

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 18, 2004

**ONE HUNDRED NINETY-SEVENTH SESSION DAY
FIVE HUNDRED THIRTY-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
Tuesday, May 18, 2004

The Assembly met at 7 a.m.

Hon. Abel Maldonado, Assembly Member, 33rd 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	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Richman
Berg	Garcia	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Runner
Bogh	Hancock	Maddox	Samuelian
Campbell	Harman	Maldonado	Simitian
Canciamilla	Haynes	Matthews	Spitzer
Chan	Horton, Jerome	McCarthy	Steinberg
Chavez	Horton, Shirley	Montanez	Strickland
Chu	Houston	Mountjoy	Vargas
Cogdill	Jackson	Mullin	Wesson
Cohn	Keene	Nakanishi	Wiggins
Corbett	Kehoe	Nakano	Wolk
Correa	Koretz	Nation	Wyland
Cox	La Malfa	Negrete McLeod	Yee
Daucher	La Suer	Oropeza	Mr. Speaker
Diaz	Laird	Pacheco	
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

Quorum present.

At 1:35 p.m., Hon. George A. Plescia, 75th 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 Calderon, Maze, and Salinas.

EXPLANATIONS OF ABSENCE

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

May 18, 2004

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

Dear Mr. Speaker: I am writing today to request to be excused from Check in Session on Tuesday, May 18, 2004 for legislative business in my district. If you have any questions please contact Tiffany Morrison at (916) 319-2058.

Sincerely,

RONALD S. CALDERON, Assembly Member
Fifty-eighth District

May 12, 2004

*Speaker Fabian Nunez
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker,

I respectfully request your permission to travel throughout my district on a four-day trip May 18th through May 21st for legislative business and be excused from session and committee hearings during this time. I will be meeting with constituents, local elected officials, and touring several facilities. If you have any questions please call my Chief of Staff, Sam Cannon, in my Capitol Office.

Sincerely,

BILL MAZE, Assembly Member
Thirty-fourth District

May 17, 2004

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

Dear Mr. Speaker: I am writing to respectfully request to be excused from Check-in Session on Tuesday, May 18, 2004. I am committed to speak with a group in my district.

If you have any questions about this request, please feel free to contact Jalene Romo in my Capitol Office.

Sincerely,

SIMÓN SALINAS, Assembly Member
Twenty-eighth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 18, 2004

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

- Assembly Bill No. 2315
- Assembly Bill No. 2398

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 18, 2004

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

- Assembly Bill No. 2325

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, May 18, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2100 | Assembly Bill No. 2110 |
| Assembly Bill No. 2101 | Assembly Bill No. 2430 |
| Assembly Bill No. 2102 | Assembly Bill No. 2475 |
| Assembly Bill No. 2103 | Assembly Bill No. 2547 |
| Assembly Bill No. 2104 | Assembly Bill No. 2655 |
| Assembly Bill No. 2105 | Assembly Bill No. 2803 |
| Assembly Bill No. 2106 | Assembly Bill No. 2918 |
| Assembly Bill No. 2107 | Assembly Bill No. 2999 |
| Assembly Bill No. 2109 | |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 18, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1796 | Assembly Bill No. 2199 |
| Assembly Bill No. 2055 | Assembly Bill No. 2337 |
| Assembly Bill No. 2144 | Assembly Bill No. 2591 |
| Assembly Bill No. 2149 | |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, May 18, 2004

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

- Assembly Concurrent Resolution No. 222

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, May 18, 2004

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

- Assembly Concurrent Resolution No. 229
- Assembly Concurrent Resolution No. 232

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 86—Lieber (Principal coauthors: Liu and Runner) (Principal coauthor: Senator Scott) (Coauthors: Benoit and Bermudez). Relative to space exploration.

AUTHOR'S AMENDMENTS**Committee on Governmental Organization**

May 18, 2004

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Assembly Bill No. 2938

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

JEROME HORTON, Chair

ASSEMBLY BILL NO. 2938—An act to amend Section 8880.28 of, and to amend, repeal, and add Section 8880.4 of, the Government Code, relating to the California State Lottery, and declaring the urgency thereof, to take effect immediately.

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 18, 2004

Mr. Speaker: The Chair of your Committee on Education reports: Senate Bill No. 1384

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

GOLDBERG, Chair

SENATE BILL NO. 1384—An act to amend Section 44274.2 of the Education Code, relating to teacher credentialing.

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.

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. 2547, 2655, 2918, 2999, 2475, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2109, and 2110, ordered to third reading;

Assembly Bills Nos. 2430 and 2803, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 2835—An act to add Article 15 (commencing with Section 870) to Chapter 1 of Division 2 of the Business and Professions Code, relating to health care.

Bill read second time, and ordered to third reading.

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

Bill read second time, and ordered to third reading.

