CALIFORNIA LEGISLATURE 2003–04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, June 14, 2004

TWO HUNDRED TWELFTH SESSION DAY FIVE HUNDRED SIXTY-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 Monday, June 14, 2004

The Assembly met at 12 noon.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Benoit moved a quorum call of the Assembly. Motion carried. Time, 12:01 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 12:10 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—78:

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

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Father in Heaven, Our needs are many, but our greatest need is of You. You have created us and given us life; and so, our heart is restless until it abides in You. We pray this day, Lord, that You grant us a sense of Your presence in all that we do. Fill us with Your peace and Your power and guide our feet in the paths of righteousness.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Mullin 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 Members Campbell and Haynes.

EXPLANATIONS OF ABSENCE

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

June 8, 2004

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

Dear Speaker Nunez: I respectfully request to be excused from legislative business Monday, June 14th, 2004, as I will be conducting legislative business in my district.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 319-2070.

Sincerely,

JOHN CAMPBELL, Assembly Member Seventieth District

June 8, 2004

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

Dear Mr. Speaker: Please excuse my absence from Assembly Floor Session on Monday, June 14, 2004, due to legislative business in my district.

Sincerely,

RAY HAYNES, Assembly Member Sixty-sixth District

COMMUNICATIONS

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

June 14, 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 Greg Aghazarian to replace Assemblymember John Campbell on the Assembly Utilities and Commerce Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

June 14, 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 Jackie Goldberg to replace Assemblymember Cindy Montanez and Assemblymember Lloyd Levine to fill the Democratic vacancy on the Assembly Judiciary Committee for the Tuesday, June 15th hearing only.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

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 June 1, 2004, transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Section 9007, Elections Code:

Redistricting. Initiative Constitutional Amendment. SA 2004RF0018

Referred by the Speaker to the Committee on Elections, Redistricting and Constitutional Amendments.

QUALIFIED INITIATIVES

The following qualified initiatives were received by the Chief Clerk from:

Kevin Shelley, Secretary of State, transmitting copies of the following initiatives, which have qualified for the November 2, 2004, General Election, and which are referred to committees pursuant to Elections Code Section 9034, as noted:

Limitations on "Three Strikes" Law. Sex Crimes. Punishment. Initiative Statute

DNA Samples. Collection. Database. Funding. Initiative Statute.

Referred to the Committees on Public Safety and Elections, Redistricting and Constitutional Amendments.

Tribal Gaming Compacts. Exclusive Gaming Rights.
Contributions to State.
Initiative Constitutional Amendment and Statute.

Tribal Gaming Compact Renegotiation.

Non-Tribal Commercial Gambling Expansion. Revenues, Tax Exemptions.

Initiative Constitutional Amendment and Statute.

Referred to the Committees on Governmental Organization and Elections, Redistricting and Constitutional Amendments.

Emergency and Medical Services. Funding. Telephone Surcharge. Initiative Constitutional Amendment and Statute.

Referred to the Committees on Health, Utilities and Commerce, and Elections, Redistricting and Constitutional Amendments.

Stem Cell Research. Funding. Bonds. Initiative Constitutional Amendment and Statute.

Referred to the Committees on Health and Elections, Redistricting and Constitutional Amendments.

COMMUNICATIONS

The following communication was received by the Chief Clerk from J. S. Woodford, Director, Department of Corrections, dated June 4, 2004, outlining reasons for delay in submitting evaluation report from California State University, San Marcos (CSUSM) of Second Striker Program (SSP) which was required by the 2000 Budget Act (Item 5240-001-0001).

Referred by the Speaker to the Committee on Budget.

REPORTS

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

California State Auditor

2002-016 June 9, 2004

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 Chapter 941, Statutes of 2002, the Bureau of State Audits presents its audit report concerning the operations and management of the Water Replenishment District of Southern California (district).

