CALIFORNIA LEGISLATURE 2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, June 1, 2004

TWO HUNDRED FIFTH SESSION DAY FIVE HUNDRED FORTY-EIGHTH 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, June 1, 2004

The Assembly met at 1 p.m.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Dutra moved a quorum call of the Assembly. Motion carried. Time, 1:15 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 1:15 p.m., Speaker pro Tempore Yee declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—76:

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

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr.:

O God, We rise this day to honor Your presence and Your power. And on this day after Memorial Day, we still remember those who have given and are giving their lives to fight against terror and injustice.

Thank You, O God, for our freedom and do help us to remember that freedom is not free. We thank You for being our Creator God. In Thy Name we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Firebaugh then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member Cogdill.

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 Wesson.

On personal business, and waiving per diem: Assembly Member Campbell.

Because of illness: Assembly Members Houston and Kehoe.

EXPLANATIONS OF ABSENCE

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

June 1, 2004

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

Dear Speaker Nunez: This is to request permission to be excused from Session on Tuesday, June 1, 2004 due to legislative business in my district.

Sincerely,

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

COMMUNICATIONS

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

June 1, 2004

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 Lloyd Levine to fill the Democratic vacancy on the Assembly Judiciary Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

June 1, 2004

E. Dotson Wilson

Chief Clerk of the Assembly State Capitol, Room 3196 Sacramento, California

Dear Dotson: Please be advised that I have removed Assemblymember Tony Strickland from the Select Committee to Investigate the Merger of California Health Insurance Providers.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

Quarterly Hazardous Waste Fee Revenue Report January 1, 2004 through March 31, 2004 (Pursuant to Health and Safety Code Section 25178.1)

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated May 13, 2004, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

2002–2003 California State University Channel Islands Site Authority Report (Pursuant to Education Code Section 89009 (c))

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated May 19, 2004, referred by the Speaker to the Committee on Budget.

2003 Storm Water Enforcement Actions Related to Non-Submittal of Annual Reports and Failure to Obtain a Permit (Pursuant to Water Code Section 13399.39)

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated May 20, 2004, referred by the Speaker to the Committee on Water, Parks and Wildlife.

Redevelopment Housing Activities Fiscal Year 2001–2002 (Pursuant to Health and Safety Code Section 33080.6)

Above transmitted report, together with letter of transmittal from Matthew O. Franklin, Director, Department of Housing and Community Development, referred by the Speaker to the Committee on Housing and Community Development.

University of California Instruction and Research Space Summary and Analysis 2004–09 Capital Improvement Program Report (Pursuant to Budget Supplemental Report of 1973, Item 359)

Above transmitted report, together with letter of transmittal from Larry Hershman, Vice President for Budget, University of California, dated April 19, 2004, referred by the Speaker to the Committee on Budget.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 1, 2004

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

Assembly Bill No. 2756

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Select Committee to Investigate the Merger of California Health Insurance Providers, on Wednesday, June 9, 2004, at 1:30 p.m.;

Business and Professions, on Tuesday, June 15, 2004.

AUTHOR'S AMENDMENTSCommittee on Transportation

June 1, 2004

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

Senate Bill No. 924 Senate Bill No. 1189

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

OROPEZA, Chair

SENATE BILL NO. 924—An act to add and repeal Chapter 4.8 (commencing with Section 2195) of Division 3 of the Streets and Highways Code, relating to transportation.

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. 1189—An act to amend Section 94 of the Streets and Highways Code, relating to transportation.

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 Natural Resources

June 1, 2004

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 1482

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

JACKSON, Chair

SENATE BILL NO. 1482—An act to amend Section 5093.68 of the Public Resources Code, relating to wild and scenic rivers.

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 Natural Resources

June 1, 2004

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Concurrent Resolution No. 178

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

JACKSON, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 178—Relative to the Compressed Air Foam System (CAFS).

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS Committee on Natural Resources

June 1, 2004

Mr. Speaker: The Chair of your Committee on Natural Resources reports: Senate Bill No. 1369

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

JACKSON, Chair

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.

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 Water, Parks and Wildlife

June 1, 2004

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Senate Bill No. 1327

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

CANCIAMILLA, Chair

SENATE BILL NO. 1327—An act to add Section 5013.5 to the Public Resources Code, relating to state parks.

