

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Tuesday, June 10, 2003**

**EIGHTY-SIXTH SESSION DAY**

**ONE HUNDRED NINETY-FIRST 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 10, 2003

The Assembly met at 7 a.m.

Hon. Abel Maldonado, Assembly Member, 33rd 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	Oropeza
Bates	Dymally	Levine	Pacheco
Benoit	Firebaugh	Lieber	Parra
Berg	Frommer	Liu	Pavley
Bermudez	Garcia	Longville	Plescia
Bogh	Goldberg	Lowenthal	Reyes
Calderon	Hancock	Maddox	Richman
Campbell	Harman	Maldonado	Ridley-Thomas
Canciamilla	Haynes	Matthews	Runner
Chan	Horton, Jerome	Maze	Salinas
Chu	Houston	McCarthy	Samuelian
Cogdill	Jackson	Montanez	Steinberg
Cohn	Keene	Mountjoy	Strickland
Corbett	Kehoe	Mullin	Vargas
Correa	Koretz	Nakanishi	Wiggins
Cox	La Malfa	Nakano	Wolk
Daucher	La Suer	Nation	Wyland
Diaz	Laird	Negrete McLeod	Yee
Dutra	Leno	Nunez	Mr. Speaker

Quorum present.

**At 12:01 p.m., Hon. David Cogdill, 25th 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, Shirley Horton, Simitian, and Spitzer.*

**EXPLANATIONS OF ABSENCE**

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

June 10, 2003

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

Dear Mr. Speaker Wesson: I respectfully request that I be excused from Check-in Session on Tuesday, June 10, 2003, while I was present in the Capitol this morning attending the Senate Committee on Public Safety, I did not Check-in. On that note, I ask that I be excused on legislative business.

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

June 9, 2003

*The Honorable Herb Wesson*  
*Speaker*  
*California State Assembly*  
*State Capitol—Room 219*  
*Sacramento, California*

Dear Speaker Wesson: Please excuse me from check-in session on June 10, 2003. I will be in my district conducting legislative business. Please feel free to contact Nancy Taffet at 319-2764 if you have any questions or concerns.

Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY A. HORTON, Assembly Member  
Seventy-eighth District

June 2, 2003

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

Dear Speaker Wesson,

This is a request to be excused from Check-In Session on Tuesday, June 10, 2003 and Wednesday, June 11, 2003 for legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member  
Twenty-first District

June 5, 2003

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

Dear Mr. Speaker: I would like permission to be excused from session on Tuesday, June 10 for legislative business. I will be addressing the Corona Chamber of Commerce in my district.

Thank you for your consideration.

Sincerely,

TODD SPITZER, Assembly Member  
Seventy-first District

#### COMMUNICATIONS

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

June 10, 2003

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

Dear Dotson: Please be advised that I have appointed Assemblymember Patty Berg to replace Assemblymember Ed Chavez on the Assembly Health Committee for today's hearing only.

Sincerely,

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

June 10, 2003

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

Dear Dotson: Please be advised that I have appointed Assemblymember Joe Canciamilla to replace Assemblymember Fabian Nunez on the Assembly Health Committee for today's hearing only.

Sincerely,

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

June 10, 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 Cindy Montanez to replace Assemblymember Rebecca Cohn on the Assembly Education Committee for the Wednesday, June 11th hearing only.

Sincerely,

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

June 10, 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 Greg Aghazarian to replace Assemblymember Bonnie Garcia on the Assembly Local Government Committee for the Wednesday, June 11th hearing only.

Sincerely,

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

June 10, 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 Task Force on Protocol and have appointed the following members to serve on the Committee:

- Assemblymember Wilma Chan, Chair
- Assemblymember Ellen Corbett
- Assemblymember Joe Nation
- Assemblymember Mark Ridley-Thomas
- Assemblymember Darrell Steinberg

Sincerely,

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 10, 2003

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

Assembly Joint Resolution No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, June 10, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 108  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, June 10, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
House Resolution No. 16  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

### **AUTHOR'S AMENDMENTS**

#### **Committee on Environmental Safety and Toxic Materials**

June 10, 2003

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 181

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

LAIRD, Chair

**SENATE BILL NO. 181**—An act to amend Section 116287 of the Health and Safety Code, relating to drinking water.

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 10, 2003

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

Senate Bill No. 618

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

VARGAS, Chair

**SENATE BILL NO. 618**—An act to add Section 1668.1 to the Insurance Code, relating to unfair acts.

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 Elections, Redistricting and Constitutional Amendments**

June 10, 2003

Mr. Speaker: The Chair of your Committee on Elections, Redistricting and Constitutional Amendments reports:

Senate Bill No. 604

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

LONGVILLE, Chair

**SENATE BILL NO. 604**—An act to amend Sections 81008, 84101, 84103, 84108, 84203, 84204, and 84502 of the Government Code, relating to the Political Reform Act of 1974, 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 Transportation**

June 10, 2003

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Senate Bill No. 509

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

DUTRA, Chair

**SENATE BILL NO. 509**—An act to amend Section 14528.5 of the Government 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 Transportation**

June 10, 2003

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Senate Bill No. 403

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

DUTRA, Chair

**SENATE BILL NO. 403**—An act to amend Section 142263 of the Public Utilities 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 Business and Professions**

June 10, 2003

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Senate Bill No. 12  
Senate Bill No. 736

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

CORREA, Chair

**SENATE BILL NO. 12**—An act to amend Section 17538.45 of, to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, and to repeal Section 17538.4 of, the Business and Professions Code, relating to advertising.

