CALIFORNIA LEGISLATURE 2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 20, 2003

SEVENTY-FOURTH SESSION DAY ONE HUNDRED SEVENTIETH 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 20, 2003

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—78:

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

Quorum present.

At 1:56 p.m., Hon. John Dutra, 20th 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 Member Kehoe. Because of illness: Assembly Member Firebaugh.

ASSEMBLY JOURNAL

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

May 20, 2003

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Tuesday, May 20, 2003, for legislative business in my district. Thank you for your consideration in this matter.

Sincerely,

CHRISTINE KEHOE Speaker pro Tempore

COMMUNICATIONS

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

May 20, 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 Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #1—Health and Human Services for the 2003–04 Regular Session.

Sincerely,

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

May 20, 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 Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #2—Education Finance for the 2003–04 Regular Session.

Sincerely,

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

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 Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #3—Resources for the 2003–04 Regular Session.

Sincerely,

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

May 20, 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 Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #4—State Administration for the 2003–04 Regular Session.

Sincerely,

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

May 20, 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 Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #5—Information Technology/ Transportation for the 2003–04 Regular Session.

Sincerely,

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

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 Professional Sports:

Assemblymember Ed Chavez Assemblymember Rebecca Cohn Assemblymember Mark Leno Assemblymember Fabian Nunez Assemblymember George Plescia Assemblymember Darrell Steinberg Assemblymember Tony Strickland Assemblymember Leland Yee

Sincerely,

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

May 20, 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 John Laird to replace Assemblymember Lou Correa on the Assembly Appropriations Committee for the May 21st hearing only.

Sincerely,

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

May 20, 2003

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

Change of dates to Appointment of Alternates to RE: California Coastal Commission

Dear Mr. Wilson: Please be advised I have changed the date of confirmation for the alternates to the California Coastal Commission, Ms. Amanda Susskind, the Honorable Deborah Ruddock, Mr. David Allgood and Ms. Maria Elena Durazo, to May 20, 2003 from May 16, 2003.

Sincerely,

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

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

RE: Change of dates of Appointments to California Coastal Commission

Dear Mr. Wilson: Please be advised the appointment dates for Dr. William Burke, Mr. Patrick Kruer, Supervisor Dave Potter and Councilmember Scott Peters to the California Coastal Commission have been changed to May 20, 2003. The expiration date of Dr. Burke and Mr. Kruer is changed to May 20, 2007 and the expiration date of Supervisor Potter and Councilmember Peters is May 20, 2005.

Sincerely,

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

Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

Compensation for Government Regulation of Private Property. Initiative Constitutional Amendment. SA 2003RF0007

Referred by the Speaker to the Committee on Business and Professions.

Compensation for Government Regulation of Private Property. (Revised) Initiative Constitutional Amendment. SA 2003RF0007

Referred by the Speaker to the Committee on Business and Professions.

Alternative Income Tax Rate.

Initiative Statute. SA 2003RF0010

Referred by the Speaker to the Committee on Revenue and Taxation.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 20, 2003

Mr. Speaker: Pursuant to your instructions	s, the Chief Clerk has examined:
Assembly Bill No. 71 Assembly Bill No. 984	Assembly Bill No. 1354 Assembly Bill No. 1599
nd non-outs the come compative anonaced	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 20, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 685

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, May 20, 2003 Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Concurrent Resolution No. 27 Assembly Concurrent Resolution No. 76 And reports the same correctly engrossed.

Above resolutions ordered on file.

Assembly Chamber, May 20, 2003

E. DOTSON WILSON, Chief Clerk

Mr. Speaker: Pursuant to your instruction	ns, the Chief Clerk has examined:
Assembly Bill No. 357	Assembly Bill No. 1398
Assembly Bill No. 540	Assembly Bill No. 1575
Assembly Bill No. 828	Assembly Bill No. 1601
Assembly Bill No. 1232	Assembly Bill No. 1742
And reports the same correctly engrossed.	-

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

	Assembly Chamber, May 20, 2003
Mr. Speaker: Pursuant to your instructions	, the Chief Clerk has examined:
Assembly Bill No. 334	Assembly Bill No. 786
Assembly Bill No. 703	Assembly Bill No. 806
And reports the same correctly engrossed.	

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 108—Kehoe, Goldberg, Laird, and Leno (Principal coauthor: Senator Kuehl) (Coauthors: Chan, Chu, Hancock, Koretz, Levine, Lieber, Longville, Nation, Oropeza, Steinberg, Wesson, Wolk, and Yee) (Coauthors: Senators Burton, Speier, Torlakson, and Vasconcellos).—Relative to Lesbian, Gay, Bisexual, and Transgender Pride Month.

AUTHOR'S AMENDMENTS Committee on Judiciary

May 20, 2003

Mr. Speaker: The Chair of your Committee on Judiciary reports: Senate Bill No. 220 Senate Bill No. 600

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

CORBETT, Chair

SENATE BILL NO. 220—An act to add Section 17.1 to the Corporations Code, relating to business organizations.