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 Insurance

June 1, 2004

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

Senate Bill No. 64

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

VARGAS, Chair

SENATE BILL NO. 64—An act to amend the heading of Chapter 8.9 (commencing with Section 10089.70) of Part 1 of Division 2 of, and to amend Sections 10089.70, 10089.71, 10089.72, 10089.79, 10089.80, 10089.82, and 10089.84 of, the Insurance Code, relating to homeowners' insurance.

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 Rules

June 1, 2004

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

Senate Bill No. 1056

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

MONTANEZ, Chair

SENATE BILL NO. 1056—An act to add Sections 20035.9, 22825.12, and 22825.19 to the Government Code, relating to state employees, 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 Utilities and Commerce

June 1, 2004

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports: Senate Bill No. 659

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

REYES, Chair

SENATE BILL NO. 659—An act to amend, repeal, and add Section 739 of the Public Utilities Code, relating to public utilities.

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 Jobs, Economic Development, and the Economy

June 1, 2004

Mr. Speaker: The Chair of your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Joint Resolution No. 86

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

RIDLEY-THOMAS, Chair

ASSEMBLY JOINT RESOLUTION NO. 86—Relative to space exploration.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS Committee on Local Government

June 1, 2004

Mr. Speaker: The Chair of your Committee on Local Government reports:

Senate Bill No. 1136 Senate Bill No. 1677

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

SALINAS, Chair

SENATE BILL NO. 1136—An act to amend Section 21180 of the Public Contract Code, to amend Sections 12741 and 12742 of the Water Code, and to amend Sections 1, 2, 4, 5, 6, and 41 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District.

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. 1677—An act to amend Section 13 3/4 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

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 Judiciary

Date of Hearing: June 1, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 598

With the recommendation: Do pass.

CORBETT. Chair

Above bill ordered to second reading.

Date of Hearing: June 1, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 246

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

CORBETT, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 1, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1246

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

CORBETT, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 1, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1277

With the recommendation: Do pass, and be re-referred to the Committee on Banking and Finance with recommendation: To Consent Calendar.

CORBETT, Chair

Above bill re-referred to the Committee on Banking and Finance.

Date of Hearing: June 1, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1021 Senate Bill No. 1564
Senate Bill No. 1225 Senate Bill No. 1707

Senate Bill No. 1408

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1., 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

CORBETT, Chair

Above bills ordered to second reading.

Committee on Rules

Date of Hearing: June 1, 2004

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 82

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

MONTANEZ, Chair

Above resolution ordered to the Consent Calendar.

Committee on Banking and Finance

June 1, 2004

Mr. Speaker: Your Committee on Banking and Finance reports the following bill pursuant to the provisions of Joint Rule No. 62(a):

Assembly Bill No. 2094

WIGGINS, Chair

Above bill ordered filed with the Chief Clerk.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 1, 2004

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

Assembly Concurrent Resolution No. 222

Assembly Concurrent Resolution No. 226

Assembly Concurrent Resolution No. 229

Assembly Concurrent Resolution No. 230

Assembly Concurrent Resolution No. 232 Assembly Concurrent Resolution No. 233

And reports the same correctly enrolled, and presented to the Secretary of State on the 1st day of June, 2004, at 1:15 p.m.

E. DOTSON WILSON, Chief Clerk

RE-REFERENCE OF BILLS

Assembly Member Frommer was granted unanimous consent that Senate Bill No. 391 be re-referred from the Committee on Judiciary to the Committee on Rules.

RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Frommer was granted unanimous consent that Senate Bill No. 1056 be referred from the third reading file to the Committee on Rules.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 2582, on request of Assembly Member Lieber.

RECESS

By unanimous consent, at 1:20 p.m., Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Steinberg was joined by Assembly Members Dymally and Ridley-Thomas in introducing Minnijean Brown Trickey, whereupon he presented a resolution commending her contributions to the civil rights movement.

RECONVENED

At 1:23 p.m., the Assembly reconvened.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly, presiding.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Strickland announced his intention to request that Senate Bill No. 9 be removed from the inactive file.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 2656, on request of Assembly Member Jackson.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Montanez announced that the Committee on Rules would meet at 2 p.m. today, in the Tom Bane Rules Committee Room.