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. 736**—An act to amend Sections 17550.4, 17550.13, 17550.14, 17550.20, 17550.21, 17550.37, 17550.41, and 17550.47 of, to add Section 17550.42 to, and to repeal Article 2.5 (commencing with Section 17540) of Chapter 1 of Part 3 of Division 7 and Sections 17550.34 and 17550.59 of, the Business and Professions Code, relating to sellers of travel.

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 Transportation

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 127

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

DUTRA, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Concurrent Resolution No. 3

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

DUTRA, Chair

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 612

Senate Bill No. 671

With the recommendation: Do pass.

DUTRA, Chair

Above bills ordered to second reading.

Date of Hearing: June 9, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 87

Senate Bill No. 637

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

DUTRA, Chair

Above bills re-referred to the Committee on Appropriations.



**MESSAGES FROM THE GOVERNOR**

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

**EXECUTIVE ORDER D-68-03**

By the

Governor of the State of California

WHEREAS, per capita cigarette consumption in California has fallen by over 60 percent since the passage of the Tobacco Tax and Health Promotion Act of 1988 (Proposition 99), roughly twice the decline of the rest of the nation. Per capita cigarette consumption in California is the lowest of any state in the nation; and

WHEREAS, smoking prevalence among youth in the 8th grade has decreased by 45 percent, from 11.7 percent in 2000 to 6.4 percent in 2002. Among 10th grade students, smoking decreased 24 percent, from 19.5 percent in 2000 to 14.8 percent in 2002; and

WHEREAS, there are still 4.7 million smokers in California; and

WHEREAS, tobacco use can lead to a lifelong, deadly addiction, killing 42,000 Californians annually. Every day an estimated 200 youth, who are not old enough to legally purchase tobacco products, start smoking. Two-thirds of them will become addicted and half of those will die prematurely from a tobacco-related illness; and

WHEREAS, over 80 percent of all adult smokers began smoking before their 18th birthday; and the younger smoking starts the more difficult it is to quit; and

WHEREAS, nearly half of California youth ages 16–17, 47.3 percent, report that it is still easy to buy tobacco; and

WHEREAS, although it has been illegal for more than 100 years to sell or provide anyone under the age of 18 with tobacco products in California, an increasing number of retailers are selling tobacco to minors; and

WHEREAS, California law requires retailers to check the identification of anyone who appears to be under the age of 18 and to post required signs at every retail outlet that sells tobacco; and

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

IT IS ORDERED that the Department of Health Services and the Department of Alcohol and Drug Programs immediately focus the public awareness education efforts on reducing illegal sales of tobacco to minors;

IT IS FURTHER ORDERED that the Department of Health Services (DHS) immediately pursue legislation to: (1) increase the penalties for selling tobacco to minors, violating other tobacco retail laws, and for failure to post the Stop Tobacco Access to Kids Enforcement (STAKE) Act warning sign; and, (2) ensure local law enforcement has authority to enforce the STAKE Act in local communities.

IT IS FURTHER ORDERED that all state agencies who inspect retail establishments that sell tobacco check for the presence of STAKE Act warning signs, and notify the DHS of violators.

IT IS FURTHER ORDERED that the Department of Alcoholic Beverage Control, when conducting alcohol enforcement activities, monitor for compliance with the State tobacco laws;

IT IS FURTHER ORDERED that all state agencies that license, inspect or otherwise conduct business with retailers that sell tobacco add information regarding the illegality of tobacco sales to minors, including the 1-800-5-ASK-4-ID complaint line, to their websites, mailings to retailers, newsletters and other appropriate retailer communications;

IT IS FURTHER ORDERED that DHS and the Department of Alcohol and Drug Programs collaborate with the business, retail and law enforcement communities to:

- Work with statewide retail associations to inform their members about the law that prohibits the sale of tobacco products to minors and take steps to ensure that their members obey the law;
- Work with local law enforcement to actively reduce illegal sales of tobacco to minors;

I FURTHER DIRECT that as soon as hereafter possible, this order shall be filed with the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of California to be affixed this 10th day of June 2003.

GRAY DAVIS  
Governor of California

ATTEST:

KEVIN SHELLEY  
Secretary of State



**RECEIPT**

I acknowledge receipt this 10th day of June, 2003, at 9:45 a.m., of Executive Order D-68-03, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 11, 2003.

---

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 10, 2003**

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

<b>SB</b>	<b>RN</b>
12	0313775
181	0313435
403	0312926
509	0313283
604	0313439
618	0313724
736	0313618

<b>Daily Total:</b>	<b>7</b>
<b>Cumulative Total:</b>	<b>2021</b>

O