

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, June 18, 2003**

**NINETY-FIRST SESSION DAY**

**ONE HUNDRED NINETY-NINTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, June 18, 2003

The Assembly met at 7 a.m.

Hon. Simon Salinas, Assembly Member, 28th 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	Dymally	Levine	Pacheco
Bates	Frommer	Lieber	Parra
Benoit	Garcia	Liu	Pavley
Berg	Goldberg	Longville	Plescia
Bermudez	Hancock	Lowenthal	Reyes
Calderon	Harman	Maddox	Richman
Campbell	Haynes	Maldonado	Ridley-Thomas
Canciamilla	Horton, Jerome	Matthews	Runner
Chavez	Horton, Shirley	Maze	Salinas
Chu	Houston	McCarthy	Samuelian
Cogdill	Jackson	Montanez	Simitian
Cohn	Keene	Mountjoy	Spitzer
Corbett	Kehoe	Mullin	Steinberg
Correa	Koretz	Nakanishi	Vargas
Cox	La Malfa	Nakano	Wiggins
Daucher	La Suer	Nation	Wolk
Diaz	Laird	Negrete McLeod	Wyland
Dutra	Leno	Nunez	Yee
Dutton	Leslie	Oropeza	Mr. Speaker

Quorum present.

**At 1:27 p.m., Hon. Joe Canciamilla, 11th 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 Bogh and Chan.*

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

*Because of illness: Assembly Member Firebaugh.*

**EXPLANATIONS OF ABSENCE**

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

June 16, 2003

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

Dear Assembly Speaker Wesson,

This letter is a request to be excused from Check-in Session on Wednesday, June 18th, 2003 for legislative business in my District.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member  
Sixty-fifth District

June 16, 2003

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

Dear Speaker Wesson: I am requesting to be excused from Check-In Session on Wednesday, June 18, 2003, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

June 18, 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 George Nakano to the Select Committee on the Highway Patrol.

Sincerely,

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 18, 2003

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

Assembly Bill No. 349

Assembly Bill No. 700

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, June 18, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Joint Resolution No. 34

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 115—Canciamilla (Coauthor: Senator Torlakson).** Relative to the Inspector Raymond J. Giacomelli Memorial Overcrossing.

#### AUTHOR'S AMENDMENTS

##### Committee on Veterans Affairs

June 18, 2003

Mr. Speaker: The Chair of your Committee on Veterans Affairs reports:

Senate Bill No. 1008

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

PARRA, Chair

**SENATE BILL NO. 1008**—An act to amend Sections 999 and 999.9 of, and to add Section 999.14 to, the Military and Veterans Code, and to add Section 10115.9 to the Public Contract Code, relating to veterans.

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 Education

June 18, 2003

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

Senate Bill No. 678

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

GOLDBERG, Chair

**SENATE BILL NO. 678**—An act to add Section 35182.6 to the Education Code, relating to pupils.

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 Education

June 18, 2003

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

Senate Bill No. 145

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

GOLDBERG, Chair

**SENATE BILL NO. 145**—An act to amend Sections 56505, 56505.1, and 56506 of the Education Code, relating to special education.

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 18, 2003

Mr. Speaker: The Chair of your Committee on Health reports:  
Senate Bill No. 617  
Senate Bill No. 858

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

FROMMER, Chair

**SENATE BILL NO. 617**—An act to amend Section 1639 of, and to add Sections 1639.35 and 7158.3 to, the Health and Safety Code, relating to anatomical gifts.

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. 858**—An act to add Section 104466 to the Health and Safety Code, relating to tobacco control, 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 Revenue and Taxation**

June 18, 2003

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Senate Bill No. 285  
Senate Bill No. 663  
Senate Bill No. 1009

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

CHAVEZ, Chair

**SENATE BILL NO. 285**—An act to amend, repeal, and add Section 18533 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.

**SENATE BILL NO. 663**—An act to amend Section 3704.7 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.

**SENATE BILL NO. 1009**—An act to amend Sections 6487 and 7101 of, and to add Sections 6452.1, 6487.3, and 18510 to, 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 18, 2003

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Senate Bill No. 33

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

CORREA, Chair

**SENATE BILL NO. 33**—An act to amend Sections 17590, 17591, 17592, 17593, 17594 of, and to repeal Section 17595 of, the Business and Professions Code, relating to telephone solicitations, 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 Public Safety**

June 18, 2003

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

Senate Bill No. 278

Senate Bill No. 781

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

LENO, Chair

**SENATE BILL NO. 278**—An act to amend Section 3041 of, and to add Title 2.5 (commencing with Section 3550) to Part 3 of, the Penal Code, relating to prisoners, 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. 781**—An act to amend Section 3042 of Penal Code, relating to parole.

