

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, July 16, 2003**

**ONE HUNDRED SEVENTH SESSION DAY**

**TWO HUNDRED TWENTY-SEVENTH 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 16, 2003

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—71:

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

Quorum present.

**At 12:10 p.m., Hon. Rebecca Cohn, 24th 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 Chavez, Maddox, Pacheco, Salinas, and Strickland.*

*On personal business, and waiving per diem: Assembly Members Correa and Liu.*

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

**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 J. Wesson, Jr.*

*Speaker*

*California State Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Mr. Speaker Wesson: I respectfully request that I be excused from Session or Check-in Session on Wednesday, July 16, 2003. I will be away from my capitol office attending to legislative business and will be unable to return before the Assembly Desk closes at 3:30.

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 14, 2003

*The Honorable Herb Wesson*

*Speaker of the California State Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Mr. Speaker: I respectfully request authorization to be absent from check-in session on Wednesday, July 16th. I will be in my district on legislative business.

Thank you for your consideration of my request.

Sincerely,

KEN MADDOX, Assembly Member  
Sixty-eighth District

July 16, 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 Wednesday, July 16, 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

July 14, 2003

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

Dear Mr. Speaker: I am writing to request permission to be excused from Assembly Check-In Session for Wednesday, July 16, 2003 as I will be attending to important legislative business in my district. Please contact Jalene Romo in my Capitol Office with any questions about this request.

Sincerely,

SIMÓN SALINAS, Assembly Member  
Twenty-eighth District

July 15, 2003

*Hon. Herb Wesson  
Speaker of the Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from Assembly Session on Wednesday, July 16, 2003. I have legislative business in my District Office.

If you have any questions regarding this request, please contact Tim Anaya in my Capitol Office at 319-2037.

Sincerely,

TONY STRICKLAND, Assembly Member  
Thirty-seventh District

#### COMMUNICATIONS

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

July 15, 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 Gene Mullin to replace Assemblymember Lou Correa on the Assembly Appropriations Committee for the Wednesday, July 16th hearing only.

Sincerely,

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

July 16, 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 Judy Chu to replace Assemblymember Marco Firebaugh on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

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

**PROPOSED INITIATIVES**

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Pig Confinement.  
Initiative Statute. SA 2003RF0020**

Referred by the Speaker to the Committee on Agriculture.

**Pig Crates.  
Initiative Statute. SA 2003RF0021**

Referred by the Speaker to the Committee on Agriculture.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Committee on Human Services to convene jointly with the Senate Committee on Health and Human Services, on Wednesday, August 20, 2003, at 1:30 p.m., in Room 4203;

Natural Resources, on Monday, July 28.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 123—Levine (Coauthors: Dymally, Longville, Nunez, Strickland, and Wiggins) (Coauthor: Senator Cedillo).** Relative to advance deposit wagering.

**ASSEMBLY CONCURRENT RESOLUTION NO. 124—Firebaugh.** Relative to Educational Opportunity Programs Month.

**HOUSE RESOLUTION NO. 35—Dymally.** Relative to the Immigrant Workers Freedom Ride.

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

July 16, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 413

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

STEINBERG, Chair

**SENATE BILL NO. 413**—An act to amend Section 9757.5 of the Welfare and Institutions Code, relating to health insurance.

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 16, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 257

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

STEINBERG, Chair

**SENATE BILL NO. 257**—An act to amend Section 52052.5 of the Education Code, relating to pupil testing, 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.

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

July 16, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 965

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

STEINBERG, Chair

**SENATE BILL NO. 965**—An act to add and repeal Section 33334.29 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; 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 Governmental Organization**

Date of Hearing: July 16, 2003

Mr. Speaker: Your Committee on Governmental Organization reports:  
Senate Constitutional Amendment No. 1

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

JEROME HORTON, Chair

Above resolution re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 15, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 518  
Assembly Bill No. 1399

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, July 15, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 798  
 Assembly Bill No. 1273  
 Assembly Bill No. 1773

GREGORY P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, July 15, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 21

GREGORY P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, July 16, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Burton, Aanestad and Speier as a Committee on Conference concerning:

**Senate Bill No. 2.**

GREGORY P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Senate Chamber, July 16, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Burton, Aanestad and Speier as a Committee on Conference concerning:

**Assembly Bill No. 1527.**

GREGORY P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Senate Chamber, July 16, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Burton, Aanestad and Speier as a Committee on Conference concerning:

**Assembly Bill No. 1528.**

GREGORY P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

**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. 877 and 146**, ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 430**—An act to amend, repeal, and add Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

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

**SENATE BILL NO. 610**—An act to amend Section 12302 of, to amend and repeal Section 12309 of, and to add Section 12309.5 to, the Elections Code, relating to elections.