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.

SENATE BILL NO. 600—An act to amend Sections 853, 855, 1766, 1971, 2154.2, 4409, 4848, 19613, and 19617.5 of, and to add a heading to Article 7.5 (commencing with Section 17582) of Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, to amend Sections 48, 941, 1102.6, 1102.6b, 1714, 1936, 1946.1, 1954, 2924j, and 2941 of the Civil Code, to amend Sections 17, 170.6, 179, 437c, 1208.5, 1420, and 1607 of the Code of Civil Procedure, to amend Sections 2117 and 25118 of the Corporations Code, to amend Sections 430, 446, 8483, 8499.5, 8813, 17073.25, 20091, 22138.5, 25103, 35401, 35534, 35738, 37220.8, 37252.1, 41329.3, 41344, 42127, 42238.46, 42238.53, 44775.4, 44775.6, 44775.7, 44775.8, 44830.3, 47605.3, 47614.5, 47632, 48927, 51122, 51226.1, 51226.3, 51700, 52053, 52056, 52071, 52073, 53082, 54201, 56021.1, 56046, 56341.5, 56383, 59008, 59104, 59205, 60246, 60900, 66025.3,

67385.3, 70010, 94140, 94154, 94771, and 99235 of the Education Code, to amend Sections 13102, 13107, and 19227 of the Elections Code, to amend Sections 3048, 3118, 8802, 9210, 9212, and 17506 of the Family Code, to amend Section 1226 of, and to amend the heading of Article 1 (commencing with Section 3100) of Chapter 17 of Division 1 of, the Financial Code, to amend Sections 1019, 2081.7, 2086, 2118, 3508, and 6954 of the Fish and Game Code, to amend Sections 9221, 12999.5, and 79008 of the Food and Agricultural Code, to amend Sections 3309.5, 3517.61, 3562, 3593, 6527, 7579.5, 8314, 8592.4, 8670.40, 10201, 10202, 10203, 10204, 10206, 11121, 12965, 14838.5, 14838.7, 14981, 19142, 19775.17, 19775.18, 19827, 19867, 19997.3, 20057, 20501, 20610, 20611, 20677, 20677.4, 20752, 20902.5, 21220, 21362.3, 21465, 22099.03, 22009.1, 22018, 22156, 22502, 22754, 22810, 22840.2, 23119, 26608.3, 30061, 30063, 31520.1, 31629.5, 31787.6, 45310.7, 53216.8, 53601.7, 53635, 57116, 68085, 68095, 68115, 68620, 69587, 69588, 70367, 70391, 70392, 71601, 71615, 71632.5, 71636, 71636.3, 73665, 73757, and 82011 of, and to amend and renumber Section 26638.5 of, the Government Code, to amend Sections 1339.63, 1368.015, 123464, and 125116 of, and to amend and renumber Section 121140 of, the Health and Safety Code, to amend Sections 1211 and 10235.52 of the Insurance Code, to amend Sections 98.2, 176, 230.1, 1776, and 3099.3 of the Labor Code, to amend Sections 179, 395.3, 406, and 1035.6 of, and to amend and renumber Sections 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420 of, the Military and Veterans Code, to amend Sections 132.5, 171.5, 337u, 383c, 424, 597l, 808, 1089, 1203.3, 1240.1, 1463, 1524.1, 11171, 11199, 11226, 11230, 12087.5, and 13823.9 of, and to repeal Article 4.5 (commencing with Section 12087) of Chapter 1 of Title 2 of Part 4 of, the Penal Code, to amend Sections 10524 and 20103.8 of the Public Contract Code, to amend Sections 4114.5, 4123, 5090.37, 5631, 6307.1, 21098, 25534, 30812, 31119, and 40507 of, and to amend and renumber Sections 21061.0.5 and 30950 of, the Public Resources Code, to amend Sections 334, 345, 346, 350, 360, 362, 394.25, 398.4, 5411.5, 7000, 15704, 132353.2, 132370.5, 132370.6 of, and to amend and renumber Sections 132632 and 132634 of, the Public Utilities Code, to amend Sections 96.1, 408, 426, 998, 2921.5, 7280, 7286.24, 17041, 17052.2, 17052.6, 17062, 17952.5, 18713, 18716, 18831, 19006, 20503, 20563, 23701t, 60361.5, and 60401 of, and to amend and renumber the heading of Chapter 2.98 (commencing with Section 7286.75) of Part 1.7 of Division 2 of, the Revenue and Taxation Code, to amend Sections 216.5, 390, and 27322 of the Streets and Highways Code, to amend Sections 411 and 15051 of the Unemployment Insurance Code, to amend Sections 5068, 9250.19, 9554, 11614.1, 11701, 11711.3, 12509, 21228, 21655.3, 23109.2, and 42011 of the Vehicle Code, to amend Sections 1013, 12949.6, 12994, 13307.1, 22762, 75480, 79420, and 79460 of, and to amend the heading of Article 1 (commencing with Section 71660) of Chapter 3 of Part 5 of Division 20 of, the Water Code, to amend Sections 225.05, 366.4, 1719, 4015, 4094, 4503, 5205, 5346, 5405, 11450, 11451.5, 11462, 14105.95, 14105.96, 14172, 15610.37, and 18969 of the Welfare and Institutions Code, and to amend Sections 12.5, 13, 13.5, 14 of Chapter 1449 of the Statutes of 1951, Section 1 of Chapter 483 of, Section 1 of Chapter 575 of, Section 1 of Chapter 583 of, Section 1 of Chapter 697 of, Section 5 of Chapter 1020 of, and Section 1 of Chapter 1060 of the Statutes of 2002, relating to maintenance of the codes.