ADJOURN IN MEMORY Moment of Silence

Assembly Member Correa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lance Cpl. Raphael Reynosasuarez, of Santa Ana, and that the Assembly observe a moment of silence in his honor.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Bogh was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Emanuel Baldi, of Cherry Valley.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Katherine Marie Dimond and Patricia Scarlett, of Davis; Charles A. Taylor, of Dixon; Gorman E. Rose, Sr. and Helen Sanders, of Fairfield; Mary J. Brock-Pann, Frank B. Cosma, and Ted D. Kross, of Vacaville; Mildred Alexander, Mullard Raymond Correia, Jose Y. Garcia, Mignon Marguerite Koelling, and Marvin Maier, of Woodland, on motion of Assembly Member Wolk.

MOTION TO ADJOURN

At 1:31 p.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:32 p.m., Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

• • • • • • • • • • • • • • • • • • • •	
Assembly Concurrent	
Resolution No.	Committee
204	Rls.
236	Rls.
237	Rls.
238	Rls.
239	Trans.
240	Rls.
Senate	
Bill No.	Committee
431	Health
519	Pub. S.
703	Pub. S.
1087	
1144	Health
1145	Jud.
1151	Pub. S.
1155	E.S. & T.M. and W.,P. & W.
	J., E.D. & E.
	Health

1169 Trans.
1178 Hum. S.
1192 Health
1223 Pub. S.
1227G.O.
1237 Rev. & Tax.
1254Ed.
1280W,,P. & W.
1292B. & F.
1302 Health
1305 Jud. 1318 Nat. Res.
1319Nat. Res.
1331Higher Ed.
1333Health
1334Nat. Res. and Agri.
1342Pub. S.
1343 Hum. S. and Ed.
1346Nat. Res.
1351E.,R. & C.A. and L. Gov.
1365 ——————Health and Hum. S.
1374W.,P. & W.
1375Trans.
1380Ed.
1381Trans.
1399Pub. S.
1400Pub. S.
1401P.E.,R. & S.S.
1405Ed.
1419Ed.
1421Ed.
1423Ed.
1438E,R. & C.A.
1442 Ed. and Higher Ed.
1454Ed.
1459 W.,P. & W.
1462L. Gov.
1463 Higher Ed. and Ed. 1478 U. & C. and Nat. Res.
1487Health
1496 B. & F. 1522 Pub. S.
1525 Health
1535 Higher Ed. 1571 Rev. & Tax.
15/1
1582 Trans.
1608Pub. S.
1617Ed.
1624 U. & C. 1630 Health and Ed.
1634H. & C.D.
1639Hum S. and Higher Ed.
1640Pub. S.
1642Pub. S.
107# uu. S.

1645	Ed.
1648	Nat. Res.
1694	
1737	
1744	
1754	
1758	
1760	
1782	
1783	
1785	
1795	
1808	
1849	
1851	B. & P. and Nat. Res.
1887	E.S. & T.M.
1890	Nat. Res.
1891	U. & C.
1903	Ins.
1910	Agri.
Senate Constitutional	
Amendment No.	Committee
8	Pub. S. and E.,R. & C.A.
Senate Concurrent	
Resolution No.	Committee
65	Trans.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 1, 2004

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

Assembly Bill No. 700

And reports the same correctly enrolled, and presented to the Governor on the 1st day of June, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 7 a.m., Wednesday, June 2, 2004, out of respect to the memory of Lance Cpl. Raphael Reynosasuarez, on motion of Assembly Member Correa; out of respect to the memory of Emanuel Baldi, on motion of Assembly Member Bogh; and out of respect to the memory of Katherine Marie Dimond, Patricia Scarlett, Charles A. Taylor, Gorman E. Rose, Sr., Helen Sanders, Mary J. Brock-Pann, Frank B. Cosma, Ted D. Kross, Mildred Alexander, Mullard Raymond Correia, Jose Y. Garcia, Mignon Marguerite Koelling, and Marvin Maier on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JUNE 1, 2004

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

ACR RN

178 0411122

AJR RN

86 0410710

SB RN

64 0411134

659 0411055

924 0411093

1056 0410233

1136 0411251

1189 0411126

1327 0411171

1369 0411172

1482 0410899

1677 0411161

Daily Total: 12

Cumulative Total: 4736