This report concludes that although the district has implemented many recommendations of our May 2002 report, it has not fully addressed all our concerns. Specifically, our review revealed that the district adopted a reserve-funds policy that calls for increasing its reserve funds, but that policy lacks credibility, largely because since adopting the policy, the district allowed its reserve funds to further deplete. In addition, the district likely overstated its reserve-funds targets by using some faulty assumptions in calculating them. Moreover, although it included goals and objectives in its strategic plan, it did not include outcomes by which the district and public can measure the district's progress in meeting them. Further, the district spent district funds on items such as gifts and flowers that its policies specifically prohibit. Finally, the district incurred costs for items, such as award dinners, catered meals, and snacks and beverages for its staff and others, that do not appear to be the most prudent use of its funds.

Respectfully submitted,

ELAINE M. HOWLE State Auditor

Above report referred to the Committee on Local Government.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Agriculture, on Monday, June 21, 2004, upon adjournment of Floor Session, in Room 444.

AUTHOR'S AMENDMENTS Committee on Utilities and Commerce

June 14, 2004

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports: Senate Bill No. 429

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

REYES, Chair

SENATE BILL NO. 429—An act to add Section 854.5 to 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 Public Employees, Retirement and Social Security

June 14, 2004

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 1439 Senate Bill No. 1892

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

NEGRETE McLEOD, Chair

SENATE BILL NO. 1439—An act to amend Section 21224 of the Government Code, relating to public employees' retirement.

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. 1892—An act to amend Section 19130 of, and to repeal and add Sections 19131 and 19132 of, the Government Code, and to repeal and add Section 10337 of the Public Contract Code, relating to public 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 Transportation

June 14, 2004

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.

OROPEZA, 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 Judiciary

June 14, 2004

Mr. Speaker: The Chair of your Committee on Judiciary reports: Senate Bill No. 1568

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

CORBETT, Chair

SENATE BILL NO. 1568—An act to amend Sections 66633, 66637, 66638, 66639, 66640, and 66641.5 of, and to add Section 66612 to, the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

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.

MESSAGES FROM THE SENATE

Senate Chamber, June 14, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 35	Assembly Bill No. 1883
Assembly Bill No. 141	Assembly Bill No. 1901
Assembly Bill No. 254	Assembly Bill No. 1985
Assembly Bill No. 883	Assembly Bill No. 2049
Assembly Bill No. 920	Assembly Bill No. 2126
Assembly Bill No. 1851	Assembly Bill No. 2490

And respectfully requests the Assembly to concur in said amendments. GREGORY P. SCHMIDT. Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, June 14, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 162	Assembly Bill No. 2301
Assembly Bill No. 1820	Assembly Bill No. 2481
Assembly Bill No. 1920	Assembly Bill No. 2630
Assembly Bill No. 1948	Assembly Bill No. 2829
Assembly Bill No. 2243	·

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

Above bills ordered enrolled.

Senate Chamber, June 14, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Joint Resolution No. 54

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, June 14, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 33 Assembly Joint Resolution No. 64

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

Above resolutions ordered enrolled.

Senate Chamber, June 14, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 626 Senate Bill No. 1021

Senate Joint Resolution No. 16

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 14, 2004

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

Assembly Bill No. 2182

And reports the same correctly enrolled, and presented to the Governor on the 14th day of June, 2004, at 12:30 p.m.

E. DOTSON WILSON, Chief Clerk

REQUEST FOR PHOTOGRAPHER

Assembly Member Canciamilla was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RE-REFERENCE OF BILLS

Assembly Member Frommer was granted unanimous consent that the following bills be re-referred as noted:

Senate Bill No. 817 from the Committee on Jobs, Economic Development, and the Economy, to the Committee on Rules;

Senate Bill No. 429 from the Committee on Utilities and Commerce, to the Committee on Rules;

Senate Bill No. 1897 from the Committee on Education, to the Committee on Human Services, and back to Education.

SPECIAL COMMITTEE MEETINGS

Assembly Member Frommer was granted unanimous consent that the Committee on Health be permitted to hold a special information hearing on the State Budget and proposed cuts to services, on June 17, 2004, in San Jose, and that Joint Rule 62(a) be waived.

