

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, May 14, 2003

SEVENTY-FIRST SESSION DAY

ONE HUNDRED SIXTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, May 14, 2003

The Assembly met at 7 a.m.

Hon. Joe Nation, Assembly Member, 6th 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—76:

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

Quorum present.

At 1:40 p.m., Hon. Joe Canciamilla, 11th 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 Chan, Corbett, and Jerome E. Horton.

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

EXPLANATIONS OF ABSENCE

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

May 9, 2003

*The Honorable Herb Wesson
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Wesson: I am requesting to be excused from Check-In Session on Wednesday, May 14, 2003, due to legislative business taking place in my district.

Your attention to this matter is very much appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

May 9, 2003

*The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I would like to request permission to be excused from Check-in Session on Wednesday, May 14. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns please feel free to call me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member
Eighteenth District

(NOTE: For letter explaining the absence of Assembly Member Jerome E. Horton on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 13, 2003; for letter explaining the absence of Assembly Member Nakano on this day on legislative business, and waiving per diem, pursuant to the Assembly Rules, see Assembly Daily Journal for May 13, 2003.)

COMMUNICATIONS

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

May 14, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Cindy Montanez to replace Assemblymember Ellen Corbett on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

May 14, 2003

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

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on the Future of Farming in California:

Assemblymember Doug La Malfa
 Assemblymember Bill Maze
 Assemblymember Nicole Parra
 Assemblymember Gloria Negrete McLeod
 Assemblymember Lois Wolk

Sincerely,

HERB J. WESSON, JR.
 Speaker of the California Assembly

May 14, 2003

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

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on Prison Construction and Operations:

Assemblymember Lou Correa
 Assemblymember Bonnie Garcia
 Assemblymember Nicole Parra
 Assemblymember Todd Spitzer

Sincerely,

HERB J. WESSON, JR.
 Speaker of the California Assembly

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2002-124
 May 13, 2003

The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the Franchise Tax Board's (board) return on its investment in additional audit and collection program positions.

This report concludes the board's performance measures are not sufficient to justify requests for new audit or collection program staff.

The board uses a variety of performance measures, with various cost components, for its audit and collection programs, potentially causing confusion about prospective and actual program results. Board documents requesting new staff for its programs typically refer to a projected return of at least \$5 of benefit for each \$1 of cost for these staff. In fact, between fiscal years 1998–99 and 2001–02, the board's 340 newest audit positions returned only \$2.71 in assessments—potential revenue—for each \$1 of cost, without adjusting for the likelihood or cost of collecting the assessed amounts. Due to various limitations in collection program data, including a change in accounting treatment, we were unable to determine the incremental revenue resulting from the newest 175 collection program positions. However, the board has allowed some approved collection program positions to go unfilled in order to achieve savings to pay for other expenses, such as merit salary adjustments.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Revenue and Taxation.

REPORTS

The following reports were presented by the Chief Clerk:

**Institutional Financial Aid Programs
(Pursuant to Supplemental Language of the Budget Act of 2002–03)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated April 3, 2003, referred by the Speaker to the Committee on Budget.

**Small Business Annual Report 2001–02
(Pursuant to Government Code Section 14840)**

Above transmitted report, together with letter of transmittal from J. Clark Kelso, Interim Director, Department of General Services, dated April 29, 2003, referred by the Speaker to the Committee on Business and Professions.

**2001 Statewide Employee Housing Statistical Summary Report
(Pursuant to Health and Safety Code
Sections 17031.8 and 17050(f)(1))**

Above transmitted report, together with letter of transmittal from Julie Bornstein, Director, Department of Housing and Community Development, dated April 30, 2003, referred by the Speaker to the Committee on Housing and Community Development.

**Plata and Madrid Lawsuit—
Plan to Comply with the Settlement Requirements of
Plata v. Davis, et al. Report
(Pursuant to Supplemental Report of the 2002 Budget Act
Item 5240-001-0001)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated April 8, 2003, referred by the Speaker to the Committee on Budget.

