

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 19, 2004**

**ONE HUNDRED NINETY-EIGHTH SESSION DAY  
FIVE HUNDRED THIRTY-FIFTH 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 19, 2004

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—76:

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

Quorum present.

**At 2:10 p.m., Hon. John Longville, 62nd 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, Houston, Maze, and Nunez.*

**EXPLANATIONS OF ABSENCE**

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

May 13, 2004

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

Dear Mr. Speaker: I respectfully request that I be excused from session or check-in session on Wednesday, May 19, 2004. The purpose is to tend to legislative business in my district.

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 17, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check-in Session on Wednesday, May 19, 2004 for legislative meetings in my district.

If you have any questions, please contact Julianna Thomas in my office at 319-2015.

Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member  
Fifteenth District

May 18, 2004

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

Dear Dotson: This is to advise you that I will be out of town on legislative business on Wednesday, May 19, 2004.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

(NOTE: For letter explaining the absence of Assembly Member Maze on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 18, 2004.)

**COMMUNICATIONS**

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

May 19, 2004

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

Dear Dotson: This is to designate the following Assemblymembers as Democratic Assistant Whips for the 2003–04 Regular Session:

Assemblymember Jackie Goldberg  
Assemblymember Gloria Negrete McLeod  
Assemblymember Fran Pavley  
Assemblymember Simon Salinas

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**REPORTS**

The following reports were presented by the Chief Clerk:

**Annual Report on  
State Agencies Consulting Services Contracting Reports  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Ron Joseph, Executive Director, Department of General Services, dated May 11, 2004, referred by the Speaker to the Committee on Business and Professions.

**Children's Environmental Health Program  
(Pursuant to Health and Safety Code Sections 900(d) and 901(h))**

Above transmitted report, together with letter of transmittal from Terry Hamminen, Secretary, California Environmental Protection Agency, dated May 11, 2004, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**The California State University (CSU)  
Fiscal Year 2002–03 Report  
(Pursuant to Government Code Section 67480(a)(3))**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated May 7, 2004, referred by the Speaker to the Committee on Budget.

**Department of General Services  
Procurement Training and Certification Program  
(Pursuant to Supplemental Report of the 2003 Budget Act)**

Above report referenced in communication from Ron Joseph, Interim Director, Department of General Services dated May 7, 2004, stating availability of report at DGS website. Referred by the Speaker to the Committee on Business and Professions.

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

California State Auditor

2003-131  
May 13, 2004

*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 process used by the Franchise Tax Board (board) to collect delinquent fees, wages, penalties, costs, and interest (claims) referred by the Department of Industrial Relations (Industrial Relations).

This report concludes that the board's success in generating collections for these claims is limited. Specifically, our analysis of 310 claims filed in fiscal years 2001-02 and 2002-03 shows that Industrial Relations received payment on only 20 percent of them. Furthermore, our review of 60 claims shows that, as of February 2004, the board has taken an average of almost 18 months to process these claims, and it still has not completed processing many of them. Between 2001 and 2002 the board conducted two studies to improve its collection activities by automating its system, however, the board abandoned the project after realizing it would not receive the additional funding to implement the changes. Although state law requires Industrial Relations to adopt rules and regulations to charge the employer a fee to cover the board's collection costs, it currently does not do so. By charging such a fee, the board and Industrial Relations could use the fees to automate the collections process and pay for additional staff.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Revenue and Taxation.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 19, 2004

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

Assembly Bill No. 2353

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, May 19, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 2230  
 Assembly Bill No. 2484  
 And reports the same correctly engrossed.

Assembly Bill No. 2590  
 Assembly Bill No. 2938

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 19, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Concurrent Resolution No. 221  
 Assembly Concurrent Resolution No. 233  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

Assembly Chamber, May 19, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Concurrent Resolution No. 182  
 Assembly Concurrent Resolution No. 188  
 Assembly Concurrent Resolution No. 218  
 Assembly Joint Resolution No. 41  
 And reports the same correctly enrolled, and presented to the Secretary of State on the 19th day of May, 2004, at 2:15 p.m.

E. DOTSON WILSON, Chief Clerk

### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 87—Goldberg.** Relative to the Employee Free Choice Act.

### AUTHOR'S AMENDMENTS Committee on Local Government

May 19, 2004

Mr. Speaker: The Chair of your Committee on Local Government reports:  
 Senate Bill No. 849  
 With author's amendments with the recommendation: Amend, and re-refer to the committee.