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 20, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports: Assembly Bill No. 1026 Assembly Bill No. 1143

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

STEINBERG, Chair

ASSEMBLY BILL NO. 1026—An act to add Section 1463.29 to the Penal Code, and to amend Sections 23575 and 23578 of, and to add Section 23587 to, the Vehicle Code, relating to vehicles.

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. 1143—An act to amend Section 1985.3 of the Code of Civil Procedure, relating to Internet communications.

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 20, 2003

Mr. Speaker: The Chair of your Committee on Transportation reports: Assembly Bill No. 1316

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

DUTRA, Chair

ASSEMBLY BILL NO. 1316—An act relating to air pollution.

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 Health

May 20, 2003

Mr. Speaker: The Chair of your Committee on Health reports: Senate Bill No. 36

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

FROMMER, Chair

SENATE BILL NO. 36—An act to add Section 14132.100 to the Welfare and Institutions Code, relating to Medi-Cal.

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 20, 2003

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

Assembly Bill No. 263 Assembly Bill No. 783

Assembly Bill No. 1622

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

STEINBERG, Chair

ASSEMBLY BILL NO. 263—An act to repeal and add Section 24410 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. 783**—An act to amend Section 214.1 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. 1622—An act to amend Sections 23803, 23806, and 23809 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.

REPORTS OF STANDING COMMITTEES Committee on Revenue and Taxation

Date of Hearing: May 19, 2003

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

Assembly Bill No. 4
Assembly Bill No. 71
Assembly Bill No. 122
Assembly Bill No. 189
Assembly Bill No. 234
Assembly Bill No. 243
Assembly Bill No. 263

Assembly Bill No. 291 Assembly Bill No. 694 Assembly Bill No. 783 Assembly Bill No. 1003 Assembly Bill No. 1622 Assembly Bill No. 1740

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

CHAVEZ, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Appropriations

Date of Hearing: May 14, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 236

With amendments with the recommendation: Amend, and do pass, as amended. STEINBERG, 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. 357, 540, 828, 1232, 1398, and 1601, ordered to third reading;

Assembly Bills Nos. 1575 and 1742, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1337—An act to amend Section 56505.2 of, and to add Section 56366.10 to, the Education Code, relating to special education.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1399—An act to amend Section 1786.20 of the Civil Code, relating to investigative consumer reports.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1641—An act to amend Section 68115 of the Government Code, relating to courts.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 746—An act to add Section 490.7 to the Business and Professions Code, relating to the healing arts.

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. 188—An act to amend Sections 3100, 3101, 3103, 3104, 3106, 3107, 3108, 3110, 3201, 3203, 3206, 3303, 3304, 3305, 3307, and 3308 of, and to repeal Sections 3105, 3306, and 3309 of, the Elections Code, relating to absentee voters.

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. 1777—An act to amend Sections 2475.3, 2481, 2483, 2484, 2878.5, 3732, 3750, 3750.6, 3760, 3761, 3775, 3775.2, 3777, and 4521 of, to add Sections 3775.6 and 3778 to, and to repeal Sections 3714, 3721, 3733, 3736.5, 3737, and 3751.1 of, the Business and Professions Code, relating to healing arts.

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 JOINT RESOLUTION NO. 31—Relative to Assyrians in Iraq.

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 BILL NO. 1164—An act to amend Section 2892.3 of the Public Utilities Code, relating to telecommunications.

Bill read second time, and ordered to third reading.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

Assembly Bill No. 294, on request of Assembly Member Daucher.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 21, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MAY 20, 2003

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

AB	RN	
188	0312414	
	0312444	
746	0312426	
783	0312498	
1026	0312472	
1143	0312521	
1316	0312487	
1622	0312213	
1777	0312339	
AJR	RN	
31	0312427	
SB	RN	
36	0310987	
220	0309691	
600	0312225	
Daily Total:		13
Cumulativ	ve Total:	1714

0