RECESS

By unanimous consent, at 12:15 p.m., Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Wolk introduced Hon. Ruth Asmundson, Mayor of Davis, who was accompanying a delegation from the Republic of Korea, from the sister city of Sangju.

RECONVENED

At 12:16 p.m., the Assembly reconvened.

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

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 240—Relative to Joint Legislative Committee on Emergency Services and Homeland Security.

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

CONSIDERATION OF DAILY FILE SENATE BILLS RETURNED TO SECOND READING FILE PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bills Nos. 1328 and 1539, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1911—An act to amend Sections 61405 and 62182 of the Food and Agricultural Code, relating to milk.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1165—An act to amend Section 17924 of the Business and Professions Code, to amend Sections 6253, 6293.5, 30801, 30803, 30805, and 30850 of, and to repeal Section 30806 of, the Food and Agricultural Code, to amend Sections 24003, 25151, 25502.3, 26806, 26859, 51238.2, 53601.7, 53630, 54222, 55631, 66452.6, and 66473.7 of, to add Sections 50057 and 53061.2 to, and to repeal Section 26835 of, the Government Code, to repeal Section 1184 of the Military and Veterans Code, to amend Sections 11534, 11910, and 22553.2 of the Public Utilities Code, to amend Sections 34701 and 60622 of the Water Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1514—An act to add Article 8.5 (commencing with Section 53880) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to assessments.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1266—An act to amend Section 56375.3 of the Government Code, relating to annexation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1770—An act to add Article 7.4 (commencing with Section 53835) to Chapter 4 of Part 1 of Division 2 of the Government Code, relating to special district indebtedness.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1526—An act to add Section 8588.12 to the Government Code, relating to public resources.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 1084—An act to add Section 97 to the Streets and Highway Code, and to add Section 42010 to the Vehicle Code, relating to highways.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted, bill ordered reprinted and to be referred to the Committee on Appropriations.

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 25 (Mullin)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article II thereof, relating to elections

Resolution read third time.

Motion to Amend by Assembly Member Samuelian

Assembly Member Samuelian moved the adoption of amendments. Amendments read.

Motion to Table Samuelian Amendments to Assembly Constitutional Amendment No. 25

Assembly Member Frommer moved that the amendments offered by Assembly Member Samuelian to Assembly Constitutional Amendment No. 25 be laid upon the table.

Assembly Member Calderon seconded the motion.

Motion carried by the following vote:

AYES—40

Berg	Diaz	Lieber	Reyes
Bermudez	Dutra	Longville	Ridley-Thomas
Calderon	Firebaugh	Lowenthal	Salinas
Canciamilla	Frommer	Matthews	Simitian
Chan	Goldberg	Montanez	Steinberg
Chavez	Horton, Jerome	Mullin	Vargas
Chu	Kehoe	Nakano	Wesson
Cohn	Koretz	Nation	Wolk
Corbett	Laird	Negrete McLeod	Yee
Correa	Leno	Pavley	Mr. Speaker

NOES-26

Aghazarian	Garcia	Maze	Runner
Bates	Harman	McCarthy	Samuelian
Benoit	Houston	Mountjoy	Spitzer
Bogh	La Malfa	Nakanishi	Strickland
Cogdill	La Suer	Pacheco	Wyland
Cox	Leslie	Plescia	•
Dutton	Maddox	Richman	

Further Consideration of Assembly Constitutional Amendment No. 25

Point of Order

Assembly Member Frommer arose to the following point of order:

Assembly Member Leslie's debate is not germane to the bill before the Body.

The question being on the adoption of Assembly Constitutional Amendment No. 25.

