

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 21, 2003**

**SEVENTY-FIFTH SESSION DAY**

**ONE HUNDRED SEVENTY-FIRST 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 21, 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	Dymally	Lieber	Pavley
Bates	Firebaugh	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, Shirley	McCarthy	Simitian
Chan	Houston	Montanez	Spitzer
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

**At 2:45 p.m., Hon. Lloyd Levine, 40th 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 Jerome E. Horton.  
Because of illness in her family: Assembly Member Corbett.*

**EXPLANATIONS OF ABSENCE**

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

May 19, 2003

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

Dear Mr. Speaker: I am asking permission to be excused from Check-In Session on Wednesday, May 21, 2003 on legislative business in my district. I will be returning to Sacramento on Thursday, May 22, 2003, in time for Assembly Floor Session.

I thank you in advance for your consideration on this request and if you have any questions, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

**COMMUNICATIONS**

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

May 21, 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 Alan Lowenthal 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 21, 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 Judy Chu to fill the vacancy on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

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

May 21, 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 created the Special Committee on State Mandates and have appointed the following members to serve on the Committee:

Assemblymember John Laird, Chair  
Assemblymember Ed Chavez  
Assemblymember Lynn Daucher  
Assemblymember Loni Hancock  
Assemblymember Doug La Malfa  
Assemblymember John Longville  
Assemblymember Bill Maze  
Assemblymember Cindy Montanez  
Assemblymember Simon Salinas

Sincerely,

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

#### REPORTS

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

California State Auditor

2002-002  
May 19, 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 required by the California Government Code, Section 8542 et seq., the Bureau of State Audits presents its audit report concerning our review of the State of California's internal controls and compliance with state and federal laws and regulations for the year ended June 30, 2002.

This report concludes that the State continues to experience certain problems in accounting and administrative practices that affect its internal controls over financial reporting and over compliance with federal requirements. As a result, the State has not always complied with some state and federal regulations. Although none of the problems we identified is significant to the State's financial statements and only one is significant to the federal programs it administers, weaknesses in the State's internal control system could adversely affect its ability to provide accurate financial information and to administer federal programs in compliance with applicable requirements.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Budget.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Robert Presley, Secretary, Youth and Adult Correctional Agency, dated May 1, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Report to the Legislature on  
Universal Telephone Service to Residential Customers  
(Pursuant to Public Utilities Code Section 873)**

Above transmitted report, together with letter of transmittal from William Ahern, Executive Director, Public Utilities Commission, dated May 5, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**2002 Energy Efficiency and Conservation Programs  
(Pursuant to Senate Bill 5X, Chapter 7, Statutes of 2001-02  
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from William Ahern, Executive Director, Public Utilities Commission, dated May 5, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**2002 Annual Report on  
the Effectiveness of the Bureau of Field Enforcement  
(Pursuant to Labor Code Section 90.5(d))**

Above transmitted report, together with letter of transmittal from Chuck Cake, Acting Director, Department of Industrial Relations, dated May 13, 2003, referred by the Speaker to the Committee on Labor and Employment.

**2002 Annual Report: Employment of 16 and 17 Year-Old Minors  
in Lake County Agricultural Packing Plants  
During Peak Pear Packing Season  
(Pursuant to Senate Bill 912, Chapter 345  
Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Chuck Cake, Acting Director, Department of Industrial Relations, dated May 13, 2003, referred by the Speaker to the Committee on Labor and Employment.

**Toll Bridge Seismic Retrofit Program and  
Annual Report  
(Pursuant to Streets and Highways Code Section 188.5(d))**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated May 14, 2003, referred by the Speaker to the Committee on Transportation.

**AB 312 Expenditure Plan II  
(Pursuant to Assembly Bill 312, Chapter 1020  
Statutes of 2002, Section 5(e))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated May 2, 2003, referred by the Speaker to the Committee on Education.

**California Olmstead Plan  
(Pursuant to Assembly Bill 442, Chapter 1161  
Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Grantland Johnson, Secretary, Health and Human Services Agency, dated May 6, 2003, referred by the Speaker to the Committee on Budget.

