

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, July 8, 2004

**TWO HUNDRED TWENTY-SEVENTH SESSION DAY
FIVE HUNDRED EIGHTY-FIFTH 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
Thursday, July 8, 2004

The Assembly met at 7 a.m.

Hon. Jay La Suer, Assembly Member, 77th 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—47:

Bates	Diaz	Lieber	Plescia
Benoit	Dutton	Lowenthal	Reyes
Berg	Garcia	Maddox	Richman
Bermudez	Goldberg	Matthews	Runner
Bogh	Harman	Maze	Spitzer
Calderon	Haynes	McCarthy	Steinberg
Campbell	Horton, Shirley	Montanez	Strickland
Canciamilla	Houston	Mountjoy	Wiggins
Chu	Keene	Nakanishi	Wolk
Cogdill	La Suer	Nation	Wyland
Cohn	Leslie	Negrete McLeod	Mr. Speaker
Cox	Levine	Pavley	

Quorum present.

**At 1:25 p.m., Assistant Speaker pro Tempore Sally Lieber,
22nd 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 Chan, Chavez, Corbett, Correa, Daucher, Dutra, Firebaugh, Hancock, Jerome E. Horton, Jackson, Kehoe, Koretz, La Malfa, Laird, Leno, Liu, Longville, Nakano, Oropeza, Pacheco, Parra, Ridley-Thomas, Salinas, Samuelian, Simitian, Wesson, and Yee.

On legislative business, and waiving per diem: Assembly Members Frommer and Mullin.

On personal business, and waiving per diem: Assembly Members Maldonado and Vargas.

Because of illness: Assembly Members Aghazarian and Dymally.

(Note: Per diem is waived by the following Assembly Members until passage of the Budget: Correa, p. 6619; Maldonado, p. 6633; and Kehoe, p. 6717.)

EXPLANATIONS OF ABSENCE

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

July 7, 2004

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

Dear Speaker Nunez: I am requesting to be excused for Check-In Session on Thursday, July 8, 2004, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

July 7, 2004

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

Dear Mr. Speaker Nunez: I respectfully request that I be excused from check-in session on Thursday, July 8, 2004. The purpose is to tend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member
Fifty-seventh District

July 7, 2004

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

Dear Mr. Speaker: I would like to request permission to be excused from check-in session on Thursday, July 8, 2004. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns, please feel free to call me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member
Eighteenth District

July 8, 2004

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

Dear Speaker Nunez: I am writing to respectfully request that I be excused from floor/check-in session on Thursday, July 8, 2004, due to legislative business.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact my office at (916) 319-2069.

Thank you.

Sincerely,

LOU CORREA, Assembly Member
Sixty-ninth District

July 8, 2004

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

Dear Speaker Nunez: While I was in my Capitol office this morning, I neglected to check in before I returned to my District. Please excuse me on legislative business.

I appreciate your consideration of this request. Please contact Chris Mowrer at 319-2072 with any questions. Thank you.

Sincerely,

LYNN DAUCHER, Assembly Member
Seventy-second District

July 7, 2004

Office of Assembly Speaker Fabian Nunez

Please excuse me from check-in session on Thursday, July 8, 2004. I will be conducting legislative business in my district.

Thank you,

JOHN A. DUTRA, Assembly Member
Twentieth District

July 8, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Thursday, July 8, 2004. I will be in my district on legislative business. I am available at your request, should you need my assistance during the on-going budget negotiations.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2050.

Sincerely,

MARCO ANTONIO FIREBAUGH, Assembly Member
Fiftieth District

July 7, 2004

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

Dear Mr. Speaker: I respectfully request an excuse for Check-In Session on July 8, 2004, to attend meetings in my District Office. I will waive per diem.

Thank you for your attention to this request. If you have any questions, please telephone my scheduler, Maria Campos, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member
Forty-third District

July 7, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check-in on Thursday, July 8, 2004 so that I may attend to legislative business in my district.

Should you have any questions please contact my Capitol office.
Thank you for your assistance.

Sincerely,

LONI HANCOCK, Assembly Member
Fourteenth District

July 7, 2004

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-In Session on Thursday, July 8, 2004, due to legislative business in my district. I will be returning to Sacramento on Friday, July 9, 2004, in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

July 7, 2004

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

Dear Mr. Speaker,

Please excuse me from check-in session on Thursday, July 8, 2004, as I will be on legislative business in my district. If it changes to floor session, I will return within the four hour time frame.