The roll was opened and Assembly Constitutional Amendment No. 25 refused adoption by the following vote:

AYES-46

Berg	Firebaugh	Liu	Reyes
Bermudez	Frommer	Longville	Ridley-Thomas
Calderon	Goldberg	Lowenthal	Salinas
Canciamilla	Hancock	Matthews	Steinberg
Chan	Horton, Jerome	Montanez	Vargas
Chavez	Jackson	Mullin	Wesson
Chu	Kehoe	Nakano	Wiggins
Cohn	Koretz	Nation	Wolk
Corbett	Laird	Negrete McLeod	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Levine	Parra	•
Dymally	Lieber	Pavley	

NOES-32

Aghazarian	Dutton	Leslie	Plescia
Bates	Garcia	Maddox	Richman
Benoit	Harman	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Simitian
Correa	Keene	Mountjoy	Spitzer
Cox	La Malfa	Nakanishi	Strickland
Daucher	La Suer	Pacheco	Wyland

Motion to Reconsider Assembly Constitutional Amendment No. 25 on Next Legislative Day

Assembly Member Mullin moved to reconsider on the next legislative day the vote whereby Assembly Constitutional Amendment No. 25 was this day refused adoption.

Assembly Constitutional Amendment No. 25 ordered to the unfinished business file.

RECESS

By unanimous consent, at 1:10 p.m., Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Canciamilla introduced Quincy Watts, Gold Medalist at the Barcelona, Spain, Olympic Games in 1992, whereupon he was joined by Assembly Member Levine in presenting a resolution commending Mr. Watts for his outstanding athletic achievements, and thanking him for his leadership efforts as a role model for young track and field competitors.

Assembly Member Canciamilla welcomed the 2004 winners of the California State High School Track and Field Championship. He then introduced the Long Beach Poly High School "Lady Jackrabbits": Seqoiya Peggese, Shalonda Solomon, Shana Woods, Shana Solomon, April Phillips, Jasmine Lee, Chanda Picott, Ashley Helton, Leah Richmond, and DaShanta Harris.

He was joined by Assembly Members Longville and Oropeza in presenting a resolution to Coaches Crystal Irving, Don Norford, Clarence Rhone, Keith Anderson, and Dakarai Moye.

Assembly Member Canciamilla then introduced the James Logan High School of Union City "Colts": Yosef Ghebray, Kevin Craddock, Nkosinza Balumbu, and Angelo Jeffrey.

He was joined by Assembly Members Dutra and Corbett in presenting a resolution to Coaches Lee Webb, San Cavallaro, Jorge Maldonado, and Kevin Craddock.

Assembly Member Canciamilla was joined by the Members of the Assembly in commending the team members, coaching staff, administrative and teaching staff, students, and friends of the school for the exemplary manner in which they have represented their school and community.

* * *

Assembly Member Nakanishi introduced the Cell Block Seven Jazz Band from Lodi and was joined by Members of the Assembly in extending congratulations to the band which has been invited to perform in a Far East—Taiwan Cultural Exchange Project; whereupon Assembly Member Nakanishi presented a resolution.

RECONVENED

At 1:16 p.m., the Assembly reconvened.

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

RE-REFERENCE OF BILLS

Assembly Member Frommer was granted unanimous consent that Senate Bill No. 1078 be re-referred from the Committee on Natural Resources to the Committee on Transportation.

BILLS REMOVED FROM CONSENT CALENDAR AND PLACED UPON THE INACTIVE FILE

The following bills were removed from the Consent Calendar, pursuant to Joint Rule 22.2 and placed upon the inactive file pursuant to Assembly Rule 78:

Senate Bills Nos. 1609 and **1611**, on request of Assembly Member Frommer.

FROMMER MOTION TO SUSPEND RULES

Assembly Member Frommer moved to suspend the Rules and return Senate Bill No. 9, a substantially amended measure, to the Senate prior to taking up the measure for passage.

Assembly Member Nakano seconded the motion.

Request for Republican Caucus

Assembly Member Cogdill requested unanimous consent that the House recess for purpose of permitting the Republican Caucus to meet.

Assembly Member Frommer withheld unanimous consent.

Motion to Recess for Republican Caucus

Assembly Member Cogdill moved that the Assembly recess for purpose of permitting the Republican Caucus to meet.

