Rules.

**Committee on Aging and Long-Term Care**

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Aging and Long-Term Care reports:

Assembly Bill No. 2783

With the recommendation: Do pass.

BERG, Chair

Above bill ordered to second reading.

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

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1918

Assembly Bill No. 2234

Assembly Bill No. 2330

Assembly Bill No. 2364

Assembly Bill No. 2894

Assembly Bill No. 2956

Assembly Bill No. 2982

Assembly Bill No. 3008

With the recommendation: Do pass.

NEGRETE McLEOD, Chair

Above bills ordered to second reading.

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 2233

Assembly Bill No. 2680

With the recommendation: Do pass.

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

NEGRETE McLEOD, Chair

Above bills ordered to second reading.

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 2681

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

NEGRETE McLEOD, Chair

Above bill re-referred to the Committee on Appropriations.



**Committee on Revenue and Taxation**

Date of Hearing: May 3, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 2926

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

BERMUDEZ, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 37

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

CORBETT, Chair

Above bill ordered to second reading.

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

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

**Assembly Bills Nos. 2805, 2883, 1936, 2506, and 1827**, ordered to third reading.

**ASSEMBLY BILL NO. 2509**—An act to add Chapter 5.5 (commencing with Section 2780) to Part 2 of Division 1 of the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2767**—An act to amend Section 80260 of the Water Code, relating to electricity.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2869**—An act to amend Section 9601 of the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

**ASSEMBLY JOINT RESOLUTION NO. 71**—Relative to veterans health care.

Resolution read; amendments proposed by the Committee on Veterans Affairs read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

**ASSEMBLY BILL NO. 1850**—An act to amend Section 470 of, and to add Sections 470.1, 470.2, 470.3, 470.4, and 470.5 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2846**—An act to add Section 402.95 to the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2442**—An act relating to property taxation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY CONCURRENT RESOLUTION NO. 222**—Relative to Small Business Week.

Resolution read; amendments proposed by the Committee on Revenue and Taxation read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

**ASSEMBLY BILL NO. 2144**—An act to amend Section 3691 of the Revenue and Taxation Code, relating to property taxation.

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

**ASSEMBLY BILL NO. 2671**—An act to amend Section 4406 of the Commercial Code, relating to commercial law.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2693**—An act to add Section 22062 to the Financial Code, relating to finance lenders.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2654**—An act to amend Section 810 of the Business and Professions Code, relating to healing arts.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2251**—An act to amend Section 21157.6 of the Public Resources Code, relating to environmental quality.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2814**—An act to amend Section 21167.6.5 of the Public Resources Code, relating to natural resources.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2922**—An act to amend Section 21159.24 of the Public Resources Code, relating to environmental quality.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 3090**—An act to amend Section 21080 of the Public Resources Code, relating to environmental quality.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2723**—An act to amend Section 1793.2 of the Civil Code, relating to consumer warranties.

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

**ASSEMBLY BILL NO. 2591**—An act to amend Sections 5353.5 and 5371.4 of the Public Utilities Code, relating to charter-party carriers.

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

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 5, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 2767

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, May 5, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 2671

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, May 6, 2004.

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LELAND Y. YEE, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 5, 2004**

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

**AB RN**

1869	0408625
2038	0409693
2144	0409521
2344	0409849
2508	0409537
2545	0409532
2591	0409310
2611	0409452
2723	0409570
2799	0409819
2802	0409759
2830	0409393

**ACR RN**

167	0408164
222	0409580

**AJR RN**

71	0409448
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<b>Daily Total:</b>	<b>15</b>
<b>Cumulative Total:</b>	<b>4362</b>

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