

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, July 8, 2003**

**ONE HUNDRED SECOND SESSION DAY  
TWO HUNDRED NINETEENTH 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  
Tuesday, July 8, 2003

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—77:

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

Quorum present.

**At 11:47 a.m., Hon. Kevin McCarthy, 32nd 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 personal business, and waiving per diem: Assembly Member Maldonado.*

*Because of illness: Assembly Member Firebaugh.*

*Because of illness in his family: Assembly Member Dutra.*

**COMMUNICATIONS**

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

July 7, 2003

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

Dear Dotson: Please be advised that I have appointed Assemblymember Loni Hancock to replace Assemblymember Wilma Chan on the Assembly Health Committee for the Tuesday, July 8th hearing only.

Sincerely,

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

July 7, 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 Lloyd Levine to fill the vacancy on the Assembly Judiciary Committee for the Tuesday, July 8th hearing only.

Sincerely,

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

July 8, 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 Darrell Steinberg to fill the vacancy on the Assembly Elections, Redistricting and Constitutional Amendments Committee for today's hearing only.

Sincerely,

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

July 8, 2003

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

Dear Dotson: This is to advise you that I have created the Select Committee on Gasoline Competition, Marketing, and Pricing and have appointed Assemblymember Christine Kehoe as the Chair.

Sincerely,

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 7, 2003

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

Assembly Bill No. 80

Assembly Bill No. 1105

Assembly Bill No. 376

Assembly Bill No. 1537

Assembly Bill No. 774

And reports the same correctly enrolled, and presented to the Governor on the 7th day of July, 2003, at 4:30 p.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

July 8, 2003

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

Senate Bill No. 151

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

STEINBERG, Chair

**SENATE BILL NO. 151**—An act to amend Sections 11165.1 and 11166 of, to amend and repeal Sections 11159.2, 11162, 11168, and 11169 of, to amend, repeal, and add Sections 11161, 11164, 11165, 11167, 11167.5, and 11190 of, to add Sections 11029.5, 11161.5, 11161.7, 11162.1, and 11162.6 to, and to add, repeal, and add Section 11164.1 to, the Health and Safety Code, relating to controlled 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 Utilities and Commerce**

July 8, 2003

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

Senate Bill No. 888

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

REYES, Chair

**SENATE BILL NO. 888**—An act to amend Sections 348, 352, 364, 367, 377, 379, 392, and 9604 of, to amend and renumber Section 454.1 of, to add Sections 330.1, 330.4, 330.6, 367.5, 393.2, 454.51, 454.55, and 454.10, to, to repeal Sections 334, 338, 341.1, 341.5, 346, 350, 355, 356, 359, 360, 361, 365.5, 366.5, 367.7, 370, 373, 376, 378, 389, 391, 397, 9600, 9601, 9602, 9603, and 9605 of, and to repeal and add Sections 330, 365, and 366 of, 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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Revenue and Taxation**

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- |                     |                      |
|---------------------|----------------------|
| Senate Bill No. 43  | Senate Bill No. 566  |
| Senate Bill No. 92  | Senate Bill No. 663  |
| Senate Bill No. 103 | Senate Bill No. 760  |
| Senate Bill No. 157 | Senate Bill No. 1009 |
| Senate Bill No. 448 | Senate Bill No. 1016 |

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

CHAVEZ, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 80   | Senate Bill No. 1061 |
| Senate Bill No. 1059 | Senate Bill No. 1062 |
| Senate Bill No. 1060 | Senate Bill No. 1064 |

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

CHAVEZ, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- Senate Bill No. 1065

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

CHAVEZ, Chair

Above bill ordered to second reading.

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- Senate Bill No. 1063

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.

CHAVEZ, Chair

Above bill ordered to second reading.

**Committee on Human Services**

Date of Hearing: July 1, 2003

Mr. Speaker: Your Committee on Human Services reports:

- Senate Bill No. 591

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: July 1, 2003

Mr. Speaker: Your Committee on Human Services reports:

- Senate Bill No. 577

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 Natural Resources**

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 707

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

JACKSON, Chair

Above bill re-referred to the Committee on Local Government.

**Committee on Jobs, Economic Development, and the Economy**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Senate Bill No. 403

Senate Bill No. 926

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

RIDLEY-THOMAS, Chair

Above bills re-referred to the Committee on Appropriations.

**Committee on Natural Resources**

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 288

Senate Bill No. 999

Senate Bill No. 1074

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

JACKSON, Chair

Above bills re-referred to the Committee on Appropriations.

**Committee on Human Services**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 211

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 Transportation**

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Joint Resolution No. 7

With the recommendation: Be adopted.

DUTRA, Chair

Above resolution ordered to third reading.

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 232

Senate Bill No. 408

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

DUTRA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 915

With the recommendation: Do pass.

DUTRA, Chair

Above bill ordered to second reading.