Thank you for your prompt attention to this request. Please contact Linda Forrest in my Capitol office should you have any questions.

Sincerely,

HANNAH-BETH JACKSON, Assembly Member
Thirty-fifth District

July 7, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from Check-In Session on Thursday, July 8, 2004 due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CHRISTINE KEHOE, Assembly Member
Seventy-sixth District

July 7, 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 check in and/or session on July 8, 2004 due to legislative business. I will be available to travel back to Sacramento with minimal notification if needed. If you have any questions or concerns please contact Leticia Klein in my office at 916-319-2042.

Sincerely,

PAUL KORETZ, Assembly Member
Forty-second District

July 8, 2004

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

Dear Mr. Speaker: I respectfully request permission to be excused from check in session on Thursday, July 8, 2004. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

DOUG LA MALFA, Assembly Member
Second District

July 7, 2004

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

Dear Speaker Nunez: This letter is to request permission to be excused from Check-In Session on Thursday, July 8, 2004 due to legislative business in my district.

Thank you for your consideration of this request. Should you have any questions, please feel free to call me at 916-319-2027.

Sincerely,

JOHN LAIRD, Assembly Member
Twenty-seventh District

July 8, 2004

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-in Session on Thursday, July 8, 2004 due to legislative business in my district.

If you have any questions, please contact Elaine Knight in my Capitol office at 319-2013.

Thank you for your attention to this request.

Sincerely,

MARK LENO, Assembly Member
Thirteenth District

July 8, 2004

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-In today due to legislative business.

Please contact my assistant, Robin Robinson at x2470 if you have any questions.

Thank you for your favorable consideration of this request.

Sincerely,

CAROL LIU, Assembly Member
Forty-fourth District

July 8, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Thursday, July 8, 2004 due to legislative business in my district.

Thank you for your consideration of this request. If your staff should have any further questions or require additional information, please feel free to contact Traci Holt at 319-2062.

Respectfully,

JOHN LONGVILLE, Assembly Member
Sixty-second District

July 7, 2004

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session Thursday, July 8, 2004 to attend to legislative business in my District.

Thank you for your consideration of this request. Should you have any questions please contact Dagny Bruce of my staff at 319-2053.

Sincerely,

GEORGE NAKANO, Assembly Member
Fifty-third District

July 7, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Thursday, July 8, 2004, due to legislative business in my district.

Thank you for consideration of this request. Please contact my Legislative Director, Mercedes Flores, at 916-319-2055 if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth District

July 7, 2004

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

Dear Speaker Nunez: I respectfully request that I be excused from check in session for Thursday July 8th. I have legislative business in my district that requires my attendance and will unfortunately prevent me from checking in. Should you have any questions regarding my absence, please do not hesitate to contact my office at (916) 319-2060.

Thank you in advance for your consideration of this matter.

Sincerely,

ROBERT PACHECO, Assembly Member
Sixtieth District

July 7, 2004

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

Dear Mr. Speaker: I write to request permission to be excused from Check-In Session on Thursday, July 8, 2004. I have legislative commitments in my District.

Thank you for your assistance in this matter. If you have any questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Lourdes Machado, at (916) 319-2048.

With hope,

MARK RIDLEY-THOMAS, Assembly Member
Forty-eighth District

July 7, 2004

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

Dear Mr. Speaker: I am writing to respectfully request to be excused from Check-In Session on Thursday, July 8, 2004.

If you have any questions about this request, please feel free to contact Jalene Romo in my Capitol Office.

Sincerely,

SIMÓN SALINAS, Assembly Member
 Twenty-eighth District

July 8, 2004

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

Dear Speaker Nunez: I am respectfully requesting to be excused from check-in session today, July 8, 2004 because I have meetings scheduled in my district.

Should you have any questions regarding my absence, please do not hesitate to contact my office at (916) 319-2029.

Thank you in advance for your consideration in this matter.

Sincerely,

STEVE SAMUELIAN, Assembly Member
 Twenty-ninth District

July 8, 2004

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

Dear Speaker Nunez,

This is a request to be excused from Check-In Session on Thursday, July 8, 2004. I have legislative business in the district.

Thank you for your consideration of this request.