Assembly Member McCarthy seconded the motion.

Objection Withdrawn

Assembly Member Frommer withdrew his objection to the request by Assembly Member Cogdill that the Assembly recess for purpose of permitting the Republican Caucus to meet.

CAUCUS ANNOUNCEMENTS

At 1:25 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 1:25 p.m., Speaker pro Tempore Yee declared the Assembly recessed.

RECONVENED

At 1:51 p.m., the Assembly reconvened.

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

Parliamentary Inquiry

Assembly Member Strickland arose to the following parliamentary inquiry:

Is the motion before the Body to suspend the Rules to preclude hearing the bill and to return the bill to the Senate?

Reply by Speaker pro Tempore Yee

The Speaker Pro Tempore replied that a procedural motion is before the Body to suspend Rules and return SB No. 9 to the Senate.

Parliamentary Inquiry

Assembly Member Strickland arose to the following parliamentary inquiry:

Is the motion before the Body to suspend Rules to preclude debate on SB No. 9 on today's file?

Point of Order

Assembly Member Vargas arose to the following point of order:

The Chair has replied to the parliamentary inquiry and the motion has been restated.

Parliamentary Inquiry

Assembly Member Richman arose to a parliamentary inquiry relative to the motion for suspension of the Rules.

Point of Order

Assembly Member Reyes arose to the following point of order:

Assembly Member Richman is out of order in his reference and should be reprimanded by the Body.

Point of Personal Privilege

Assembly Member Richman arose to a point of personal privilege.

Point of Order

Assembly Member Vargas arose to the following point of order: The Chair has ruled on the issue and further debate is argumentative.

Further Consideration of Frommer Motion to Suspend Rules

The question being on the Frommer motion to suspend the Rules and return Senate Bill No. 9, a substantially amended measure, to the Senate prior to taking up the measure for passage.

The roll was opened and the Frommer motion for suspension of the Rules carried by the following vote:

AYES-42

Berg	Firebaugh	Lieber	Pavley
Bermudez	Frommer	Liu	Ridley-Thomas
Calderon	Goldberg	Longville	Salinas
Chan	Hancock	Lowenthal	Simitian
Chavez	Horton, Jerome	Matthews	Vargas
Chu	Jackson	Montanez	Wesson
Cohn	Kehoe	Mullin	Wiggins
Corbett	Koretz	Nakano	Yee
Diaz	Laird	Nation	Mr. Speaker
Dutra	Leno	Negrete McLeod	•
Dymally	Levine	Oropeza	

NOES-31

Aghazarian	Garcia	Maddox	Reyes
Bates	Harman	Maldonado	Richman
Benoit	Horton, Shirley	Maze	Runner
Bogh	Houston	McCarthy	Samuelian
Cogdill	Keene	Mountjoy	Spitzer
Cox	La Malfa	Nakanishi	Strickland
Daucher	La Suer	Pacheco	Wyland
Dutton	I eslie	Plescia	-

Senate Bill No. 9 returned to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS

SENATE BILL NO. 115 (Torlakson)—An act to add Section 1947.3 to the Civil Code, relating to landlord and tenant.

Bill read third time, and presented by Assembly Member Levine.

Bill passed by the following vote:

AYES-49

Berg	Frommer	Longville	Ridley-Thomas
Bermudez	Garcia	Lowenthal	Salinas
Calderon	Goldberg	Maldonado	Simitian
Chan	Hancock	Matthews	Steinberg
Chavez	Horton, Jerome	Montanez	Vargas
Chu	Jackson	Mullin	Wesson
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	Laird	Negrete McLeod	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Levine	Parra	_
Dymally	Lieber	Pavley	
Firebaugh	Liu	Reyes	

NOES-27

Aghazarian	Dutton	Maddox	Richman
Bates	Harman	Maze	Runner
Benoit	Houston	McCarthy	Samuelian
Bogh	Keene	Mountjoy	Spitzer
Cogdill	La Malfa	Nakanishi	Strickland
Cox	La Suer	Pacheco	Wyland
Daucher	Leslie	Plescia	, and the second

