

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Sunday, July 6, 2003**

**ONE HUNDREDTH SESSION DAY**

**TWO HUNDRED SEVENTEENTH 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

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Sunday, July 6, 2003

The Assembly met at 4 p.m.  
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,  
presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Cohn moved a quorum call of the Assembly.  
Motion carried. Time, 4:01 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 4:07 p.m., Speaker pro Tempore Kehoe declared a quorum of the  
Assembly present.

The roll call was completed, and the following answered to their  
names—78:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	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	Wiggins
Corbett	Koretz	Nakano	Wolk
Correa	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	

**PRAYER**

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

*O Lord, You are the restoration of those who fall and You have delivered us from many dangers, unworthy as we are of Your help and providence. Look now upon our lowliness and visit us often in Your compassion. Sanctify us and save us and let us receive the most perfect promise of eternal life.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kehoe, Assembly Member Dutra 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 Chan, 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 Member Ridley-Thomas.*

*Because of illness: Assembly Member Firebaugh.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

July 6, 2003

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

Dear Mr. Speaker: I write to request permission to be excused, for legislative business, from Floor Session on Sunday, July 6, 2003.

Should you have any questions regarding this request, please contact me at 319-2048. Thank you for your consideration of this request.

Sincerely,

MARK RIDLEY-THOMAS, Assembly Member  
Forty-eighth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 6, 2003

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

Assembly Bill No. 578

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

July 6, 2003

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

Senate Bill No. 211

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

WOLK, Chair

**SENATE BILL NO. 211**—An act to add Article 9 (commencing with Section 1569.880) to Chapter 3.2 of Division 2 of the Health and Safety Code, relating to care facilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Banking and Finance**

July 6, 2003

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Senate Bill No. 283

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

WIGGINS, Chair

**SENATE BILL NO. 283**—An act to amend Sections 9102, 9304, 9309, 9321, 9408, and 9521 of the Commercial Code, to amend Section 12194 of the Government Code, and to amend Section 5907 of the Vehicle Code, relating to commercial law.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Elections, Redistricting and Constitutional Amendments**

July 6, 2003

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

Senate Bill No. 613

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

LONGVILLE, Chair

**SENATE BILL NO. 613**—An act to add Section 17 to, and to repeal and add Section 14200 of, the Elections Code, relating to elections.

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.

**CAUCUS ANNOUNCEMENTS**

At 4:08 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 4:08 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 5:21 p.m., the Assembly reconvened.  
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF SPECIAL ORDER—SENATE BILL NO. 1043**

The hour having arrived, Senate Bill No. 1043 was taken up.  
(NOTE: Special Order set for 4 p.m.)

**SENATE BILL NO. 1043 (Committee on Budget and Fiscal Review)**—An act relating to public social services.

Bill read third time.

**Motion to Amend**

Assembly Member Campbell moved the adoption of amendments.  
Amendments read and adopted; bill ordered reprinted.

**Consideration of Senate Bill No. 1043, as Amended,  
by Unanimous Consent**

Assembly Member Campbell was granted unanimous consent to take up Senate Bill No. 1043, as amended, without reference to file, for purpose of consideration.

**SENATE BILL NO. 1043 (Committee on Budget and Fiscal Review)**—An act relating to making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read.

**Additional Time for Debate Granted**

Without objection, Assembly Members Mountjoy and Reyes were granted additional time for debate.

**Assembly Rule 112 Suspended**

Assembly Member La Suer was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor during debate.

The question being on the adoption of the urgency clause.

Urgency clause refused adoption by the following vote:

**AYES—27**

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

**NOES—45**

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

**Motion to Reconsider Senate Bill No. 1043  
on Next Legislative Day**

Assembly Member Nunez moved to reconsider on the next legislative day the vote whereby the urgency clause to Senate Bill No. 1043 was this day refused adoption.

Senate Bill No. 1043 ordered to the unfinished business file.

**UNFINISHED BUSINESS**

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 100 and Senate Bill No. 1041 were continued until the next legislative day.