Sincerely,

S. JOSEPH SIMITIAN, Assembly Member
 Twenty-first District

July 7, 2004

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

Dear Speaker Nunez: I respectfully request permission to be excused from Session on Thursday, July 8, 2004, for legislative business.

Sincerely,

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

July 7, 2004

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

Dear Speaker Nunez: I respectfully request that I be excused from the Assembly Check-In Session on Thursday July 8th. I will be in my district during that time attending to legislative business.

Sincerely,

LELAND Y. YEE, PH.D.
Speaker pro Tempore

(NOTE: For letters explaining the absences of Assembly Members Mullin and Parra on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for July 7, 2004.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 8, 2004

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

- Assembly Concurrent Resolution No. 168
- Assembly Concurrent Resolution No. 178
- Assembly Concurrent Resolution No. 221
- Assembly Joint Resolution No. 61
- Assembly Joint Resolution No. 62
- Assembly Joint Resolution No. 74

And reports the same correctly enrolled, and presented to the Secretary of State on the 8th day of July, 2004, at 2:15 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 8, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 152 | Assembly Bill No. 2207 |
| Assembly Bill No. 1249 | Assembly Bill No. 2238 |
| Assembly Bill No. 1260 | Assembly Bill No. 2257 |
| Assembly Bill No. 1268 | Assembly Bill No. 2313 |
| Assembly Bill No. 1596 | Assembly Bill No. 2496 |
| Assembly Bill No. 1694 | Assembly Bill No. 2845 |
| Assembly Bill No. 1870 | Assembly Bill No. 2913 |
| Assembly Bill No. 1984 | Assembly Bill No. 2920 |
| Assembly Bill No. 2069 | Assembly Bill No. 3078 |

And reports the same correctly enrolled, and presented to the Governor on the 8th day of July, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 252—Mullin. Relative to the California Council on Science and Technology.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

July 8, 2004

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

- | | |
|----------------------|----------------------|
| Senate Bill No. 446 | Senate Bill No. 1307 |
| Senate Bill No. 1089 | Senate Bill No. 1547 |
| Senate Bill No. 1147 | Senate Bill No. 1914 |

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

CHU, Chair

SENATE BILL NO. 446—An act to add Section 6609.5 to the Welfare and Institutions Code, relating to sexually violent predators.

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. 1089—An act to add Section 13481.5 to 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.

SENATE BILL NO. 1147—An act to amend Section 218 of the Revenue and Taxation Code, relating to disaster relief, 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.

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, 4196, 4301, 4305.5, 4331, and 4400 of, to add Sections 4021.5, 4022.5, 4034, 4084, 4085, 4086, 4126.5, 4163.5, and 4168 to, to add and repeal Sections 4053.1, 4162, and 4169 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. 1547—An act to amend Sections 144, 6710, 6714, 6799, 8710, and 8805 of, to add Sections 6750.5, 6780, 6796.4, 8740.5, 8785, 8802.3 to, and to add Article 4.5 (commencing with Section 6770) to Chapter 7 of Division 3 of, and Article 5.7 (commencing with Section 8776) to Chapter 15 of Division 3 of, the Business and Professions Code, relating to professions and vocations, 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.

SENATE BILL NO. 1914—An act to amend Sections 5651, 5657, 5659, 7011.4, 7028.1, 7048, 7068, 7071.9, 7071.11, 7083, 7085, 7090.1, 7121, 7137, 7804, 7806, 7830, 7833, 7835, 7835.1, 7837, 7845, 7852, 7860, 8024.1, 8027, 8764, and 22575 of, to add Section 7843 to, and to repeal Sections 7019.5, 7021, and 7124.5 of, the Business and Professions Code, to amend Sections 9148.8 and 11521 of the Government Code, to amend Sections 25159.12 and 25208.2 of the Health and Safety Code, to amend Section 662 of the Public Resources Code, and to amend Section 13273 of the Water 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 Appropriations

Date of Hearing: June 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1618

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.

CHU, Chair

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 3118—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Assembly Bill No. 3118 Passed and Retained

By unanimous consent Assembly Bill No. 3118 was passed on file, to retain its place on file.

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 1729, ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Monday, July 12, 2004, or upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 8, 2004**

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

SB	RN	
446	0413376	
1089	0413567	
1147	0413856	
1307	0413948	
1547	0414056	
1914	0414093	
Daily Total:		6
Cumulative Total:		5297

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