

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, June 2, 2004

**TWO HUNDRED SIXTH SESSION DAY
FIVE HUNDRED FORTY-NINTH 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
Wednesday, June 2, 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—71:

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

Quorum present.

At 1:25 p.m., Hon. Greg Aghazarian, 26th 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 Corbett, Correa, Runner, and Wesson.

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

Because of illness: Assembly Members Jerome E. Horton, Kehoe, and Leslie.

Because of a death in his family: Assembly Member Bogh.

EXPLANATIONS OF ABSENCE

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

June 1, 2004

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

Dear Mr. Speaker: I would like to request permission to be excused from Check-in Session on Wednesday, June 2, 2004. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns, please feel free to call me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member
Eighteenth District

May 25, 2004

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

Dear Speaker Nunez: Please excuse me from check-in session on Wednesday, June 2, 2004. I will be attending to legislative business in the district.

Thank you.

Sincerely,

LOU CORREA, Assembly Member
Sixty-ninth District

June 1, 2004

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

Dear Speaker Nunez: I am writing to request an excused absence for June 2-3, 2004. I will be in my district on legislative business, conducting meetings and events on the 2nd honoring small businesses and hosting an Economic Summit with Agency Secretary Sunne Wright McPeak.

Should you have any questions regarding this request, please contact Will Smith in my office at 319-2036.

Sincerely,

SHARON RUNNER, Assembly Member
Thirty-sixth District

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 check-in Session on Wednesday, June 2, 2004 due to legislative business in my district.

Sincerely,

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

**COMMUNICATIONS
Proposed Initiatives**

The following communication was presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated May 18, 2004, transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Elections Code, Section 9007:

**Population Policy. Legislative Directive. Initiative Statute.
SA 2004RF0017, Amdt. #1-S**

Referred by the Speaker to the Committee on Judiciary.

QUALIFIED INITIATIVES

The following qualified initiative was received by the Chief Clerk from:

Kevin Shelley, Secretary of State, dated May 27, 2004, transmitting a copy of the following initiative, which has qualified for the November 2, 2004, General Election:

**Local Government Funds and Revenues. State Mandates.
Initiative Constitutional Amendment**

Referred pursuant to Elections Code, Section 9034, to the Committees on Local Government and Elections, Redistricting and Constitutional Amendments.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 2, 2004

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

Assembly Concurrent Resolution No. 178

Assembly Joint Resolution No. 86

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

**AUTHOR'S AMENDMENTS
Committee on Public Safety**

June 2, 2004

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Senate Bill No. 703

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

LENO, Chair

SENATE BILL NO. 703—An act 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 Rules

June 2, 2004

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

Senate Concurrent Resolution No. 83

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

MONTANEZ, Chair

SENATE CONCURRENT RESOLUTION NO. 83—Relative to National Aphasia Awareness Month.

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 2, 2004

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

Senate Bill No. 1663

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

SALINAS, Chair

SENATE BILL NO. 1663—An act to add Section 4730.2 to, and to repeal and add Section 4730.3 of, the Health and Safety Code, relating to sanitation districts.

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 Revenue and Taxation

June 2, 2004

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Senate Bill No. 1832

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

BERMUDEZ, Chair

SENATE BILL NO. 1832—An act to amend Section 1812.601 of the Civil Code, and to amend Sections 72, 327.1, 2503.1, 2503.2, 2504, 3451, 3456, 3693, 3693.1, 3695, 3701, 3702, 3704, 3704.7, 3707, 3710, and 3716 of, to add Sections 3692.1, 3692.2, and 3692.3 to, and to repeal Sections 3450, 3453, 3454, 3457, and 3717.5 of, the Revenue and Taxation Code, relating to taxation.

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 Business and Professions

June 2, 2004

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Senate Bill No. 74
Senate Bill No. 427

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

CORREA, Chair

SENATE BILL NO. 74—An act to add Section 11005.4 to the Government Code, relating to state property.

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. 427—An act to add and repeal Chapter 3.2 (commencing with Section 8251) of Division 1 of Title 2 of the Government Code, relating to Mexican repatriation.