SALINAS, Chair

**SENATE BILL NO. 849**—An act to add Sections 66536 and 66536.1 to the Government Code, relating to regional planning.

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.

**MESSAGES FROM THE SENATE**

Senate Chamber, May 19, 2004

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

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 1096 | Senate Bill No. 1109 |
| Senate Bill No. 1097 | Senate Bill No. 1110 |
| Senate Bill No. 1098 | Senate Bill No. 1111 |
| Senate Bill No. 1099 | Senate Bill No. 1112 |
| Senate Bill No. 1100 | Senate Bill No. 1113 |
| Senate Bill No. 1101 | Senate Bill No. 1114 |
| Senate Bill No. 1102 | Senate Bill No. 1115 |
| Senate Bill No. 1103 | Senate Bill No. 1116 |
| Senate Bill No. 1104 | Senate Bill No. 1117 |
| Senate Bill No. 1105 | Senate Bill No. 1118 |
| Senate Bill No. 1106 | Senate Bill No. 1119 |
| Senate Bill No. 1107 | Senate Bill No. 1120 |
| Senate Bill No. 1108 |                      |

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

Senate Chamber, May 19, 2004

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

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 1169 | Senate Bill No. 1569 |
| Senate Bill No. 1215 | Senate Bill No. 1592 |
| Senate Bill No. 1315 | Senate Bill No. 1633 |
| Senate Bill No. 1336 | Senate Bill No. 1703 |
| Senate Bill No. 1347 | Senate Bill No. 1733 |
| Senate Bill No. 1349 | Senate Bill No. 1752 |
| Senate Bill No. 1376 | Senate Bill No. 1753 |
| Senate Bill No. 1388 | Senate Bill No. 1815 |
| Senate Bill No. 1416 | Senate Bill No. 1818 |
| Senate Bill No. 1429 | Senate Bill No. 1819 |
| Senate Bill No. 1431 | Senate Bill No. 1847 |
| Senate Bill No. 1506 | Senate Bill No. 1895 |
| Senate Bill No. 1524 | Senate Bill No. 1901 |
| Senate Bill No. 1538 | Senate Bill No. 1916 |

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

Senate Chamber, May 19,2004

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

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 1313 | Senate Bill No. 1587 |
| Senate Bill No. 1391 | Senate Bill No. 1742 |
| Senate Bill No. 1437 |                      |

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

Senate Chamber, May 19, 2004

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

Senate Joint Resolution No. 20

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. 1096**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1097**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1098**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1099**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1100**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1101**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1102**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1103**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1104**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1105**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1106**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1107**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1108**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1109**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1110**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1111**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1112**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1113**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1114**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1115**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1116**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1117**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1118**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1119**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1120**—An act relating to the Budget Act of 2004.
- SENATE BILL NO. 1169**—An act to amend Sections 2704.13 and 2704.16 of the Streets and Highways Code, and to amend Sections 1, 3, and 4 of Chapter 697 of the Statutes of 2002, relating to transportation, and declaring the urgency thereof, to take effect immediately.
- SENATE BILL NO. 1215**—An act to add Section 712.5 to the Fish and Game Code, relating to wildlife resources.
- SENATE BILL NO. 1315**—An act to amend Section 2070 of the Insurance Code, relating to insurance policies.
- SENATE BILL NO. 1336**—An act to add Section 1638.1 to the Business and Professions Code, relating to oral and maxillofacial surgery, and making an appropriation therefor.
- SENATE BILL NO. 1347**—An act to amend, repeal, and add Sections 1351.2 and 1367.01 of the Health and Safety Code, relating to health care.
- SENATE BILL NO. 1349**—An act to add Section 127672 to the Health and Safety Code, relating to health care.
- SENATE BILL NO. 1376**—An act to add Sections 18564.5, 19214, and 19214.5 to, the Elections Code, relating to elections.
- SENATE BILL NO. 1388**—An act to amend Section 11105 of the Penal Code, relating to criminal history information.
- SENATE BILL NO. 1416**—An act to add Article 1 (commencing with Section 42200) to Chapter 7 of Part 24 of the Education Code, relating to education finance.
- SENATE BILL NO. 1429**—An act to amend Sections 13380 and 23612 of the Vehicle Code, relating to vehicles.
- SENATE BILL NO. 1431**—An act to add Section 5058.4 to the Penal Code, and to add Section 1752.05 to the Welfare and Institutions Code, relating to corrections.
- SENATE BILL NO. 1506**—An act to add and repeal Section 653aa of the Penal Code, relating to Internet piracy.
- SENATE BILL NO. 1524**—An act to amend Section 19858 of the Business and Professions Code, relating to gambling.