Bill ordered transmitted to the Senate.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Senate Bills

SENATE BILL NO. 1172 (Ackerman)—An act to amend Section 17951 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1350 (Morrow)—An act to repeal Section 21084.2 of the Public Resources Code, relating to environmental quality.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1341 (Kuehl)—An act to amend Section 2290.5 of the Business and Professions Code, relating to healing arts.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

AYES-78

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

NOES—None

JOINT RULE 62(a) WAIVED

Assembly Member Calderon was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of permitting Budget Subcommittee No. 1 to meet on Friday, June 18, 2004, in Los Angeles.

Committee Meeting Cancelled

Assembly Member Dymally announced that the Budget Subcommittee No. 1 hearing, previously requested for Friday, June 18th, has been cancelled.

ADJOURN IN MEMORY

Assembly Members Dymally, Wesson, Cohn, Longville, Ridley-Thomas, and Jackson were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of legendary musician, Ray Charles, of Beverly Hills.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Spitzer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bob Bennyhoff, of Orange.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Vargas was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Maxine R. Wilson, of San Diego.

(Assembly Rule 45.5 suspended.)

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Oropeza announced that the Committee on Transportation would meet today, 15 minutes after adjournment of Floor session.

Assembly Member Bermudez announced that the Committee on Revenue and Taxation would meet today, upon adjournment of Floor session, in Room 126.

Assembly Member Jackson announced that the Committee on Natural Resources would meet today, at 2:30 p.m., in Room 447.

Assembly Member Reyes announced that the Committee on Utilities and Commerce would meet today, at 2:30 p.m., in Room 437.

ADJOURN IN MEMORY

Assembly Member Chu was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lance Corporal Benjamin Gonzales, of El Monte.

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John William Hartnett, Jr., of Lodi.

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ora Mae Collier, of Sacramento.

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 Barbara Jean McCown, of Benicia; Elizabeth Marie Hart, of Dixon; Joe L. Branham, Howard Q. Lin, and Allison Adams Valentin, of Fairfield; Phillip J. Walker, of Vacaville; John Francis Furtado, Bruce Edward Jones, and Carl Irvin Kramer, of Woodland.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Assembly Constitutional Amendment No. 25, Motion to Table Samuelian Amendments: Bermudez, Correa, and Firebaugh—Aye; Houston, Samuelian, and Spitzer—No.

Assembly Constitutional Amendment No. 25: Correa, Houston, Maddox, Mountjoy, Samuelian, Simitian, and Spitzer—No.

Frommer Motion to Suspend the Rules: Mountjoy, Reyes, and Samuelian—No.

Senate Bill No. 115: Correa—Aye; Bogh and Mountjoy—No.

Consent Calendar: Correa and Koretz—Aye.

MOTION TO ADJOURN

At 2:17 p.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Nakano seconded the motion.

REMARKS ON CONDITION OF THE FILE

At 2:18 p.m., Assistant Speaker pro Tempore Sally Lieber, 22nd District, presiding

Assembly Members Strickland, Firebaugh, McCarthy, and Goldberg arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Frommer that the Assembly adjourn.

Motion carried.

6354

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 2:24 p.m., Assistant Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

AUTHOR'S AMENDMENTS Committee on Local Government

June 14, 2004

Mr. Speaker: The Chair of your Committee on Local Government reports: Senate Bill No. 18

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

SALINAS, Chair

SENATE BILL NO. 18—An act to amend Section 815.3 of the Civil Code, to amend Sections 65040.2, 65092, 65351, 65560 of, and to add Sections 65351.1, 65351.2, and 65562.5 to the Government Code, relating to traditional tribal cultural places.

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 AMENDMENTSCommittee on Natural Resources

June 14, 2004

Mr. Speaker: The Chair of your Committee on Natural Resources reports: Senate Bill No. 1873

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

JACKSON, Chair

SENATE BILL NO. 1873—An act to amend Section 8 of Chapter 898 of the Statutes of 1997, relating to Treasure Island.

