

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, May 11, 2004**

**ONE HUNDRED NINETY-THIRD SESSION DAY  
FIVE HUNDRED TWENTY-SEVENTH 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  
Tuesday, May 11, 2004

The Assembly met at 7 a.m.

Hon. Lou Correa, Assembly Member, 69th 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—75:

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

Quorum present.

**At 12:39 p.m., Hon. John Laird, 27th 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 Cogdill, Frommer, Kehoe, Montanez, and Simitian.*

**EXPLANATIONS OF ABSENCE**

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

May 10, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check in session on Tuesday, May 11, 2004. I will be in my district on legislative business.

Thank you for your consideration of this request. If you have any questions, please contact me at 319-2025.

Sincerely,

DAVE COGDILL, Assembly Member  
Twenty-fifth District

April 26, 2004

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

Dear Mr. Speaker: I respectfully request an excuse for Check-Ins Sessions on May 11–12, to attend events/meetings in my District Office.

Thank you for your attention to this request. If you have any questions, please telephone my scheduler, Maria Campos, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member  
Forty-third District

May 10, 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 Session on Tuesday, May 11, 2004 due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CHRISTINE KEHOE, Assembly Member  
Seventy-sixth District

May 11, 2004

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

Dear Speaker Nunez,

Please excuse me today May 11, 2004, as I will be away from the State Capitol for legislative business.

Should you have any questions please contact Janelle Beland at 916.319.2039.

Sincerely,

CINDY MONTAÑEZ, Assembly Member  
Thirty-ninth District

May 7, 2004

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

Dear Speaker Nunez,

This is a request to be excused from Session or Check-In Session on Tuesday, May 11, 2004. I have legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member  
Twenty-first District

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

Assembly Chamber, May 10, 2004

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

Assembly Concurrent Resolution No. 191  
Assembly Concurrent Resolution No. 212  
Assembly Concurrent Resolution No. 214  
Assembly Concurrent Resolution No. 215

And reports the same correctly enrolled, and presented to the Secretary of State on the 10th day of May, 2004, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, May 11, 2004

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

Assembly Bill No. 1808	Assembly Bill No. 2891
Assembly Bill No. 2001	Assembly Bill No. 2889
Assembly Bill No. 2055	Assembly Bill No. 2911
Assembly Bill No. 2473	Assembly Bill No. 2997
Assembly Bill No. 2753	Assembly Bill No. 3023
Assembly Bill No. 2759	Assembly Bill No. 3025
Assembly Bill No. 2856	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 11, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 2158  
Assembly Bill No. 2634

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, May 11, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 231

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, May 11, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 2030  
Assembly Bill No. 2065

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 11, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1975  
Assembly Bill No. 2866  
Assembly Bill No. 2902

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 11, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 193

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 233—Parra.** Relative to Yellow Ribbon Day.

**ASSEMBLY JOINT RESOLUTION NO. 83—Daucher and Goldberg.** Relative to special education funding.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

May 11, 2004

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 2859

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

BERMUDEZ, Chair

**ASSEMBLY BILL NO. 2859**—An act to add Sections 17053 and 23653 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 Water, Parks and Wildlife**

May 11, 2004

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 89

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

CANCIAMILLA, Chair

**SENATE BILL NO. 89**—An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, 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.

**AUTHOR'S AMENDMENTS**

**Committee on Education**

May 11, 2004

Mr. Speaker: The Chair of your Committee on Education reports:  
Senate Bill No. 298

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

GOLDBERG, Chair

**SENATE BILL NO. 298**—An act to add Article 4.5 (commencing with Section 52059.5) to Chapter 6.1 of Part 28 of the Education Code, relating to school districts.

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 Transportation**

May 11, 2004

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Senate Bill No. 924

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

OROPEZA, Chair

**SENATE BILL NO. 924**—An act to add and repeal Chapter 4.8 (commencing with Section 2195) of Division 3 of the Streets and Highways Code, relating to transportation.

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 Natural Resources**

May 11, 2004

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
Senate Bill No. 1278

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

JACKSON, Chair

**SENATE BILL NO. 1278**—An act to amend Section 4663 of, and to repeal Sections 4205, 4562.9, and 4563.5 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 Natural Resources**

May 11, 2004

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
Senate Bill No. 754

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

JACKSON, Chair

**SENATE BILL NO. 754**—An act to add Article 7.6 (commencing with Section 4595) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest 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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Judiciary**

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1836  
Assembly Bill No. 2347

Assembly Bill No. 2376  
Assembly Bill No. 2549

With the recommendation: Do pass, as amended.