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

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2353—An act to amend Sections 1950, 1951, 1953, 1955, 1957, 1959, and 1961 of, to add Sections 1962 and 1963 to, to repeal Chapter 6 (commencing with Section 1950) of Division 2.5 of, and to amend the heading of Chapter 6 (commencing with Section 1950) of Division 2.5 of, the Streets and Highways Code, and to amend Sections 385.5, 21250, 21251, and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

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. 2230—An act to add Section 23605 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

ASSEMBLY BILL NO. 2590—An act to amend, repeal, and add Section 25128 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

ASSEMBLY BILL NO. 2484—An act to amend Sections 17039 and 23036 of, and to add and repeal Sections 17053.63, 17250.8, 23663, and 24349.8 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 221—Relative to student volunteer programs.

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

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

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted and to be placed upon the third 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; amendments proposed by the Committee on Budget 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. 2591.

MESSAGES FROM THE SENATE

Senate Chamber, May 18, 2004

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

- | | |
|----------------------|----------------------|
| Senate Bill No. 1084 | Senate Bill No. 1357 |
| Senate Bill No. 1089 | Senate Bill No. 1358 |
| Senate Bill No. 1130 | Senate Bill No. 1363 |
| Senate Bill No. 1135 | Senate Bill No. 1368 |
| Senate Bill No. 1152 | Senate Bill No. 1369 |
| Senate Bill No. 1157 | Senate Bill No. 1386 |
| Senate Bill No. 1158 | Senate Bill No. 1436 |
| Senate Bill No. 1159 | Senate Bill No. 1444 |
| Senate Bill No. 1162 | Senate Bill No. 1451 |
| Senate Bill No. 1173 | Senate Bill No. 1474 |
| Senate Bill No. 1190 | Senate Bill No. 1475 |
| Senate Bill No. 1193 | Senate Bill No. 1520 |
| Senate Bill No. 1259 | Senate Bill No. 1544 |
| Senate Bill No. 1266 | Senate Bill No. 1559 |
| Senate Bill No. 1271 | Senate Bill No. 1567 |
| Senate Bill No. 1286 | Senate Bill No. 1568 |
| Senate Bill No. 1291 | Senate Bill No. 1678 |
| Senate Bill No. 1310 | Senate Bill No. 1682 |
| Senate Bill No. 1323 | Senate Bill No. 1749 |
| Senate Bill No. 1324 | Senate Bill No. 1770 |

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

Senate Chamber, May 18, 2004

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

- | | |
|----------------------|----------------------|
| Senate Bill No. 1773 | Senate Bill No. 1824 |
| Senate Bill No. 1798 | Senate Bill No. 1855 |
| Senate Bill No. 1800 | Senate Bill No. 1874 |

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

Senate Chamber, May 18, 2004

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

Senate Joint Resolution No. 29

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 1084—An act to amend Section 97.1 of the Streets and Highway Code, and to add Section 42010 to the Vehicle Code, relating to highways.

SENATE BILL NO. 1089—An act to add Section 13481.5 to the Water Code, relating to water.

SENATE BILL NO. 1130—An act to amend Sections 20209.13 and 20209.14 of the Public Contract Code, relating to public contracts.

SENATE BILL NO. 1135—An act to add and repeal Section 35401.9 to the Vehicle Code, relating of vehicles.

SENATE BILL NO. 1152—An act to amend Sections 12071 and 12316 of, and to add Section 12326 to, the Penal Code, relating to ammunition.

SENATE BILL NO. 1157—An act to amend Section 10369.12 of the Insurance Code, relating to insurance.

SENATE BILL NO. 1158—An act to add Section 1367.195 to the Health and Safety Code, and to add Section 10123.75 to the Insurance Code, relating to health care.

SENATE BILL NO. 1159—An act to amend Sections 4145 and 4147 of, and to repeal Section 4146 of, the Business and Professions Code, to amend Section 11364 of, and to add Chapter 13.5 (commencing with Section 121285) to Part 4 of Division 105 of, the Health and Safety Code, and to amend Sections 41770 and 41900 of, and to add Section 41803 to, the Public Resources Code, relating to hypodermic needles and syringes.

SENATE BILL NO. 1162—An act to add and repeal Article 1.5 (commencing with Section 18705) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

SENATE BILL NO. 1173—An act to amend Section 22962 of the Business and Professions Code, relating to tobacco products.

SENATE BILL NO. 1190—An act relating to the Vallejo City Unified School District, and making an appropriation therefor.

SENATE BILL NO. 1193—An act to add Chapter 3.5 (commencing with Section 850) to Division 4 of the Military and Veterans Code, relating to veterans.

SENATE BILL NO. 1259—An act to amend Section 32569 of the Public Resources Code, relating to the Baldwin Hills Conservancy.

SENATE BILL NO. 1266—An act to amend Section 56375.3 of the Government Code, relating to annexation.

SENATE BILL NO. 1271—An act to amend Section 17556 of the Government Code, and to repeal Chapter 1037 of the Statutes of 2000, relating to the Grant Joint Union High School District.

SENATE BILL NO. 1286—An act to amend Section 762 of the Insurance Code, relating to insurance agents and brokers.

