

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 12, 2004**

**ONE HUNDRED NINETY-FOURTH SESSION DAY  
FIVE HUNDRED TWENTY-EIGHTH 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 12, 2004

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th 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—77:

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

Quorum present.

**At 11:10 a.m., Hon. Joe Simitian, 21st 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 Chavez, Frommer, and Samuelian.*

**EXPLANATIONS OF ABSENCE**

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

May 5, 2004

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

Dear Speaker Nunez: I respectfully request that I be excused from session or check-in session on Wednesday, May 12, 2004. The purpose is to attend meetings near my district on legislative business in my capacity as Chairman of the Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member  
Fifty-seventh District

May 12, 2004

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

Dear Speaker Nunez: I am respectfully requesting to be excused from check-in session today, May 12, 2004 because I am conducting legislative business.

Should you have any questions regarding my absence, please do not hesitate to contact my office at (916) 319-2029.

Thank you in advance for your consideration in this matter.

Sincerely,

STEVE SAMUELIAN, Assembly Member  
Twenty-ninth District

(NOTE: For letter explaining the absence of Assembly Member Frommer on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 11, 2004.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

May 12, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Lloyd Levine to replace Assemblymember Marco Firebaugh on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following meeting was permitted to convene:

Assembly Office of Policy Planning and Research, on Tuesday, May 18, 2004, at 9 a.m., in Room 4202.

**RESOLUTIONS**

The following resolution was offered:

**HOUSE RESOLUTION NO. 51—Richman.** Relative to Amyotrophic Lateral Sclerosis Awareness Month.

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
<b>233</b> -----	Rls.

*Senate*

<i>Bill No.</i>	<i>Committee</i>
<b>74</b> -----	B. & P.
<b>111</b> -----	B. & P.
<b>382</b> -----	Hum. S. and L. Gov.
<b>595</b> -----	Ins.
<b>744</b> -----	H. & C.D. and L. Gov.
<b>1265</b> -----	W.,P. & W.
<b>1285</b> -----	Pub. S.
<b>1457</b> -----	B. & P. and Jud.
<b>1494</b> -----	Pub. S. and Health
<b>1558</b> -----	J., E.D. & E.
<b>1609</b> -----	H. & C.D.
<b>1612</b> -----	Hum. S.
<b>1621</b> -----	Ed.
<b>1623</b> -----	Health
<b>1643</b> -----	G.O.
<b>1654</b> -----	G.O.
<b>1691</b> -----	B. & P.
<b>1708</b> -----	Pub. S.
<b>1775</b> -----	B. & P.
<b>1784</b> -----	Trans.
<b>1823</b> -----	J., E.D. & E.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 12, 2004

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

Assembly Bill No. 2261

Assembly Bill No. 2720

Assembly Bill No. 2281

Assembly Bill No. 2855

Assembly Bill No. 2354

Assembly Bill No. 2859

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 12, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 216  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 12, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1896  
Assembly Bill No. 1903  
Assembly Bill No. 2018  
Assembly Bill No. 2088  
Assembly Bill No. 2279  
Assembly Bill No. 2350  
Assembly Bill No. 2502  
And reports the same correctly engrossed.

Assembly Bill No. 2715  
Assembly Bill No. 2729  
Assembly Bill No. 2787  
Assembly Bill No. 2791  
Assembly Bill No. 2799  
Assembly Bill No. 2874

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 12, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 124  
And reports the same correctly enrolled, and presented to the Governor on the  
12th day of May, 2004, at 12:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, May 12, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 104  
And reports the same correctly enrolled, and presented to the Secretary of State on the  
12th day of May, 2004, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

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

May 12, 2004

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 2761  
With author's amendments with the recommendation: Amend, and re-refer to the  
committee.

CHU, Chair

**ASSEMBLY BILL NO. 2761**—An act to amend Section 1936 of the Civil Code,  
relating to vehicle rental agreements.

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 Appropriations**

May 12, 2004

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 2268  
Assembly Bill No. 2422  
Assembly Bill No. 2839  
With author's amendments with the recommendation: Amend, and re-refer to the  
committee.