**CONSIDERATION OF CONSENT CALENDAR**

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

**Consent Calendar—Senate Bill**

**SENATE BILL NO. 745 (Ashburn)**—An act to amend Sections 66418.2 and 66426 of the Government Code, relating to land use.

Bill read third time, and passed by the following vote:

**AYES—78**

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	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	Wiggins
Corbett	Koretz	Nakano	Wolk
Correa	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	

**NOES—None**

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 252**—An act to amend Section 7634 of, to add Section 7635.5 to, and to add Article 1.5 (commencing with Section 7645) to Chapter 4 of Part 3 of Division 12 of, the Family Code, relating to paternity.

Bill read second time, and ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 59**—An act to add Section 366.28 to the Welfare and Institutions Code, relating to adoption.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 75**—An act to add Section 1164.15 to the Labor Code, relating to employment.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 127**—An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 129**—An act to amend Section 77202 of the Government Code, relating to trial courts.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 144**—An act to add Section 68511.6 to the Government Code, relating to courts.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 237**—An act to amend Sections 4453.5 and 5753 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 308**—An act to amend Section 14132.47 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 353**—An act to amend Section 51335 of, and to add Section 51065.5 to, the Health and Safety Code, relating to housing.

Bill read second time, and ordered to third reading.

**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, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 565**—An act to amend Section 52941 of the Food and Agricultural Code, relating to agriculture, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 690**—An act to amend Section 19605.52 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 777**—An act to amend Sections 1102.5 and 1106 of, and to add Sections 1102.6, 1102.7, 1102.8, and 1102.9 to, the Labor Code, relating to whistleblowers.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 79**—An act to amend Sections 73c, 73d, 90, 116.250, 116.310, 196, 208, 431.30, and 575.1 of the Code of Civil Procedure, to amend Section 16603 of the Election Code, to amend Section 1811 of the Family Code, to amend Section 17647 of the Financial Code, to amend Section 12157 of the Fish and Game Code, to amend Section 21856 of the Food and Agricultural Code, to amend Sections 20437, 24151, 24250.1, 40230, 68079, 68100, 68108, 68620, 69841, 71601, and 71622 of, to repeal Sections 68112, 68112.5, 68114, 68114.5, 68114.5, 68114.6, 68114.6, 69595.5, 69741, 69742, 69743, 69744, 69744.5, 69745, 69745.5, 69746, 69746.5, 69747, 69848, 69848.1, 69749, 69749.2, 69749.3, 69749.4, 69751.5, 69752, 69891, 69893, 69894.2, 69902.5, 71081, 73648, and 74748 of, to repeal Article 6 (commencing with Section 69790) of Chapter 5 of, Article 9 (commencing with Section 71340) of Chapter 6 of, and Article 36 (commencing with Section 74920) of Chapter 10 of, to repeal and add Section 69740 of, and to repeal and add Article 4 (commencing with Section 69640) of Chapter 5 of, Title 8 of, the Government Code, to amend Section 4042 of the Harbors and Navigation Code, to amend Sections 825, 830.1, 853.6a, 896, 900, 904, 908, 908.1, 908.2, 1269b, 1463.28, and 3075 of, and to repeal Section 903 of, the Penal Code, to amend Section 7814 of the Public Utilities Code, to amend Section 30865 of the Streets and Highways Code, to amend Sections 1816, 13105, 13352, 13352.3, 13355, 23520, 23521, and 40502 of the Vehicle Code, and to amend Sections 258 and 654.1 of, and to repeal Section 247 of, the Welfare and Institutions Code, relating to courts.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 109**—An act to amend Section 33080.8 of, and to add Section 33080.10 to, the Health and Safety Code, relating to redevelopment.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 118**—An act to amend Section 303 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 139**—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to abandoned newborns.

Bill read second time, and ordered to Consent Calendar.



