

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, July 15, 2003**

**ONE HUNDRED SIXTH SESSION DAY**

**TWO HUNDRED TWENTY-SIXTH 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 15, 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—75:

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

Quorum present.

**At 2:06 p.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 Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Bogh and Pacheco.*

*Because of illness: Assembly Members Dymally and Firebaugh.*

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

**EXPLANATIONS OF ABSENCE**

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

July 14, 2003

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

Dear Assembly Speaker Wesson,

This letter is a request to be excused from Check-in Session on Tuesday, July 15th for legislative business in my District.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member  
Sixty-fifth District

July 14, 2003

*The Honorable Herb Wesson, Speaker  
California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Wesson: I respectfully request that I be excused from Assembly Check-in Session for Tuesday, July 15, 2003. I have legislative business in my district that requires my attendance and will unfortunately prevent me from attending check-in session. 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,

BOB PACHECO, Assembly Member  
Sixtieth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 14, 2003

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

Assembly Bill No. 359  
Assembly Bill No. 365  
Assembly Bill No. 427  
Assembly Bill No. 464  
Assembly Bill No. 504  
Assembly Bill No. 569  
Assembly Bill No. 647  
Assembly Bill No. 690

Assembly Bill No. 706  
Assembly Bill No. 965  
Assembly Bill No. 1019  
Assembly Bill No. 1083  
Assembly Bill No. 1092  
Assembly Bill No. 1538  
Assembly Bill No. 1677

And reports the same correctly enrolled, and presented to the Governor on the 14th day of July, 2003, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 15, 2003

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

Assembly Bill No. 848

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, July 15, 2003

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

Assembly Concurrent Resolution No. 74

And reports the same correctly enrolled, and presented to the Secretary of State on the 15th day of July, 2003, at 12:15 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 15, 2003

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

Assembly Bill No. 583

And reports the same correctly enrolled, and presented to the Governor on the 15th day of July, 2003, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 122—Dutton.** Relative to the Korean War Veterans Armistice Day.

### AUTHOR'S AMENDMENTS Committee on Appropriations

July 15, 2003

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

Senate Bill No. 66

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

STEINBERG, Chair

**SENATE BILL NO. 66**—An act to amend Section 10511 of the Elections Code, to amend Sections 1752, 7902, 12463.1, 16429.1, 25210.3a, 25210.3b, 26922, 30056, 38638, 43002, 50060.5, 53316.2, 55863, 56381, 61601.27, 61601.28, 65048, 66031, 66474.4, and 67657 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, to add Section 25210.9d to, and to repeal Sections 38301, 43006, and 51282.2 of, the Government Code, to amend Sections 4730.65, 6512.7, 13812, 13845, and 40708 of the Health and Safety Code, to amend Section 1203.7 of the Penal Code, to amend Section 2854 of the Probate Code, to amend Sections 22010, 22012, 22017, and 22038 of the Public Contract Code, to amend Sections 5506.3, 5506.5, 5506.10, 5539.4, 5539.9, 35121, 49050, and 49195 of, and to repeal Division 32 (commencing with Section 60000) and Division 32.5 (commencing with Section 60200) of, the Public Resources Code, to amend Sections 15961.5, 19014, 100500, and 105303 of the Public Utilities Code, to amend Sections 6736, 6737, and 6738 of, and to repeal Section 2287 of, the Revenue and Taxation Code, to amend Section 35565.4 of, and to repeal Sections 21267, 30505, 35565.5, 35565.6, 35565.7, and 40501 of, the Water Code, and to add Section 5.20 to Chapter 283 of the Statutes of 1973, relating to local government.

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 15, 2003

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

Senate Bill No. 850

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

LONGVILLE, Chair

**SENATE BILL NO. 850**—An act to amend Sections 8803, 8805, 8806, 8808, 8809, 8810, and 8811 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.

#### **REPORTS OF STANDING COMMITTEES**

##### **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. 430

Senate Bill No. 610

Senate Bill No. 613

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

LONGVILLE, Chair

Above bills ordered to second reading.

##### **Committee on Health**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 606

Senate Bill No. 774

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

FROMMER, Chair

Above bills ordered to second reading.

##### **Committee on Labor and Employment**

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Labor and Employment reports:

Senate Bill No. 796

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

KORETZ, Chair

Above bill ordered to second reading.

##### **Committee on Judiciary**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 122

Senate Bill No. 331

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

CORBETT, Chair

Above bills 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. 67

Senate Bill No. 183

Senate Bill No. 607

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

JACKSON, Chair

Above bills ordered to second reading.

**Committee on Education**

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 140

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

GOLDBERG, Chair

Above bill ordered to second reading.

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 352

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

GOLDBERG, Chair

Above bill ordered to second reading.

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 177

Senate Bill No. 464

Senate Bill No. 588

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 Insurance**

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Insurance reports:

Senate Bill No. 551

Senate Bill No. 620

Senate Bill No. 686

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

VARGAS, Chair

Above bills ordered to second reading.

**Committee on Education**

Date of Hearing: July 9, 2003

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 677

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

GOLDBERG, Chair

Above bill ordered to second reading.