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

**SENATE BILL NO. 613**—An act to amend Sections 2194, 14217, 14310, and 14311 of, and to add Sections 17, 2124, and 14402.5 to, and to repeal and add Section 14200 of, the Elections Code, and to amend Section 6254.4 of the Government Code, relating to elections.

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

**SENATE BILL NO. 606**—An act to amend Section 49455 of the Education Code, relating to pupil 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. 774**—An act to amend Sections 4140, 4142, 4145, and 4147 of, to add Sections 4142.2, 4142.4, 4142.6, and 4142.8 to, and to repeal Section 4146 of, the Business and Professions Code, and to amend Sections 11364 and 11364.5 of the Health and Safety Code, relating to hypodermic needles and syringes.

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. 796**—An act to add Part 13 (commencing with Section 2698) to Division 2 of the Labor Code, relating to employment.

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

**SENATE BILL NO. 122**—An act to add Sections 17204.6, 17204.7, 17204.8, and 17204.9 to the Business and Professions Code, relating to unfair competition.

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. 331**—An act to add Section 340.8 of the Code of Civil Procedure, relating to toxic injuries.

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. 67**—An act to amend Section 399.14 of the Public Utilities Code, relating to energy.

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



**SENATE BILL NO. 183**—An act to amend Section 25401.6 of, and to add Chapter 8.6 (commencing with Section 25740) to Division 15 of, the Public Resources Code, and to amend Sections 383.6, 394.25, and 399.8 of, and to repeal Sections 383.5, 383.7, 399.6, 399.8, and 445 of, the Public Utilities Code, relating to energy.

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

**SENATE BILL NO. 607**—An act to amend Section 14509.4 of the Public Resources, relating to beverage container recycling.

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

**SENATE BILL NO. 140**—An act to amend Section 46601.5 of, and to amend, add, and repeal Section 48204 of, the Education Code, relating to school attendance, 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. 352**—An act to amend Sections 17074.30 and 17213 of the Education Code, and to amend Section 21151.8 of the Public Resources 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.

**SENATE BILL NO. 177**—An act relating to school finance, 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. 464**—An act to amend Section 56341 of the Education Code, relating to special education.

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. 588**—An act to amend Section 33128 of, and to add and repeal Section 17463.5 of, the Education Code, relating to school finance.

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. 551**—An act to add Section 758.5 to the Insurance Code, relating to auto 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 Appropriations.

**SENATE BILL NO. 620**—An act to amend Sections 787, 1725.5, 10127.10, 10127.13, and 10509.8 of, and to add Sections 789.9, 789.10, 1724, 1749.8, and 10127.17 to, the Insurance Code, relating to 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 Appropriations.

**SENATE BILL NO. 686**—An act to amend Section 674.6 of, to add Section 674.8 to, and to add Chapter 5 (commencing with Section 11890) to Part 3 of Division 2 of, the Insurance Code, relating to long-term care facilities.

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 Appropriations.

**SENATE BILL NO. 677**—An act to amend Section 49431 of, and to add Section 49431.5 to, the Education Code, relating to schools.

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

**SENATE BILL NO. 490**—An act to amend Section 4052 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. 545**—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacists.

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. 590**—An act to add Section 1798.80.5 to the Civil Code, relating to personal information.

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.

#### ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, July 17, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 16, 2003**

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

<b>SB</b>	<b>RN</b>	
67	0316108	
122	0316033	
140	0316394	
177	0316078	
183	0315896	
257	0316271	
331	0316321	
352	0316081	
413	0316372	
430	0316008	
464	0316400	
490	0316125	
545	0316395	
551	0316232	
588	0316084	
590	0316322	
606	0316345	
607	0315910	
610	0316200	
613	0316012	
620	0316172	
677	0316431	
686	0316176	
774	0316330	
796	0316206	
965	0316347	
<b>Daily Total:</b>		<b>26</b>
<b>Cumulative Total:</b>		<b>2461</b>