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 Environmental Safety and Toxic Materials

June 14, 2004

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

Senate Bill No. 1722

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

LAIRD, Chair

SENATE BILL NO. 1722—An act to add Section 25249.37 to the Health and Safety Code, relating to toxic substances.

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 14, 2004

Mr. Speaker: The Chair of your Committee on Natural Resources reports: Senate Bill No. 1481

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

JACKSON, Chair

SENATE BILL NO. 1481—An act relating to tidelands and submerged lands of the City of Vallejo.

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 14, 2004

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

Senate Bill No. 1480

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

JACKSON, Chair

SENATE BILL NO. 1480—An act to amend Section 8670.17.2 of the Government Code, relating to harbors and navigation.

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 Judiciary

June 14, 2004

 $\mbox{Mr.}$ Speaker: The Chair of your Committee on Judiciary reports:

Senate Bill No. 792

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

CORBETT, Chair

SENATE BILL NO. 792—An act to amend Section 410.30 of the Code of Civil Procedure, relating to jurisdiction.

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

June 14, 2004

Mr. Speaker: The Chair of your Committee on Higher Education reports:

Senate Bill No. 1544

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

SENATE BILL NO. 1544—An act to amend Section 94999 of the Education Code, relating to private postsecondary education, 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.

AUTHOR'S AMENDMENTS Committee on Water, Parks and Wildlife

June 14, 2004

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Senate Bill No. 922

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

CANCIAMILLA, Chair

SENATE BILL NO. 922—An act to amend Section 13304 of the Water Code, relating to 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 Business and Professions

June 14, 2004

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Senate Bill No. 136	Senate Bill No. 1548
Senate Bill No. 1307	Senate Bill No. 1549
Senate Bill No. 1436	Senate Bill No. 1587
Senate Bill No. 1542	Senate Bill No. 1834
Senate Bill No. 1543	Senate Bill No. 1893
Senate Bill No. 1547	Senate Bill No. 1914

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

CORREA, Chair

SENATE BILL NO. 136—An act to amend Sections 473.6, 1645.1, 2220.1, 2531, 2570.19, 3014.6, 4928, 4934, 4980.40, 4980.50, 4984.7, 4986.21, 4986.80, 4992.1, 4996.3, and 4996.4 of, and to amend and renumber Section 3010.1 of, the Business and Professions Code, relating to professions and vocations, 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.

SENATE BILL NO. 1307—An act to amend Sections 4054, 4165, and 4166 of, to amend, repeal, and add Sections 4043, 4053, 4059.5, 4081, 4100, 4105, 4110, 4160, 4163, 4164, 4169, 4196, 4301, 4305.5, 4331, and 4400 of, to add Sections 4021.5, 4022.5, 4034, 4084, 4085, 4086, 4126.5, 4161.5, 4163.5, and 4186 to, to add and repeal Section 4053.1 of, and to repeal and add Sections 4161 and 4162 of, the Business and Professions Code, relating to drugs.

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. 1436—An act to add Chapter 32 (commencing with Section 22947) to Division 8 of the Business and Professions Code, relating to business.

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. 1542—An act to amend Sections 9882 and 9884.17 of the Business and Professions Code, relating to automotive repair.

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. 1543—An act to amend Sections 5000 and 5015.6 of the Business and Professions Code, relating to accountancy.

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. 1547—An act to amend Sections 6710 and 6714 of the Business and Professions Code, relating to engineers.

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. 1548—An act to amend Sections 4800 and 4804.5 of the Business and Professions Code, relating to veterinary medicine.

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. 1549—An act to amend Sections 5510, 5517, 5620, 5621, and 5622 of the Business and Professions Code, relating to architects.

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. 1587—An act to add Section 14776 to the Government Code, relating to state government.

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. 1834—An act to add Chapter 22.7 (commencing with Section 22650) to Division 8 of the Business and Professions Code, relating to business.