**Committee on Health**

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 490

Senate Bill No. 545

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

FROMMMER, 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. 590

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

CORBETT, Chair

Above bill ordered to second reading.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento  
July 14, 2003

*To the Members of the California Legislature:*

I am signing Assembly Bill 1228 which would declare that it is the intent of the Legislature to recognize the Federal Communications Commission's regulations that require that local regulations (1) reasonably accommodate structures needed by amateur radio stations and (2) be in compliance with federal statutes.

In signing this bill, I also want to acknowledge the thousands of Californians who are licensed amateur radio operators and who each year give thousands of hours of volunteer service to the state and local governments. They have a long and proud record of helping the state during times of natural disasters and emergencies. Since the September 11, 2001, attack on America, we also have come to rely on them and appreciate their commitment to the security and well being of all Californians.

Sincerely,

GRAY DAVIS

**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. 814 and 674**, ordered to third reading;

**Senate Bills Nos. 223, 899, 1007, 1071, 842, and 1076**, ordered to the Consent Calendar.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 428**—An act to amend Section 1575.5 of, and to repeal and add Section 1575.9 of, the Health and Safety Code, and to amend Sections 14526, 14552, 14573, 14574, and 14574.1 of, and to add Sections 14552.1 and 14552.2 to, the Welfare and Institutions Code relating to adult day health care.

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

**SENATE BILL NO. 81**—An act to amend Section 44259.1 of the Education Code, relating to teacher training.

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.

**SENATE BILL NO. 971**—An act to add Sections 89500.3, 89500.5, and 89500.7 to 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.

**SENATE BILL NO. 624**—An act to amend Section 19826 of, and to repeal Sections 19994.20 and 19996.40 of, the Government Code, relating to state personnel administration.

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

**SENATE BILL NO. 292**—An act to amend Section 4076 of the Business and Professions Code, relating to pharmacy.

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. 376**—An act to amend Section 2401 of, and to add Section 2401.1 to, the Business and Professions Code, relating to healing arts.

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. 877**—An act to add Section 1054.10 to the Penal Code, relating to discovery, 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 returned to the second reading file.

**SENATE BILL NO. 1081**—An act to amend Sections 1603.1, 1603.2, 1603.3, 1603.4, 1621.5, and 120990 of the Health and Safety Code, relating to human blood.

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. 853**—An act to amend Section 1367 of, and to add Section 1367.04 to, the Health and Safety Code, and to add Section 10133.4 to the Insurance Code, relating to health care coverage.

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. 969**—An act to amend Sections 4999.2 and 4999.7 of the Business and Professions Code, and to amend Section 1348.8 of the Health and Safety Code, relating to health care service plans.

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. 130**—An act to add Division 1.5 (commencing with Section 1180) to the Health and Safety Code, relating to mental 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. 418**—An act to repeal and add Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, relating to fish and wildlife, and making an appropriation therefor.

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. 146**—An act to amend Section 1632 of the Civil Code, relating to contracts.

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

**SENATE CONCURRENT RESOLUTION NO. 11**—Relative to HIV and AIDS drug treatment.

Resolution read; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

**SENATE BILL NO. 619**—An act to amend Sections 65008, 65400, 65589.5, and 65914 of, and to add Section 65589.4 to, the Government Code, to amend Sections 50650.3, 50650.4, and 50650.5 of the Health and Safety Code, and to amend Section 30604 of the Public Resources Code, relating to housing.

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. 965**—An act to amend Section 33334.3 of the Health and Safety Code, and to amend Section 1011 of the Military and Veterans Code, relating to veterans, and declaring the urgency thereof, to take effect immediately.

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. 707**—An act to add Section 21151.3 to the Public Resources Code, relating to environmental quality.

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. 556**—An act to amend, add, and repeal Section 52124 of the Education Code, relating to class size, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 338**—An act to amend Sections 48800, 48800.5, 48802, 76001, and 76002 of the Education Code, relating to public schools.

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

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO  
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communications were presented permitting the introduction of Assembly bills:

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Frommer to introduce a bill relating to Political Reform Act. Request No. 0316063.

HERB J. WESSON, JR.  
Speaker of the Assembly

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Wolk to introduce a bill relating to Political Reform Act. Request No. 0315539.

HERB J. WESSON, JR.  
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1784**—Wolk (Coauthors: Bates, Canciamilla, Chu, Correa, Daucher, Shirley Horton, Nakano, Negrete McLeod, Richman, and Wiggins). An act to amend Section 87102 and to add Section 87102.7 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1785**—Frommer (Coauthors: Bates, Canciamilla, Chu, Correa, Daucher, Shirley Horton, Nakano, Negrete McLeod, Richman, Wiggins, and Wolk). An act to amend Section 86205 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 4:50 p.m., the Assembly adjourned until 7 a.m., Wednesday, July 16, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 15, 2003**

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

<b>SB</b>	<b>RN</b>
66	0315994
81	0316163
130	0316116
146	0316024
292	0316087
338	0316077
376	0316086
418	0316004
428	0316003
556	0316088
619	0316152
624	0316051
707	0316268
850	0316222
853	0316171
877	0315889
965	0316153
969	0316166
971	0315975
1081	0316112

<b>SCR</b>	<b>RN</b>
11	0316019

<b>Daily Total:</b>	<b>21</b>
<b>Cumulative Total:</b>	<b>2435</b>

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