**SENATE BILL NO. 1538**—An act to amend Section 226.7 of the Labor Code, relating to compensation.

**SENATE BILL NO. 1569**—An act to add Section 1393.3 to the Health and Safety Code, relating to health care service plans.

**SENATE BILL NO. 1592**—An act to amend Section 65400 of, and to add Section 65458 to, the Government Code, relating to local planning.

**SENATE BILL NO. 1633**—An act to add Title 1.81.25 (commencing with Section 1798.91) to Part 4 of Division 3 of the Civil Code, relating to privacy.

**SENATE BILL NO. 1703**—An act to add Division 32 (commencing with Section 60000) to the Public Resources Code, relating to the environment.

**SENATE BILL NO. 1733**—An act to add Section 1099 to the Government Code, relating to firearm sales at the Cow Palace.

**SENATE BILL NO. 1752**—An act relating to state property.

**SENATE BILL NO. 1753**—An act to amend Sections 11011 and 11011.5 of, and to repeal and add Sections 11011.1, 11011.3, and 11011.4 of, the Government Code, relating to state property.

**SENATE BILL NO. 1815**—An act to amend Section 17951 of the Health and Safety Code, relating to building standards.

**SENATE BILL NO. 1818**—An act to amend Section 65915 of the Government Code, relating to housing.

**SENATE BILL NO. 1819**—An act to amend Sections 4514 and 5328 of the Welfare and Institutions Code, relating to confidential information.

**SENATE BILL NO. 1847**—An act to amend Section 121360.5 of the Health and Safety Code, relating to communicable diseases.

**SENATE BILL NO. 1895**—An act to add Section 56135.5 to the Education Code, relating to special education.

**SENATE BILL NO. 1901**—An act to add Section 6713 to the Labor Code, relating to safety in employment.

**SENATE BILL NO. 1916**—An act to add Section 12334 to the Government Code, relating to state agency contracts.

**SENATE BILL NO. 1313**—An act to amend Sections 11165.1, 11165.3, 11165.5, 11165.6, 11165.7, 11165.12, 11166, 11166.05, 11167, 11167.5, 11170, 11170.5, and 11172 of, to amend and renumber Sections 11166.7, 11166.8, 11166.9, 11166.95, and 11174.4 of, to add an article heading immediately preceding Section 11174.32 to Chapter 2 of Title 1 of Part 4 of, and to repeal Section 11170.6 of, the Penal Code, and to amend Section 16513 of the Welfare and Institutions Code, relating to child abuse reporting.

**SENATE BILL NO. 1391**—An act to amend Sections 6240 and 6389 of the Family Code, and to amend Section 13700 of the Penal Code, relating to domestic violence.

**SENATE BILL NO. 1437**—An act to add Section 8546.5 to the Government Code, relating to the State Auditor.

**SENATE BILL NO. 1587**—An act to add Section 14776 to the Government Code, relating to state government.

**SENATE BILL NO. 1742**—An act to amend Sections 8574.1, 8574.7, 8574.8, 8574.10, 8670.3, 8670.5, 8670.7, 8670.8, 8670.8.5, 8670.9, 8670.10, 8670.13, 8670.13.2, 8670.14, 8670.18, 8670.19, 8670.21, 8670.23, 8670.23.1, 8670.24, 8670.25.5, 8670.26, 8670.27, 8670.28, 8670.29, 8670.31, 8670.35, 8670.36.1, 8670.37.5, 8670.41, 8670.48, 8670.50, 8670.56.5, 8670.56.6, 8670.61.5, and 8670.70 of, to add Section 8670.73 to, and to repeal Sections 8670.36.5 and 8670.52 of, the Government Code, to amend Sections 449.3 and 449.5 of the Harbors and Navigation Code, to amend Section 8750 of the Public Resources Code, to amend Sections 46016, 46018, and 46027 of the Revenue and Taxation Code, and to amend Section 13272 of the Water Code, relating to oil spills.

The following resolution was read:

**SENATE JOINT RESOLUTION NO. 20**—Relative to regulation of financial institutions.

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

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 2353**, ordered to third reading.

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

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 23**, ordered to third reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, May 20, 2004.

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LELAND Y. YEE, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 19, 2004**

The following measure was amended in the Assembly on this day:

**SB**

849

<b>Daily Total:</b>	<b>1</b>
<b>Cumulative Total:</b>	<b>4534</b>

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