

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, July 9, 2003**

**ONE HUNDRED THIRD SESSION DAY  
TWO HUNDRED TWENTIETH 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, July 9, 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—78:

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

Quorum present.

**At 1:40 p.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:

*Because of illness: Assembly Member Firebaugh.*

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

**COMMUNICATIONS**

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

July 9, 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 Fabian Nunez to replace Assemblymember John Dutra on the Assembly Housing and Community Development Committee for today's hearing only.

Sincerely,

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 8, 2003

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

Assembly Concurrent Resolution No. 17

Assembly Concurrent Resolution No. 29

Assembly Concurrent Resolution No. 110

And reports the same correctly enrolled, and presented to the Secretary of State on the 8th day of July, 2003, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following resolution was introduced and read the first time:

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 18—Spitzer and Pacheco (Coauthors: Aghazarian, Bates, Benoit, Bogh, Campbell, Cogdill, Cox, Daucher, Dutton, Harman, Haynes, Shirley Horton, Keene, La Malfa, La Suer, Leslie, Maddox, Maze, McCarthy, Nakanishi, Plescia, Runner, Samuelian, Strickland, and Wyland).** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XXXV thereto, relating to sex offender information.

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

July 9, 2003

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

Senate Bill No. 68

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

STEINBERG, Chair

**SENATE BILL NO. 68**—An act to add and repeal Chapter 5.3 (commencing with Section 13368) of Division 7 of 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.

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

July 9, 2003

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

Senate Bill No. 617

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

STEINBERG, 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.

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

July 9, 2003

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

Senate Bill No. 649

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

STEINBERG, Chair

**SENATE BILL NO. 649**—An act to add Section 20676 to the Public Contract Code, and to amend Sections 2207, 2717, and 2774 of the Public Resources Code, relating to mining.

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 Natural Resources**

July 9, 2003

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 18

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

JACKSON, Chair

**SENATE BILL NO. 18**—An act to amend Section 5097.94 of the Public Resources Code, relating to Native American sacred places, 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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Higher Education**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Higher Education reports:

Senate Bill No. 338

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

LIU, Chair

Above bill re-referred to the Committee on Education.

**Committee on Utilities and Commerce**

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Utilities and Commerce reports:  
Senate Bill No. 720

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

REYES, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:  
Senate Bill No. 20

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

LAIRD, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:  
Senate Bill No. 411

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

LAIRD, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Higher Education**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Higher Education reports:

Senate Bill No. 259

Senate Bill No. 821

Senate Bill No. 359

Senate Bill No. 967

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

LIU, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Higher Education reports:

Senate Bill No. 302

Senate Bill No. 452

Senate Bill No. 680

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

LIU, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Higher Education reports:

Senate Bill No. 41

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

LIU, Chair

Above bill ordered to second reading.

**Committee on Elections, Redistricting and Constitutional Amendments**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Senate Bill No. 530

Senate Bill No. 1072

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

LONGVILLE, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Senate Bill No. 604

Senate Bill No. 1024

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

LONGVILLE, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Senate Bill No. 149

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

LONGVILLE, Chair

Above bill ordered to second reading.

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Senate Bill No. 348

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.

LONGVILLE, Chair

Above bill ordered to second reading.

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Senate Bill No. 589

With the recommendation: Do pass.

LONGVILLE, Chair

Above bill ordered to second reading.

**Committee on Banking and Finance**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 283

Senate Bill No. 735

Senate Bill No. 684

Senate Bill No. 787

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 bills be placed on the Consent Calendar.

WIGGINS, Chair

Above bills ordered to second reading.

**Committee on Water, Parks and Wildlife**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 277

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

CANCIAMILLA, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Banking and Finance**

July 9, 2003

Mr. Speaker: Your Committee on Banking and Finance reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1

WIGGINS, Chair

Above bill ordered filed with the Chief Clerk.

**Committee on Public Employees, Retirement and Social Security**

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 85

Senate Bill No. 440

Senate Bill No. 253

Senate Bill No. 625

With the recommendation: Do pass.

NEGRETE McLEOD, Chair

Above bills ordered to second reading.

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 270

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.

NEGRETE McLEOD, Chair

Above bill ordered to second reading.

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 268

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

NEGRETE McLEOD, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 99

Senate Bill No. 574

Senate Bill No. 126

Senate Bill No. 626

Senate Bill No. 271

Senate Bill No. 627

Senate Bill No. 436

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

NEGRETE McLEOD, Chair

Above bills re-referred to the Committee on Appropriations.

**Committee on Public Safety**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 434

Senate Bill No. 1032

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

LENO, Chair

Above bills re-referred to the Committee on Appropriations.