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 314

Senate Bill No. 795

Senate Bill No. 708

Senate Bill No. 916

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

DUTRA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 656

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

DUTRA, Chair

Above bill ordered to second reading.

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 315

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

DUTRA, Chair

Above bill ordered to second reading.

**Committee on Business and Professions**

Date of Hearing: July 1, 2003

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

Senate Bill No. 186

Senate Bill No. 907

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

CORREA, Chair

Above bills ordered to second reading.

**Committee on Judiciary**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 494

With the recommendation: Do pass.

CORBETT, Chair

Above bill ordered to second reading.

**MESSAGES FROM THE GOVERNOR**

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

**Veto Message—Assembly Bill No. 799**

Governor's Office, Sacramento

July 7, 2003

*To Members of the California State Assembly:*

I am returning Assembly Bill 799 without my signature.

This bill allows the Area Agencies on Aging (AAAs) to conduct an initial competitive bid process to select a provider for the Linkages and Alzheimer's Day Care Resource Center (ADCRC) programs. After this initial process, this bill allows the AAAs to continue contracting with the same service provider without conducting another competitive bid process unless the AAA determines it is in the best interest of the State to do so.

While I sympathize with the goals of the bill, it is inconsistent with Executive Order D-02-55, which I signed on May 20, 2002 that requires open and competitive bidding be used to the greatest extent possible in awarding state contracts. In addition, state policy mirrors federal requirements by mandating open and free competition. Open and competitive bidding ensures that state agencies and California taxpayers receive the best value for the goods and services purchased, and that all eligible providers have equal access and opportunity to provide these goods and services. The California Code of Regulations requires AAAs to obtain goods and services through open and competitive awards at least once every four years. This requirement is very reasonable and should be retained.

For these reasons, I am returning the bill.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 7th day of July 2003 at 8:52 p.m., of Assembly Bill No. 799, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 131**—An act to amend Section 11357 of the Health and Safety Code, relating to controlled substances.

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. 238**—An act to amend Sections 666.7, 11108.3, 12021, 12028, 12074, 12077, 12201, 12280, 12285, 12287, 12290, and 12301 of the Penal Code, relating to deadly weapons.

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. 631**—An act to amend Sections 1202.4, 1202.45, and 1214 of, and to add Section 1202.44 to, the Penal Code, relating to restitution, and declaring the urgency thereof, to take effect immediately.

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. 824**—An act to amend Sections 12071, 12074, 12077, and 12082, of the Penal Code, relating to firearms.

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. 993**—An act to amend Section 602 of the Penal Code, relating to trespass.

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. 752**—An act to amend Sections 853.5 and 853.6 of the Penal Code, and to amend Sections 40303, 40305, 40305.5, 40500, and 40504 of the Vehicle Code, relating to identification.

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. 802**—An act to amend Sections 164.14 and 164.19 of the Streets and Highways Code, relating to transportation.

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. 799**—An act to amend Section 36102 of, and to add Section 36013 to, the Vehicle Code, relating to vehicles.

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. 728**—An act to amend Section 69432.7 of the Education Code, relating to student financial aid.

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. 54**—An act to amend Sections 18300, 18610.5, 18865, and 18872.1 of, and to add Section 18407 to, the Health and Safety Code, relating to mobilehomes.

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

**SENATE BILL NO. 93**—An act to amend Sections 25350, 25350.60, and 25537 of the Government Code, relating to county real property.

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. 262**—An act to amend Section 4458 of, and to add Sections 4459.5, 4459.6, 4459.7, and 4459.8 to, the Government Code, and to amend Sections 19954 and 19958.5 of, and to add Section 19958.6 to, the Health and Safety Code, relating to building standards, and making an appropriation therefor.

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

**SENATE BILL NO. 515**—An act to add Section 425.17 to the Code of Civil Procedure, relating to civil actions.

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

**SENATE BILL NO. 196**—An act to amend Section 13201 of, and to add and repeal Section 13201.1 of, the Water Code, relating to California regional water quality control boards.

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

**SENATE BILL NO. 812**—An act to add Section 6719 to, and to repeal Section 6718 of, the Government Code, and to repeal Section 1 of Chapter 155 of the Statutes of 2002, relating to Juneteenth National Freedom Day.

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

**SENATE BILL NO. 88**—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

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.

#### **UNFINISHED BUSINESS**

#### **MOTION TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 100, Senate Bill No. 1041, and Senate Bill No. 1043 were continued until the next legislative day.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, July 9, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 8, 2003

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

<b>SB</b>	<b>RN</b>
54	0315561
88	0315617
93	0315632
131	0314875
151	0315647
196	0315412
238	0315170
262	0315442
515	0315444
631	0315436
728	0315268
752	0315434
799	0315370
802	0315522
812	0315547
824	0315392
888	0315798
993	0314898

<b>Daily Total:</b>	<b>18</b>
<b>Cumulative Total:</b>	<b>2359</b>

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