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 18, 2003

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 Sections 790.03 and 791.12 of, and to add Section 1861.17 to, 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 Health**

June 18, 2003

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

Assembly Bill No. 363

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

FROMMER, Chair

**ASSEMBLY BILL NO. 363**—An act to add Sections 17053.15 and 23608.15 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 18, 2003

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Senate Bill No. 33

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

CORREA, Chair

**SENATE BILL NO. 33**—An act to amend Sections 17590, 17591, 17592, 17593, 17594 of, and to repeal Section 17595 of, the Business and Professions Code, relating to telephone solicitations, 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 Public Employees, Retirement and Social Security**

June 18, 2003

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

Senate Bill No. 85

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

NEGRETE McLEOD, Chair

**SENATE BILL NO. 85**—An act to amend Section 31780.2 of the Government Code, relating to county 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.

**REPORTS OF STANDING COMMITTEES**

**Committee on Housing and Community Development**

Date of Hearing: June 18, 2003

Mr. Speaker: Your Committee on Housing and Community Development reports:  
Senate Bill No. 109  
Senate Bill No. 305  
Senate Bill No. 306

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

LOWENTHAL, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 18, 2003

Mr. Speaker: Your Committee on Housing and Community Development reports:  
Senate Bill No. 353  
Senate Bill No. 639

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

LOWENTHAL, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 18, 2003

Mr. Speaker: Your Committee on Housing and Community Development reports:  
Senate Bill No. 491

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 bill be placed on the Consent Calendar.

LOWENTHAL, Chair

Above bill ordered to second reading.

Date of Hearing: June 18, 2003

Mr. Speaker: Your Committee on Housing and Community Development reports:  
Senate Bill No. 116

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

LOWENTHAL, Chair

Above bill re-referred to the Committee on Judiciary.

**Committee on Water, Parks and Wildlife**

Date of Hearing: June 17, 2003

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

Senate Joint Resolution No. 8

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.

CANCIAMILLA, Chair

Above resolution ordered to Consent Calendar.

Date of Hearing: June 17, 2003

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

Senate Bill No. 978

With the recommendation: Do pass, and be re-referred to the Committee on Arts, Entertainment, Sports, Tourism, and Internet Media.

CANCIAMILLA, Chair

Above bill re-referred to the Committee on Arts, Entertainment, Sports, Tourism, and Internet Media.

Date of Hearing: June 17, 2003

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

Senate Bill No. 572

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 bill be placed on the Consent Calendar.

CANCIAMILLA, Chair

Above bill ordered to second reading.

Date of Hearing: June 17, 2003

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

Senate Bill No. 412

With the recommendation: Do pass.

CANCIAMILLA, Chair

Above bill ordered to second reading.



**Committee on Utilities and Commerce**

Date of Hearing: June 16, 2003

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 118

Senate Bill No. 185

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

REYES, Chair

Above bills ordered to second reading.

Date of Hearing: June 16, 2003

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 168

With amendments with the recommendation: Do pass as amended, and be re-referred to the Committee on Natural Resources with the recommendation: To Consent Calendar.

REYES, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 302

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

CORBETT, Chair

Above bill re-referred to the Committee on Higher Education.

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 25

Senate Bill No. 283

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

CORBETT, Chair

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

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 156

Senate Bill No. 455

With the recommendation: Do pass.

CORBETT, Chair

Above bills ordered to second reading.

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 59

Senate Bill No. 129

Senate Bill No. 144

Senate Bill No. 219

Senate Bill No. 777

Senate Bill No. 940

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

CORBETT, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 139

Senate Bill No. 399

Senate Bill No. 660

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

CORBETT, Chair

Above bills re-referred to the Committee on Appropriations.

#### **Committee on Human Services**

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 984

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

WOLK, Chair

Above bill re-referred to the Committee on Judiciary.

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 693

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

WOLK, Chair

Above bill re-referred to the Committee on Appropriations.

#### **Committee on Education**

Date of Hearing: June 11, 2003

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 606

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

GOLDBERG, Chair

Above bill ordered to second reading.

#### **Committee on Judiciary**

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 333

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

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: June 10, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 220

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

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: June 10, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 134

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

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Concurrent Resolution No. 4

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

CORBETT, Chair

Above resolution re-referred to the Committee Appropriations.

Date of Hearing: June 17, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Joint Resolution No. 35

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.

CORBETT, Chair

Above resolution ordered to Consent Calendar.

**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. 818, 182, and 567** ordered to third reading;

**Senate Bill No. 651**, ordered to the Consent Calendar.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 377**—An act to amend Sections 124555 and 124710 of, and to add Section 124586 to, the Health and Safety Code, relating to health, and making an appropriation therefor.

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

**SENATE BILL NO. 110**—An act to amend Sections 3400 and 10129 of the Public Contract Code, relating to public contracting.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 290**—An act to amend Section 51226.3 of the Education Code, relating to instruction.

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

**SENATE BILL NO. 469**—An act to amend Section 60242 of the Education Code, relating to instructional materials.

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

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, June 19, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 18, 2003**

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

**AB RN**  
363 0313764

**SB RN**  
33 0313944  
64 0314243  
85 0314075  
145 0313950  
278 0314086  
285 0313994  
290 0313879  
377 0313985  
469 0313927  
617 0314161  
663 0313925  
678 0314039  
781 0313672  
858 0313146  
1008 0313939  
1009 0314066

**Daily Total: 17**  
**Cumulative Total: 2090**

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