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 Arts, Entertainment, Sports, Tourism, and Internet Media

June 2, 2004

Mr. Speaker: The Chair of your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports:

Senate Bill No. 1034

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

CHAVEZ, Chair

SENATE BILL NO. 1034—An act to add Title 10 (commencing with Section 2500) to Part 4 of Division 3 of the Civil Code, relating to contracts.

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 Public Safety

June 2, 2004

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Senate Bill No. 914

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

LENO, Chair

SENATE BILL NO. 914—An act to add Section 13823.13 to, and to repeal Sections 13823.15, 13823.16, 13823.3, 13837, and 13838 of, the Penal Code, relating to domestic violence, 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 Housing and Community Development**

June 2, 2004

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 1090

Senate Bill No. 1328

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

LOWENTHAL, Chair

SENATE BILL NO. 1090—An act to amend Section 798.71 of the Civil Code, and to amend Sections 18024, 18060.5, 18062.2, and 18063 of, and to add Section 18061.6 to, the Health and Safety Code, relating to manufactured homes and mobilehomes.

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. 1328—An act to amend Sections 65863.10, 65863.11, and 65863.13 of the Government Code, relating to housing.

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 Human Services

June 2, 2004

Mr. Speaker: The Chair of your Committee on Human Services reports:

Senate Bill No. 215

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

WOLK, Chair

SENATE BILL NO. 215—An act to add Chapter 4 (commencing with Section 2200) to Division 2.5 of the Welfare and Institutions Code, relating to minors.

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 Agriculture

June 2, 2004

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

Senate Bill No. 1650

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

MATTHEWS, Chair

SENATE BILL NO. 1650—An act to amend Section 12798.1 of the Food and Agricultural Code, relating to pest control.

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

June 2, 2004

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

Senate Bill No. 260

Senate Bill No. 431

Senate Bill No. 1539

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

COHN, Chair

SENATE BILL NO. 260—An act to amend Section 1367 of the Health and Safety Code, relating to health care.

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. 431—An act relating to health, and making an appropriation therefor.

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. 1539—An act to add Section 1418.05 to the Health and Safety Code, relating to long-term health care facilities.

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 Education

Date of Hearing: June 2, 2004

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 1190

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

GOLDBERG, Chair

Above bill re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS

SENATE BILL NO. 598—An act to amend Section 56.104 of the Civil Code, relating to confidentiality of medical information.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1021—An act to amend Section 16337 of, and to add Chapter 5 (commencing with Section 16500) to Part 4 of Division 9 of, the Probate Code, relating to trusts.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1225—An act to amend Section 259 of the Code of Civil Procedure, and to amend Section 71601 of the Government Code, relating to courts.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1408—An act to amend Section 3439.04 of the Civil Code, relating to fraudulent transfers.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1564—An act to amend Section 3440.1 of the Civil Code, relating to fraudulent transfers.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1707—An act to amend Section 53155 of, and to add Section 53159 to, the Government Code, relating to emergency response costs.

Bill read second time, and ordered to Consent Calendar.

MESSAGES FROM THE SENATE

Senate Chamber, June 2, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Chesbro, Alpert and Johnson as a Committee on Conference concerning:

Assembly Bill No. 1749.

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

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 John Laird to serve as a nonvoting Democratic alternate on the Budget Conference Committee on AB 1749.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 2, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Lloyd Levine to replace Assemblymember Christine Kehoe on the Assembly Rules Committee for the Thursday, June 3rd hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

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:

Senate Bill No. 9, on request of Assembly Member Strickland.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 241—Firebaugh, Goldberg, Hancock, and Nunez. Relative to opportunity to learn principles.

ADJOURNMENT

At 6:25 p.m., the Assembly adjourned until 9:30 a.m., Thursday, June 3, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 2, 2004**

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

SB	RN
74	0410996
215	0411280
260	0411179
427	0411348
431	0411010
703	0411062
914	0411248
1034	0411295
1090	0411236
1328	0411222
1539	0411309
1650	0411359
1663	0411247
1832	0411182

SCR	RN
83	0411266

Daily Total:	15
Cumulative Total:	4751

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