

CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, June 23, 2004

**TWO HUNDRED EIGHTEENTH SESSION DAY
FIVE HUNDRED SEVENTIETH 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 23, 2004

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th 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—79:

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

Quorum present.

At 11:48 a.m., Hon. Patricia Wiggins, 7th 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 Member was granted leave of absence for the day:

Because of illness: Assembly Member Nakanishi.

COMMUNICATIONS

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

June 23, 2004

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Lloyd Levine to fill the Democratic vacancy on the Assembly Judiciary Committee for the Thursday, June 24th hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Judiciary, on Thursday, June 24, 2004, in Room 444;

Public Safety, on Thursday, June 24, 2004, upon adjournment of Floor Session, in the Tom Bane Rules Committee Room;

Transportation, on Thursday, June 24, 2004, upon adjournment of Floor Session, in Room 437.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 23, 2004

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

Assembly Bill No. 2268

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, June 23, 2004

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

Assembly Joint Resolution No. 89

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, June 23, 2004

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

Assembly Concurrent Resolution No. 235

Assembly Concurrent Resolution No. 239

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

AUTHOR'S AMENDMENTS**Committee on Utilities and Commerce**

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Senate Bill No. 1478

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

REYES, Chair

SENATE BILL NO. 1478—An act to amend Sections 25740, 25743, 25744, and 25748 of, and to repeal Sections 25745 and 25749 of, the Public Resources Code, and to amend Sections 399.11, 399.12, 399.13, 399.14, 399.15, and 399.16 of, and to add Section 399.17 to, the Public Utilities Code, relating to energy.

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 Appropriations

June 23, 2004

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

Senate Bill No. 1525

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

CHU, Chair

SENATE BILL NO. 1525—An act to amend Section 104150 of the Health and Safety Code, and to amend Sections 11024.3, 14105.18, 14132, 24001, 24003.2, 24003.5, and 24027 of the Welfare and Institutions 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

June 23, 2004

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

Senate Bill No. 1401

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

CHU, Chair

SENATE BILL NO. 1401—An act to add and repeal Section 20239 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.

REPORTS OF STANDING COMMITTEES
Committee on Human Services

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 1178

Senate Bill No. 1860

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

WOLK, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 855

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

WOLK, Chair

Above bill ordered to second reading.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Human Services reports:
Senate Bill No. 1365

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

WOLK, Chair

Above bill ordered to second reading.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Human Services reports:
Senate Bill No. 1639

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

WOLK, Chair

Above bill ordered to second reading.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Human Services reports:
Senate Bill No. 1662

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

WOLK, Chair

Above bill ordered to second reading.

Committee on Education

Date of Hearing: June 16, 2004

Mr. Speaker: Your Committee on Education reports:
Senate Bill No. 1380
Senate Bill No. 1421

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

GOLDBERG, Chair

Above bills ordered to second reading.

Committee on Judiciary

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Judiciary reports:
Senate Bill No. 1090
Senate Bill No. 1457

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.

Committee on Health

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Health reports:
Senate Bill No. 391

With the recommendation: Do pass, and be re-referred to the Committee on Environmental Safety and Toxic Materials.

COHN, Chair

Above bill re-referred to the Committee on Environmental Safety and Toxic Materials.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Health reports:
Senate Bill No. 1494

With the recommendation: Do pass.

COHN, Chair

Above bill ordered to second reading.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 260	Senate Bill No. 1359
Senate Bill No. 431	Senate Bill No. 1692
Senate Bill No. 1159	Senate Bill No. 1845
Senate Bill No. 1302	

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

COHN, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 1426	Senate Bill No. 1850
Senate Bill No. 1792	Senate Bill No. 1913

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

COHN, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 419

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

COHN, Chair

Above bill ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 512

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

LAIRD, Chair

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1451
Senate Bill No. 1490

With the recommendation: Do pass.

CORBETT, Chair

Above bills ordered to second reading.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 199

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

CORBETT, Chair

Above bill re-referred to the Committee on Utilities and Commerce.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1269

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

CORBETT, Chair

Above bill re-referred to the Committee on Transportation.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1822

With amendments with the recommendation: Amend, and re-refer to the Committee on Judiciary.

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1764

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

CORBETT, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Appropriations

Date of Hearing: June 23, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2268

With the recommendation: Do pass.

CHU, Chair

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 1781

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

LENO, Chair

Above bill re-referred to the Committee on Governmental Organization.

Committee on Appropriations

Date of Hearing: June 23, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Senate Constitutional Amendment No. 18

With the recommendation: Be adopted.

CHU, Chair

Above resolution ordered to third reading.

Date of Hearing: June 23, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1169

With the recommendation: Do pass.

CHU, Chair

Above bill ordered to second reading.