**Quarterly Hazardous Waste Fee Revenue Report  
January 1, 2003 through March 31, 2003  
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from James E. Speed, Executive Director, Board of Equalization, dated May 1, 2003, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**San Francisco Toll Bridge Report for  
Fiscal Year 2002-03  
(Pursuant to Streets and Highway Code Sections 30961 and 30895)**

Above transmitted report, together with letter of transmittal from Steve Heminger, Executive Director, Bay Area Toll Authority, dated May 6, 2003, referred by the Speaker to the Committee on Transportation.

**Costs Associated with Processing Teacher Credentials  
(Pursuant to Supplemental Report of the 2002 Budget Act  
Item 6360-001-0001)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated May 7, 2003, referred by the Speaker to the Committee on Budget.

**Report to the Legislature on Approved Mandates  
June 1, 2002 through January 31, 2003  
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated May 8, 2003, referred by the Speaker to the Committee on Budget.

**Report to the Legislature on Denied Mandate Claims  
January 1, 2002 through December 31, 2002  
(Pursuant to California Code of Regulations  
Section 1188.2, of Title 2)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated May 8, 2003, referred by the Speaker to the Committee on Budget.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 21, 2003

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

- Assembly Bill No. 188
- Assembly Bill No. 746
- Assembly Bill No. 1777

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 21, 2003

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

- Assembly Bill No. 263
- Assembly Bill No. 783
- Assembly Bill No. 1026
- Assembly Bill No. 1143
- Assembly Bill No. 1316
- Assembly Bill No. 1622

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 21, 2003

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

- Assembly Joint Resolution No. 31

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

May 21, 2003

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

- Assembly Bill No. 71

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

STEINBERG, Chair

**ASSEMBLY BILL NO. 71**—An act to add Division 8.6 (commencing with Section 22970) to the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30473.5, 30474, and 30481 of, to amend, repeal, and add Section 30166 of, to add Sections 30019, 30165.1, 30166.1, 30474.1, and 30482 to, to add Article 2.5 (commencing with Section 30210) to Chapter 4 of Part 13 of Division 2 of, and to add Article 5 (commencing with Section 30355) to Chapter 5 of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to cigarettes and tobacco products, making an appropriation therefor, 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 Appropriations**

May 21, 2003

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

- Assembly Bill No. 1734

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

STEINBERG, Chair

**ASSEMBLY BILL NO. 1734**—An act to amend and repeal Section 399.4 of, and to add Section 801 to, the Public Utilities Code, relating to energy.

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 Higher Education**

May 21, 2003

Mr. Speaker: The Chair of your Committee on Higher Education reports:  
Assembly Bill No. 1648

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

LIU, Chair

**ASSEMBLY BILL NO. 1648**—An act to amend Section 71002 of the Education Code, relating to community colleges.

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 Elections, Redistricting and Constitutional Amendments**

Date of Hearing: May 20, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 4  
Assembly Constitutional Amendment No. 7  
Assembly Constitutional Amendment No. 9  
Assembly Constitutional Amendment No. 10  
Assembly Constitutional Amendment No. 11  
Assembly Constitutional Amendment No. 14  
Assembly Constitutional Amendment No. 15

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

LONGVILLE, Chair

Above resolutions re-referred to the Committee on Appropriations.

Date of Hearing: May 20, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 5

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

LONGVILLE, Chair

Above resolution re-referred to the Committee on Appropriations.

**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 Bill No. 746**, ordered to third reading;

**Assembly Bills Nos. 188 and 1777**, ordered to the Consent Calendar.



**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 236**—An act to add Section 2076 to the Business and Professions Code, relating to medicine.

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.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento  
May 21, 2003

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

Dear Speaker Wesson: I hereby designate Linda Adams, Shannon George, Casey Elliott and Pamela K. Oto as persons on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Thank you for your attention to this matter.

Sincerely,

GRAY DAVIS

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: May 21, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 39

With amendments with the recommendation: Amend, and do pass, as amended.

STEINBERG, Chair

Above bill ordered to second reading.

**ADJOURNMENT**

At 4:45 p.m., the Assembly adjourned until 9 a.m., Thursday, May 22, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 21, 2003**

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

<b>AB</b>	<b>RN</b>
71	0312561
236	0312423
1648	0311807
1734	0312647

<b>Daily Total:</b>	<b>4</b>
<b>Cumulative Total:</b>	<b>1718</b>

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