**Quarterly Report to the Legislature Concerning the
Renewable Energy Program
(January 1, 2003 through March 31, 2003)
(Pursuant to Public Utilities Code, Article 5, Section 445(g))**

Above transmitted report, together with letter of transmittal from John L. Geesman, Commissioner and Presiding Member, Renewables Committee, California Energy Commission, dated April 30, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Report to the Legislature on the Status of
Licensing—Exam Validation and Occupational Analysis
(Pursuant to Business and Professions Code Section 139(c))**

Above transmitted report, together with letter of transmittal from Kathleen Hamilton, Director, Department of Consumer Affairs, dated May 1, 2003, referred by the Speaker to the Committee on Business and Professions.

**Report on Salaries for Occupations Comparable to
Selected State Civil Service Classifications
(Pursuant to Government Code Section 19826(c))**

Above transmitted report, together with letter of transmittal from Bob Painter, Chief, Policy and Operations Division, Department of Personnel Administration, dated May 1, 2003, referred by the Speaker to the Committee on Labor and Employment.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 14, 2003

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

Assembly Bill No. 91	Assembly Bill No. 1387
Assembly Bill No. 170	Assembly Bill No. 1416
Assembly Bill No. 603	Assembly Bill No. 1431
Assembly Bill No. 627	Assembly Bill No. 1492
Assembly Bill No. 718	Assembly Bill No. 1497
Assembly Bill No. 1143	Assembly Bill No. 1616
Assembly Bill No. 1151	Assembly Bill No. 1685
Assembly Bill No. 1197	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 14, 2003

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

Assembly Bill No. 427	Assembly Bill No. 1108
Assembly Bill No. 606	Assembly Bill No. 1164
Assembly Bill No. 624	Assembly Bill No. 1180
Assembly Bill No. 634	Assembly Bill No. 1405
Assembly Bill No. 666	Assembly Bill No. 1525
Assembly Bill No. 813	Assembly Bill No. 1545
Assembly Bill No. 825	Assembly Bill No. 1739
Assembly Bill No. 1105	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 14, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Bill No. 914
 Assembly Bill No. 1390
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 14, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Concurrent Resolution No. 86
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, May 14, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Concurrent Resolution No. 97
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 31—Parra. Relative to California National Guard Family Support Representatives.

AUTHOR'S AMENDMENTS

Committee on Rules

May 14, 2003

Mr. Speaker: The Chair of your Committee on Rules reports:
 Assembly Bill No. 148
 With author's amendments with the recommendation: Amend, and re-refer to the committee.

NATION, Chair

ASSEMBLY BILL NO. 148—An act to amend Section 60221 of the Water Code, 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.

AUTHOR'S AMENDMENTS

Committee on Appropriations

May 14, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
 Assembly Bill No. 642
 Assembly Bill No. 1395
 With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

ASSEMBLY BILL NO. 642—An act to add Section 60605.3 to the Education Code, relating to curriculum.

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. 1395—An act to add Section 17576.5 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 Revenue and Taxation

May 14, 2003

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 291

Assembly Bill No. 988

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

CHAVEZ, Chair

ASSEMBLY BILL NO. 291—An act to add and repeal Sections 17052.13 and 23601 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.

ASSEMBLY BILL NO. 988—An act to add and repeal Sections 17053.19 and 23619 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 Appropriations

May 14, 2003

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

Assembly Bill No. 1528

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

STEINBERG, Chair

ASSEMBLY BILL NO. 1528—An act to add Sections 1342.9 and 1357.19 to, and to add Division 100 (commencing with Section 100000) to, the Health and Safety Code, and to add Sections 12712.7 and 12714.5 to the Insurance Code, relating to health care, 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 Appropriations

May 14, 2003

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

Assembly Bill No. 466

Assembly Bill No. 910

Assembly Bill No. 777

Assembly Bill No. 1178

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

STEINBERG, Chair

ASSEMBLY BILL NO. 466—An act to add Section 6105 to the Public Contract Code, relating to public contracts.

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. 777—An act to add Section 7155.7 to the Health and Safety Code, relating to dead bodies.