CHU, Chair

**ASSEMBLY BILL NO. 2268**—An act to amend Section 1044.5 of the Military and Veterans Code, relating to veterans.

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. 2422**—An act to amend Sections 1025.5, 1052, 1228.3, 1845, 2850, 5006, 5107, 6307, 6308, and 13160.1 of, to add Sections 1228.8 and 6308.5 to, to repeal Sections 1031, 2865, and 2868 of, and to repeal and add Chapter 8 (commencing with Section 1525) of Part 2 of Division 2 of, the Water Code, and to repeal Section 98 of Chapter 741 of the Statutes of 2003, relating to water.

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. 2839**—An act to amend Section 2786 of the Business and Professions Code, relating to healing arts.

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 Appropriations**

May 12, 2004

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

Assembly Bill No. 1839  
Assembly Bill No. 1927  
Assembly Bill No. 2514

Assembly Bill No. 2559  
Assembly Bill No. 2943

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

CHU, Chair

**ASSEMBLY BILL NO. 1839**—An act to amend Sections 2982 and 2982.5 of, and to add Sections 1793.27 and 2982.2 to, the Civil Code, and to amend Section 11709.2 of the Vehicle Code, relating to consumers.

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. 1927**—An act to amend Section 1373 of, and to add Sections 1373.35 and 1373.45 to, the Health and Safety Code, relating to health care.

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. 2514**—An act to amend Sections 5106 and 5108 of, and to add Section 5112 to, the Vehicle 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.

**ASSEMBLY BILL NO. 2559**—An act to amend Section 44279.2 of, to add Article 8.5 (commencing with Section 44600) to Chapter 3 of Part 25 of, and to repeal Sections 44505 and 44506 of, the Education Code, relating to teachers.

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. 2943**—An act to add Article 10.4.1 (commencing with Section 25214.50) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

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 Revenue and Taxation**

Date of Hearing: May 10, 2004

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

Assembly Bill No. 2328

Assembly Bill No. 2344

Assembly Bill No. 2365

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

BERMUDEZ, Chair

Above bills 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. 2350, 2874, 1896, 2279, 2799, 1903, 2088, 2715, 2729, 2787, and 2791**, ordered to third reading;

(NOTE: Later this day Assembly Bills Nos. 2350, 2874, 2787, and 2791 were re-referred to the Committee on Appropriations.)

**Assembly Bills Nos. 2018 and 2502**, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1836**—An act to amend Sections 1354 and 1366.3 of, to amend and renumber Section 1368.4 of, and to add Article 5 (commencing with Section 1363.810) to Chapter 4 of, and Article 1 (commencing with Section 1368.3) and Article 2 (commencing with Section 1369.510) to Chapter 7 of, Title 6 of Part 4 of Division 2 of, the Civil Code, and to repeal Section 383 of the Code of Civil Procedure, relating to common interest developments.

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. 2347**—An act to amend Section 1717.5 of the Civil Code, relating to attorney's fees.

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. 2376**—An act to amend Section 1373 of, and to add Section 1378 to, the Civil Code, relating to common interest developments.

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. 2549**—An act to amend Section 7108.5 of the Business and Professions Code, to amend Sections 3620 and 3620.1 of the Civil Code, and to amend Sections 7107 and 10262.5 of the Public Contracts Code, relating to works of improvement.

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. 2994**—An act to amend Section 12405 of the Public Contract Code, relating to public contracts.

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. 3015**—An act to amend Section 1064 of the Government Code, relating to military service.

Bill read second time; amendments proposed by the Committee on Education 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. 2845**—An act to add Section 56525 to the Education Code, relating to special education.