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. 1893**—An act to amend Sections 21625, 21626, 21626.5, 21627, 21628, 21628.5, 21630, 21631, 21640, 21641, 21642, and 21647 of, to add Sections 21628.2, 21628.3, 21632, 21636.7, and 21636.8 to, and to repeal and add Section 21628.1 of, the Business and Professions Code, and to amend Sections 21208, 21300, 21300.1, and 21301 of, and to add Sections 21301.2 and 21301.3 to, the Financial Code, relating to personal 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. 1914—An act to amend Sections 7011.4, 7028.1, 7048, 7068, 7071.9, 7071.11, 7083, 7085, 7090.1, 7121, 7137, 8024, 8024.1, 8024.2, and 8027 of, and to repeal Sections 7019.5, 7021, and 7124.5 of, the Business and Professions Code, relating to professions and vocations.

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 7, 2004

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 524

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

OROPEZA, Chair

Above bill ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: June 9, 2004

Mr. Speaker: Your Committee on Housing and Community Development reports: Senate Bill No. 1818

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Local Government.

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Local Government

Date of Hearing: June 9, 2004

 $Mr.\ Speaker:\ Your\ Committee\ on\ Local\ Government\ reports:$

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Transportation.

SALINAS, Chair

Above bill ordered to second reading.

Committee on Water, Parks and Wildlife

Date of Hearing: June 8, 2004

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 89

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

CANCIAMILLA, Chair

Above bill ordered to second reading.

Committee on Governmental Organization

Date of Hearing: June 14, 2004

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1226 Senate Bill No. 1288 Senate Bill No. 1584

With the recommendation: Do pass.

JEROME HORTON, Chair

Above bills ordered to second reading.

Date of Hearing: June 14, 2004

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1183 Senate Bill No. 1647

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

JEROME HORTON, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 14, 2004

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1324 Senate Bill No. 1812

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

JEROME HORTON, Chair

Above bills re-referred to the Committee on Appropriations.

INTRODUCTION OF GUESTS

Assembly Member Strickland, of the 37th Assembly District, introduced Teresa Nunez, daughter of Assembly Speaker Fabian Nunez.

Assembly Member Dymally, of the 52nd Assembly District, introduced Jimmie Lee Solomon, Senior Vice President of Baseball Operations, Major League Baseball.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 7 a.m., Tuesday, June 15, 2004, out of respect to the memory of Ray Charles, on motion of Assembly Members Dymally, Wesson, Cohn, Longville, Ridley-Thomas, and Jackson; out of respect to the memory of Bob Bennyhoff, on motion of Assembly Member Spitzer; out of respect to the memory of Maxine R. Wilson, on motion of Assembly Member Vargas; out of respect to the memory of Lance Corporal Benjamin Gonzales, on motion of Assembly Member Chu; out of respect to the memory of John William Hartnett, Jr., on motion of Assembly Member Corbett; out of respect to the memory of Ora Mae Collier, on motion of Assembly Member Steinberg; and out of respect to the memory of Barbara Jean McCown, Elizabeth Marie Hart, Joe L. Branham, Howard Q. Lin, Allison Adams Valentin, Phillip J. Walker, John Francis Furtado, Bruce Edward Jones, and Carl Irvin Kramer, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JUNE 14, 2004

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

ACR	RN	SB	$\mathbf{R}\mathbf{N}$
240	0411593	1526	0411803
SB	RN	1542	0412160
18	0412183	1543 1544	0412192 0412182
136	0412011	1547	0412185
429	0412045	1548	0412186
509	0411741	1549	0412193
792	0412141	1568	0411778
922	0411723	1587	0411973
1084	0411828	1722	0412046
1307	0412194	1834	0411748
1436	0412061	1873	0411343
1439	0412987	1892	0411977
1480	0411978	1893	0411411
1481	0411469	1914	0411785

Daily Total: 28 **Cumulative Total:** 4903

Amendments were considered by the Assembly, but not adopted, to the following measures:

ACA

(Samuelian amendments, RN0410824, laid upon the table) 25