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. 910—An act to amend Sections 1255.1 and 1300 of, and to add Division 112 (commencing with Section 130500) to, the Health and Safety Code, relating to hospital community responsibility.

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. 1178—An act to amend Section 15365.12 of the Government Code, relating to international trade.

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 Rules**

Date of Hearing: May 8, 2003

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 33

With amendments with the recommendation: Amend, and be adopted as amended.

NATION, Chair

Above resolution 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. 1164, 634, 1525, 1739, 825, 1180, 427, 1405, 1545, 813, 606, 624, 666, and 1108, ordered to third reading;

NOTE: Later this day Assembly Bills Nos. 1164, 606, and 1108 were re-referred to the Committee on Appropriations.

Assembly Bill No. 1105, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 359—An act to amend Section 3302 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.

ASSEMBLY BILL NO. 1436—An act to amend Sections 35021.5 and 72330 of the Education Code, to to amend Section 18124 of the Health and Safety Code, to amend Sections 830.6, 12027.1, and 12201 of the Penal Code, and to amend Sections 2806, 4453.6, 4460, 22855, 27900, 34507.5, 35790.1, and 40600 of the Vehicle Code, relating to peace 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.

ASSEMBLY BILL NO. 1773—An act to amend Section 786 of the Penal Code, relating to venue.

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.

ASSEMBLY BILL NO. 218—An act to amend Section 65582 of the Government Code, relating to local planning.

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

ASSEMBLY BILL NO. 1217—An act to amend Sections 7060 and 7060.1 of the Government Code, relating to rental property.

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

ASSEMBLY BILL NO. 1432—An act to amend Sections 656 and 793 of, and to add Sections 656.5 and 793.5 to, the Penal Code, relating to former jeopardy.

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. 1534—An act to amend Section 11364 of the Health and Safety Code, relating to drug paraphernalia.

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.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XIX C thereto, relating to transportation.

Resolution read second time; amendments proposed by the Committee on Transportation read and adopted; resolution ordered reprinted and to be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

ASSEMBLY BILL NO. 1467—An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry.

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. 374—An act to amend Section 31580.2 of the Government Code, relating to county employees' retirement systems.

Bill read second time; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 736—An act to add Section 17077.36 to the Education Code, relating to school facilities.

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. 1090—An act to amend Section 40420 of the Health and Safety Code, relating to air quality, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 1468—An act to add Article 8 (commencing with Section 41985) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality.

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

ASSEMBLY BILL NO. 1770—An act to amend Sections 206, 207, 208, 857, 1590, 1591, 2003, and 8282 of, to add Sections 6950.5, 6951, and 6957 to, to repeal Section 2250, and Article 3 (commencing with Section 6430) of Chapter 5 of, and to repeal and add Section 1002 of, the Fish and Game Code, and to amend Sections 538, 5001.4, 5001.65, 5003.1, 5019.50, 5019.56, 5019.80, 36602, 36620, 36700, 36710, and 36725 of, and to add Sections 21080.30 and 36711 to, the Public Resources Code, and to Amend Section 9 of Chapter 517 of the Statutes of 2002, relating to resources, and making an appropriation therefor.

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

SECOND READING OF SENATE BILLS

SENATE BILL NO. 39—An act relating to the Oakland Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

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. 1164, 606, and 1108.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

May 14, 2003

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

Assembly Bill No. 1164

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

STEINBERG, Chair

ASSEMBLY BILL NO. 1164—An act to amend Section 2892.3 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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, May 15, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 14, 2003**

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

AB	RN	AB	RN
148	0310767	1395	0312223
218	0312024	1432	0311955
291	0312351	1436	0311899
359	0311921	1467	0312010
374	0312052	1468	0312266
466	0312305	1528	0312304
642	0312260	1534	0312134
736	0312061	1770	0312268
777	0312209	1773	0311938
910	0312273		
988	0312315	ACA	RN
1090	0312235	7	0311908
1164	0312302		
1178	0312242	SB	RN
1271	0312029	39	0312063
	Daily Total:	26	
	Cumulative Total:	1670	

O