SENATE BILL NO. 1291—An act to add Section 12939 to the Insurance Code, relating to the Insurance Commissioner.

SENATE BILL NO. 1310—An act to amend Section 127 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to the Metropolitan Water District of Southern California.

SENATE BILL NO. 1323—An act to add Chapter 11.2 (commencing with Section 679.8) to Part 1 of Division 1 of the Insurance Code, relating to homeowners' insurance.

SENATE BILL NO. 1324—An act to add Section 5442.14 to the Business and Professions Code, relating to outdoor advertising.

SENATE BILL NO. 1357—An act to amend Sections 8502, 8616.5, 8802, 8912, and 9000 of, and to add Sections 7660.5 and 7907.5 to, the Family Code, and to amend Section 293 of, and to amend and renumber Section 18965 of, the Welfare and Institutions Code, relating to minors.

SENATE BILL NO. 1358—An act to add Section 12528.1 to the Government Code, relating to Medi-Cal.

SENATE BILL NO. 1363—An act to add Article 3.5 (commencing with Section 17568.5) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, and to amend Section 396 of the Penal Code, relating to advertising.

SENATE BILL NO. 1368—An act to add Section 415.35 to the Code of Civil Procedure, relating to service of process.

SENATE BILL NO. 1369—An act to amend Section 51182 of the Government Code, and to amend Section 4291 of the Public Resources Code, relating to fire protection.

SENATE BILL NO. 1386—An act to add Article 9 (commencing with Section 49052) to Chapter 6 of Part 27 of the Education Code, relating to pupils.

SENATE BILL NO. 1436—An act to add Chapter 32 (commencing with Section 22947) to Division 8 of the Business and Professions Code, relating to business.

SENATE BILL NO. 1444—An act to add Section 110423.9 to the Health and Safety Code, relating to dietary supplements.

SENATE BILL NO. 1451—An act to add Title 1.81.4 (commencing with Section 1798.98) to Part 4 of Division 3 of the Civil Code, relating to privacy.

SENATE BILL NO. 1474—An act to add Chapter 11.3 (commencing with Section 679.8) to Part 1 of Division 1 of the Insurance Code, relating to homeowners' insurance.

SENATE BILL NO. 1475—An act to add and repeal Section 368.5 of the Penal Code, relating to elder and dependent adult abuse prevention.

SENATE BILL NO. 1520—An act to add Chapter 13.4 (commencing with Section 25980) to Division 20 of the Health and Safety Code, relating to force fed birds.

SENATE BILL NO. 1544—An act to amend Section 94999 of the Education Code, relating to private postsecondary education, and making an appropriation therefor.

SENATE BILL NO. 1559—An act to add Section 6066.1 to the Revenue and Taxation Code, relating to taxation.

SENATE BILL NO. 1567—An act to add Section 31165 to the Public Resources Code, relating to the San Francisco Bay Area Conservancy Program.

SENATE BILL NO. 1568—An act to amend Sections 66633, 66637, 66638, 66639, 66640, and 66641.5 of, and to add Section 66612 to, the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

SENATE BILL NO. 1678—An act to add Section 340.35 to the Code of Civil Procedure, relating to statutes of limitation.

SENATE BILL NO. 1682—An act to amend Section 1365.1 and 1367.1, and to add Section 1367.4 to, the Civil Code, and to amend Section 703.010 of, and to add Sections 704.725 and 729.035 to, the Code of Civil Procedure, relating to common interest developments.

SENATE BILL NO. 1749—An act to add Section 42230.5 to, and to add Article 3 (commencing with Section 42250) to Chapter 5 of Part 3 of Division 30 of, the Public Resources Code, relating to composting.

SENATE BILL NO. 1770—An act to add Article 7.4 (commencing with Section 53835) to Chapter 4 of Part 1 of Division 2 of the Government Code, relating to special district indebtedness.

SENATE BILL NO. 1773—An act to amend Section 33002.9 of the Public Utilities Code, relating to transportation.

SENATE BILL NO. 1798—An act to amend Sections 44277 and 51222 of, and to add Section 54760.2 to, the Education Code, relating to physical education.

SENATE BILL NO. 1800—An act to amend Section 12810 of, and to add Section 23123 to, the Vehicle Code, relating to vehicles.

SENATE BILL NO. 1824—An act to amend Sections 1205 and 1218.1 of the Health and Safety Code, relating to clinics.

SENATE BILL NO. 1855—An act to amend Sections 10102 and 10103 of the Insurance Code, relating to homeowners' insurance.

SENATE BILL NO. 1874—An act to amend Section 170054 of the Public Utilities Code, relating to airports.

The following resolution was read:

SENATE JOINT RESOLUTION NO. 29—Relative to food marketing and advertising directed to children.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 19, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 18, 2004**

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

AB RN

2230 0410363
2353 0410175
2484 0410243
2590 0410307
2938 0410191

ACR RN

221 0410164
233 0410424

SB RN

23 0409396
1384 0409829

Daily Total: 9
Cumulative Total: 4533

O