Committee on Business and Professions

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 136

Senate Bill No. 1548

Senate Bill No. 1149

Senate Bill No. 1549

Senate Bill No. 1307

Senate Bill No. 1563

Senate Bill No. 1542

Senate Bill No. 1735

Senate Bill No. 1543

Senate Bill No. 1757

Senate Bill No. 1544

Senate Bill No. 1865

Senate Bill No. 1546

Senate Bill No. 1914

Senate Bill No. 1547

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

CORREA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 928

Senate Bill No. 1754

Senate Bill No. 1587

Senate Bill No. 1758

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

CORREA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 1130

Senate Bill No. 1154

Senate Bill No. 1691

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

CORREA, Chair

Above bills ordered to second reading.

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 1274

Senate Bill No. 1520

Senate Bill No. 1355

Senate Bill No. 1765

With the recommendation: Do pass.

CORREA, Chair

Above bills ordered to second reading.

Committee on Transportation

Date of Hearing: June 21, 2004

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 1848

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

OROPEZA, Chair

Above bill ordered to second reading.

Committee on Business and Professions

Date of Hearing: June 22, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 1436

With amendments with the recommendation: Amend, and re-refer to the Committee on Business and Professions.

CORREA, Chair

Above bill ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: June 23, 2004

Mr. Speaker: Your Committee on Housing and Community Development reports:

Senate Bill No. 492

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

LOWENTHAL, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 23, 2004

Mr. Speaker: Your Committee on Housing and Community Development reports:

Senate Bill No. 1176

Senate Bill No. 1228

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.

Committee on Judiciary

Date of Hearing: June 15, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1590

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

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: June 15, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1150

With the recommendation: Do pass, as amended.

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.

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing: June 15, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1569

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

CORBETT, Chair

Above bill ordered to second reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1730—An act to amend Sections 316, 340, 1000, 1001, 1201, 1202, 1500, 6180, and 6952 of the Elections Code, and to amend Section 84200.4 of the Government Code, relating to primary elections.

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

SENATE BILL NO. 703—An act to add Sections 13202.2 and 23593 to the Vehicle Code, relating to theft of diesel fuel.

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

SENATE BILL NO. 1453—An act to amend Section 1401 of the Labor Code, relating to employment.

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

SENATE BILL NO. 1538—An act to amend Section 226.7 of the Labor Code, relating to compensation.

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

SENATE BILL NO. 1841—An act to add Section 436 to the Labor Code, relating to electronic monitoring of employees.

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

SENATE BILL NO. 1901—An act to add Section 6713 to the Labor Code, relating to safety in employment.

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

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; amendments proposed by the Committee on Local Government read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1703—An act to add Division 32 (commencing with Section 60000) to the Public Resources Code, relating to the environment.

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. 945—An act to amend Sections 21083, 21086, and 21151.4 of, and to repeal Section 21087 of, the Public Resources Code, relating to environmental quality.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1278—An act to amend Sections 4562.9 and 4663 of, and to repeal Sections 4205 and 4563.5 of, the Public Resources Code, relating to natural resources.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1362—An act to add Section 25218.13 to the Health and Safety Code, and to add Sections 40190.5, 41502, and 41512 to the Public Resources Code, relating to solid waste.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1884—An act to amend Section 42231 of the Public Resources Code, and to repeal Section 13 of Chapter 60 of the Statutes of 1993, relating to solid waste.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1173—An act to amend Section 22962 of the Business and Professions Code, relating to tobacco products.

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

SENATE BILL NO. 1524—An act to amend Section 19858 of the Business and Professions Code, relating to gambling.

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

SENATE BILL NO. 673—An act to amend Section 142263 of the Public Utilities Code, relating to transportation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1210—An act to add Part 6 (commencing with Section 22400) to Division 2 of the Public Contract Code, to amend Section 217 of, and to add and repeal Sections 217.7, 217.8, and 217.9 of, the Streets and Highways Code, relating to highways.

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

SENATE BILL NO. 1793—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

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

SENATE BILL NO. 557—An act to add Article 10 (commencing with Section 4629) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest practices, and making an appropriation therefor.

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. 764—An act to amend Section 205.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

SENATE BILL NO. 1903—An act to amend Section 1262 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

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

SENATE BILL NO. 1245—An act to add and repeal Article 8 (commencing with Section 89270) of Chapter 2 of Part 55 of the Education Code, relating to the California State University.

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

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

Senate Bill No. 1577.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, June 24, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 23, 2004**

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

ACR RN
242 0412959

SB RN
557 0413016
703 0412492
764 0412969
1173 0412348
1210 0412936
1245 0412477
1401 0412679
1453 0412701
1478 0413101
1524 0412610
1525 0412879
1538 0412695
1703 0412722
1730 0412665
1793 0412935
1832 0412828
1841 0412218
1901 0412691
1903 0412560

Daily Total: 20
Cumulative Total: 5099

O