**SENATE BILL NO. 242**—An act to amend Section 81130.3 of, and to add Article 3 (commencing with Section 81050) to Chapter 1 of Part 49 of, the Education Code, relating to community colleges.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 255**—An act to add Section 12077.5 to the Penal Code, relating to firearms.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 305**—An act to amend Sections 18021.7, 50530.5, and 50545 of the Health and Safety Code, relating to housing.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 316**—An act to amend Section 11165.7 of the Penal Code, relating to mandated reporters.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 378**—An act to amend Section 4467 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 399**—An act to amend Sections 6401 and 6402 of the Family Code, relating to foreign protection orders.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 637**—An act to amend Section 38025 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 660**—An act to add Section 2024.5 to the Family Code, relating to court files.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 730**—An act to amend Section 1773 of the Labor Code, relating to prevailing wages.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 873**—An act to amend Section 11105.3 of the Penal Code, and to amend Section 828 of, and to repeal Sections 204 and 725.1 of, the Welfare and Institutions Code, relating to criminal history.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 968**—An act to amend Sections 186.2 and 186.8 of the Penal Code, relating to organized crime.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1068**—An act to amend Section 12463 of the Government Code, relating to the Controller.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 185**—An act to amend Sections 398.4 and 398.5 of the Public Utilities Code, relating to electricity.

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

**SENATE BILL NO. 736**—An act to amend Sections 17550.4, 17550.13, 17550.14, 17550.20, 17550.21, 17550.37, 17550.41, and 17550.47 of, to add Section 17550.42 to, and to repeal Article 2.5 (commencing with Section 17540) of Chapter 1 of Part 3 of Division 7 and Sections 17550.34 and 17550.59 of, the Business and Professions Code, relating to sellers of travel.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**SENATE BILL NO. 10**—An act to repeal Section 26134 of the Water Code, relating to irrigation districts.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 392**—An act to amend Sections 5060, 5070, 5101.6, 5108, 5132, 5302.5, 5303, 5361, 10301, 10311.1, 10353, and 10366 of, to add Sections 5132.1, 5132.2, 5132.3, and 5132.4 to, and repeal Sections 5108.1, 5108.2, 5220, 5221, 5222, 10310, 10310.2, and 10311 of, the Streets and Highways Code, relating to local agency assessments.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 806**—An act to amend Sections 65089.6, 65302, 65563, 66484, and 66484.3 of the Government Code, to amend Section 99150 of the Public Utilities Code, to amend Section 75.9 of the Streets and Highways Code, and to amend Sections 21101 and 35701 of the Vehicle Code, relating to land use.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 833**—An act to add Section 6533 to the Government Code, and to amend Section 1220 of, and to amend and repeal Section 1011.5 of, the Water Code, relating to water.

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

**SENATE BILL NO. 654**—An act to amend Section 8557, 10644, and 10753.7 of the Water Code, relating to water, and making an appropriation therefor.

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

**SENATE BILL NO. 200**—An act to add and repeal Section 10233.1 of the Insurance Code, relating to long-term care insurance.

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 Health.

**SENATE BILL NO. 582**—An act to add Article 4.5 (commencing with Section 110423.100) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to public health.

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. 114**—An act to amend Section 53084 of the Government Code, and to amend Section 33426.7 of the Health and Safety Code, relating to local government.

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

**MOTION TO ADJOURN**

At 8:53 p.m., Assembly Member Nunez moved that the Assembly do now adjourn.

Assembly Member Strickland seconded the motion.

**REMARKS ON CONDITION OF THE FILE**

Assembly Members Canciamilla, Richman, Goldberg, and Haynes arose to speak on the condition of the file.

**FURTHER CONSIDERATION OF MOTION TO ADJOURN**

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

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:02 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**ADJOURNMENT**

At 9:03 p.m., pursuant to the motion by Assembly Member Nunez, the Assembly adjourned until 11 a.m., Monday, July 7, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 6, 2003**

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

<b>SB</b>	<b>RN</b>
114	0315608
185	0314658
200	0315596
211	0315620
283	0315559
582	0315498
613	0315367
654	0315046
736	0314759
833	0314783
1043	0315460

<b>Daily Total:</b>	<b>11</b>
<b>Cumulative Total:</b>	<b>2337</b>

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