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

**ASSEMBLY BILL NO. 2210**—An act to amend Sections 44259 and 44279.2 of the Education Code, relating to teachers.

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. 2905**—An act to amend Section 6254.21 of the Government Code, and to amend Section 832.9 of, and to add Sections 146.1, and 146.2 to, the Penal Code, relating to public safety officials.

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

**ASSEMBLY BILL NO. 2190**—An act to add Chapter 8.5 (commencing with Section 6140) to Title 7 of Part 3 of the Penal Code, relating to prisons.

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

**ASSEMBLY BILL NO. 1916**—An act to amend Section 7280 of, and to add Sections 7283.5 and 7283.51 to, the Revenue and Taxation Code, relating to taxation.

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. 1912**—An act to amend Section 47 of the Civil Code, relating to privileged communications.

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. 1961**—An act to add Article 4 (commencing with Section 116022) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to water public safety.

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. 2812**—An act to add Chapter 6 (commencing with Section 945.6) to Title 7 of Part 2 of Division 2 of the Civil Code, relating to construction defects.

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. 2153**—An act to amend Sections 45023.1 and 45023.4 of, to amend and repeal Sections 42241.2, 42243.7, 42244, 46610, and 46611, to amend, repeal, and add Sections 42238 and 42238.5 of, to add Sections 42289.6 and 46207 to, to repeal and add Section 42240 of, the Education Code, relating to education finance.

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. 2860**—An act to amend Sections 60607 and 60641 of the Education Code, relating to pupils.

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. 2751**—An act to amend Section 48931 of the Education Code, relating to pupils.

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

**ASSEMBLY BILL NO. 2092**—An act to add Section 1798.83.5 to the Civil Code, relating to credit to minors.

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

**ASSEMBLY BILL NO. 2853**—An act to amend Sections 27131, 27297.5, 50087, 53646, and 71380 of the Government Code, and to amend Section 63.1 of the Revenue and Taxation Code, relating to local government expenses, and declaring the urgency thereof, to take effect immediately.

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. 2249**—An act to amend Section 1861.16 of the Insurance Code, relating to automobile insurance.

Bill read second time; amendments proposed by the Committee on Insurance 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. 2904**—An act to amend Section 116.5 of the Insurance Code, relating to auto insurance.

Bill read second time; amendments proposed by the Committee on Insurance 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. 2147**—An act to add Section 11751.82 to the Insurance Code, relating to liability insurance.

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

**ASSEMBLY BILL NO. 2962**—An act to amend Section 2051 of the Insurance Code, relating to fire insurance.

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

**ASSEMBLY BILL NO. 2930**—An act to amend Section 3303 of the Government Code, relating to public safety officers.

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

#### **SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 23**—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14560, 14561, 14573.51, 14575, 14575.1, 14575.2, 14581, and 14585 of, and to add Sections 14513.5, 14575.5, and 14582 to, the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1842**—An act to make an appropriation in augmentation of the Budget Act of 2003, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time, and ordered to third reading.

#### **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 bills were ordered re-referred to the Committee on Appropriations:

**Assembly Bills Nos. 2350, 2874, 2787, and 2791.**

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 6 a.m., Thursday, May 13, 2004.

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FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MAY 12, 2004

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

AB	RN	
1836	0409853	
1839	0410079	
1912	0409865	
1916	0410020	
1927	0410105	
1961	0409888	
2092	0409812	
2147	0409945	
2153	0410086	
2190	0409782	
2210	0409751	
2249	0409947	
2268	0409932	
2347	0409859	
2376	0409858	
2422	0410084	
2514	0410209	
2549	0409854	
2559	0410204	
2751	0409981	
2761	0409968	
2812	0409856	
2839	0410117	
2845	0409949	
2853	0409927	
2860	0409934	
2904	0407002	
2905	0409969	
2930	0409795	
2943	0410119	
2962	0410022	
2994	0409847	
3015	0409935	
<b>Daily Total:</b>	<b>33</b>	
<b>Cumulative Total:</b>	<b>4480</b>	