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.

**Committee on Education**

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 3015

With the recommendation: Do pass, as amended.

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

GOLDBERG, Chair

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2994

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

CHU, Chair

Above bill ordered to second reading.

**Committee on Education**

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 2845

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

GOLDBERG, Chair

Above bill ordered to second reading.

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 2210

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

GOLDBERG, Chair

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: May 6, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2905

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: May 4, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2190

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.

**Committee on Local Government**

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1916

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

SALINAS, Chair

Above bill ordered to second reading.



**Committee on Judiciary**

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Judiciary reports:

- Assembly Bill No. 1912
- Assembly Bill No. 1961
- Assembly Bill No. 2812

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

CORBETT, Chair

Above bills ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing: May 10, 2004

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1804 | Assembly Bill No. 2792 |
| Assembly Bill No. 1815 | Assembly Bill No. 2794 |
| Assembly Bill No. 1869 | Assembly Bill No. 2802 |
| Assembly Bill No. 2480 | Assembly Bill No. 2952 |
| Assembly Bill No. 2584 | Assembly Bill No. 3074 |

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

BERMUDEZ, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 10, 2004

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

- Senate Bill No. 438

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

BERMUDEZ, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Education**

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Education reports:

- Assembly Bill No. 2153

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

GOLDBERG, Chair

Above bill ordered to second reading.

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Education reports:

- Assembly Bill No. 2860

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

GOLDBERG, Chair

Above bill ordered to second reading.

**Committee on Budget**

Date of Hearing: May 10, 2004

Mr. Speaker: Your Committee on Budget reports:

- Senate Bill No. 23
- Senate Bill No. 1842

With the recommendation: Do pass.

STEINBERG, Chair

Above bills ordered to second reading.

**Committee on Education**

Date of Hearing: May 6, 2004

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 2751

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

GOLDBERG, Chair

Above bill ordered to second reading.

**Committee on Banking and Finance**

Date of Hearing: May 3, 2004

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 2092

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

WIGGINS, Chair

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2853

With the recommendation: Do pass, as amended.

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

CHU, Chair

Above bill ordered to second reading.

**Committee on Insurance**

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 2249

Assembly Bill No. 2904

With the recommendation: Do pass, as amended.

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.

VARGAS, Chair

Above bills ordered to second reading.

Date of Hearing: May 5, 2004

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 2147

Assembly Bill No. 2962

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

VARGAS, Chair

Above bills ordered to second reading.

**Committee on Public Safety**

Date of Hearing: May 4, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2930

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

LENO, 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. 2891, 1808, 2753, 2759, 2889, 2997, 2055, 2911, 2473, and 2001**, ordered to third reading;

(NOTE: Later this day Assembly Bill No. 2473 was re-referred to the Committee on Appropriations.)

**Assembly Bills Nos. 2856, 3023, and 3025**, ordered to the Consent Calendar.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

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

**Senate Bills Nos. 409 and 871**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 2829**—An act to amend Section 782 of the Evidence Code, relating to rape.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1832**—An act to add and repeal Section 35183.3 of the Education Code, relating to school uniforms.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2350**—An act to amend Sections 7300.1, 7300.3, 7300.4, 7301.1, 7301.5, 7309.1, 7310, 7311, 7311.1, 7311.2, 7311.3, 7311.4, 7313, 7315, 7316, and 7324 of the Labor Code, relating to safety in employment.

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

**ASSEMBLY BILL NO. 2874**—An act to amend Sections 1300 and 32002 of the Health and Safety Code, relating to public health.

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

**ASSEMBLY BILL NO. 2720**—An act to repeal and add Section 129805 of the Health and Safety Code, relating to health facilities.

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

**ASSEMBLY BILL NO. 2855**—An act to amend Sections 32282, 35295, 35296, 42140, 48260.5, 48262, 48900.1, 48910, and 51230 of, and to repeal Sections 38132 and 48214 of the Education Code, to amend Sections 6550 and 6552 of the Family Code, and to amend Sections 124100 and 124105 of the Health and Safety Code, relating to education.