**Committee on Utilities and Commerce**

Date of Hearing: July 7, 2003

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

Senate Bill No. 128

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

REYES, Chair

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 762

With the recommendation: Do pass.

LENO, Chair

Above bill ordered to second reading.

**Committee on Public Employees, Retirement and Social Security**

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 274

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

NEGRETE McLEOD, Chair

Above bill ordered to second reading.

**Committee on Governmental Organization**

Date of Hearing: July 7, 2003

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 930

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

JEROME HORTON, Chair

Above bill ordered to second reading.

**Committee on Water, Parks and Wildlife**

Date of Hearing: July 8, 2003

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

Senate Bill No. 245

Senate Bill No. 334

Senate Bill No. 692

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

CANCIAMILLA, Chair

Above bills re-referred to the Committee on Appropriations.



**Committee on Business and Professions**

Date of Hearing: July 9, 2003

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

Senate Bill No. 31

Senate Bill No. 1022

With the recommendation: Do pass.

CORREA, Chair

Above bills ordered to second reading.

Date of Hearing: July 9, 2003

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

Senate Bill No. 252

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.

CORREA, Chair

Above bill ordered to second reading.

Date of Hearing: July 9, 2003

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

Senate Bill No. 361

Senate Bill No. 973

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.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: July 8, 2003

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

Senate Bill No. 1002

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 Banking and Finance**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 562

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

WIGGINS, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: July 1, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 345

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

CORBETT, Chair

Above bill ordered to second reading.

**Committee on Utilities and Commerce**

Date of Hearing: July 7, 2003

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

Senate Bill No. 704

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

REYES, Chair

Above bill ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing: July 7, 2003

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

Senate Bill No. 285

Senate Bill No. 614

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

CHAVEZ, Chair

Above bills ordered to second reading.

**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. 93, 515, and 812**, ordered to third reading;**Senate Bill No. 728**, ordered to the Consent Calendar.**SECOND READING OF SENATE BILLS****SENATE BILL NO. 1065**—An act to amend Sections 17024.5 and 23051.5 of the Revenue and Taxation Code, relating to taxation.

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. 1063**—An act to amend Sections 1610.8, 1614, 3371, 3692, 3698.5, 3698.7, 4112, 4675, and 5104 of, to add Sections 3794.3 and 4672.3 to, and to repeal Sections 1612 and 1613 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 591**—An act to amend Sections 358, 358.1, 361.3, 16002, and 16501.1 of, and to add Sections 16010.4, 16010.5, 16010.6, and 16503.5 to, the Welfare and Institutions Code, relating to dependent children.

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

**SENATE BILL NO. 577**—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of the Welfare and Institutions Code, relating to public social services.

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

**SENATE BILL NO. 915**—An act to amend Sections 66540.14, 66540.16, 66540.20, 66540.40, and 66540.72 of, to add Sections 66540.21 and 66540.29 to, and to repeal Sections 66540.22 and 66540.23 of, the Government Code, relating to transportation.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 656**—An act to add Section 39614 to the Health and Safety Code, relating to air quality.

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. 315**—An act to amend Section 5463 of the Business and Professions Code, to amend Sections 65088.1 and 65089 of the Government Code, to amend Section 20351 of the Public Contract Code, to amend Sections 99315.8, 120050.2, 120051, 120051.6, and 120054 of, to add Section 120051.1 to, and to add Chapter 6 (commencing with Section 125700) to Division 11.5 of, the Public Utilities Code, to amend Sections 10753 and 10753.7 of the Revenue and Taxation Code, to amend Sections 188.8 and 302 of the Streets and Highways Code, and to amend Sections 1800, 1810, 1810.7, 4456, 4466, 5068, 5201, 6700, 9101, 9107, 11204, 12814, 13370, 15250.7, 16000, 16021, 16370.5, 16431, 24609, and 27400 of, and to add Section 11519 to, the Vehicle 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. 186**—An act to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to privacy.

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

**SENATE BILL NO. 907**—An act to amend Sections 101, 144, 146, and 149 of, and to add and repeal Chapter 8.2 (commencing with Section 3610) of Division 2 of, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to the healing arts, and making an appropriation therefor.

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

**SENATE BILL NO. 494**—An act to amend Section 3283 of the Civil Code, relating to arbitration.

Bill read second time, and ordered to third reading.

**UNFINISHED BUSINESS  
MOTIONS TO RECONSIDER BILLS CONTINUED**

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

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 9 a.m., Thursday, July 10, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 9, 2003**

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

<b>SB</b>	<b>RN</b>
18	0315935
68	0315472
186	0315712
315	0315214
577	0315515
591	0315263
617	0315639
649	0315864
656	0315578
907	0315523
1065	0315494

<b>Daily Total:</b>	<b>11</b>
<b>Cumulative Total:</b>	<b>2370</b>

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