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 Appropriations.

**ASSEMBLY BILL NO. 1896**—An act to amend Section 486 of the Food and Agricultural Code, relating to agricultural inspectors.

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. 2354**—An act to amend Section 445 of the Health and Safety Code, relating to medical referrals.

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

**ASSEMBLY CONCURRENT RESOLUTION NO. 216**—Relative to senior housing and care quality.

Resolution read; amendments proposed by the Committee on Aging and Long-Term Care read and adopted; resolution ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 2451**—An act to repeal Section 11382 of the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2279**—An act to add Section 21100.8 to the Water Code, relating to water.

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

**ASSEMBLY BILL NO. 2261**—An act to amend Section 10006 of, and to add Sections 10006.5 and 10156.9 to, the Business and Professions Code, relating to real estate.

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

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

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

**ASSEMBLY BILL NO. 1903**—An act to add Section 65008.7 to the Government Code, relating to land use.

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.

**ASSEMBLY BILL NO. 2088**—An act to amend Sections 1954.51 and 1954.53 of the Civil Code, relating to residential real property.

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.

**ASSEMBLY BILL NO. 2715**—An act to add Chapter 33 (commencing with Section 22949) to Division 8 of the Business and Professions Code, relating to telemarketing.

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.

**ASSEMBLY BILL NO. 2729**—An act to amend Sections 68750 and 68753 of the Government Code, relating to the Commission on Judicial Performance.

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.

**ASSEMBLY BILL NO. 2787**—An act to add Chapter 22.2 (commencing with Section 22580) to Division 8 of the Business and Professions Code, relating to privacy.

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.

**ASSEMBLY BILL NO. 2018**—An act to add Section 2603.5 to the Family Code, and to add Chapter 2.6 (commencing with Section 1000.10) to Title 6 of Part 2 of the Penal Code, relating to domestic violence.

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. 2502**—An act to amend Section 369.5 of the Welfare and Institutions Code, relating to dependent children.

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. 2281**—An act to amend Sections 1179.1, 1179.2, and 1179.5 of, and to amend the heading of Part 5 (commencing with Section 1179) of Division 1 of, the Health and Safety Code, relating to rural health.

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

**ASSEMBLY BILL NO. 2791**—An act to amend Section 1430 of the Health and Safety Code, relating to health facilities.

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

#### **RE-REFERENCE OF BILLS PURSUANT TO THE RULES**

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

**Assembly Bill No. 2473.**

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

Assembly Chamber, May 11, 2004

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

Assembly Bill No. 2451

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

**MESSAGES FROM THE GOVERNOR**

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

Governor's Office, Sacramento  
May 7, 2004

*To members of the Assembly:*

I am returning AB 347 without my signature.

AB 347 would authorize the 22nd District Agricultural Association (Del Mar Fair) Board of Directors to approve recruitment and retention differential of up to 35% for its excluded and exempt employees.

This bill would bypass the existing authority for the Department of Personnel Administration to establish recruitment and retention differential in identified high cost-of-living areas. This issue should follow the existing administrative process so the Department can establish the appropriate level of pay differential and whether it is justified. Authorizing these differentials through legislation would establish a dangerous precedent others would be sure to follow. During these times of severe fiscal constraint, it is important that these issues be handled through the appropriate administrative process.

However, I am well aware of the challenges that this very successful fair and nationally acclaimed race track has in paying competitive salaries in the Southern California market. Retaining skilled managers is difficult if an entity cannot provide competitive compensation. I am therefore directing the Department of Personnel Administration to initiate the process of paying suitable retention bonuses to exempt and excluded employees of the Del Mar Fair.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 10th day of May at 4:05 p.m., of AB 347 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 12, 2004.

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FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 11, 2004**

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

**AB RN**

1896 0409843  
1903 0409922  
2018 0409884  
2088 0409857  
2261 0409834  
2279 0409957  
2281 0409863  
2350 0409898  
2354 0409918  
2502 0409883  
2715 0409868  
2720 0409910  
2729 0409875  
2787 0409879  
2791 0409889  
2799 0410024  
2855 0409737  
2859 0409788  
2874 0409913

**ACR RN**

216 0409909

**SB RN**

89 0409912  
298 0410012  
754 0409727  
924 0409286  
1278 0408636

**Daily Total: 25**  
**Cumulative Total: 4447**