

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, July 19, 2004**

**TWO HUNDRED THIRTIETH SESSION DAY  
FIVE HUNDRED NINETY-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  
Monday, July 19, 2004

The Assembly met at 4:01 p.m.  
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,  
presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called, and the following answered to their names—72:

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

Quorum present.

**At 4:47 p.m., Hon. Tony Strickland, 37th 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 Houston, Liu, and Runner.*

*On personal business, and waiving per diem: Assembly Members Campbell, Diaz, Hancock, and Koretz.*

*Because of illness: Assembly Member Levine.*

**EXPLANATIONS OF ABSENCE**

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

July 19, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check-in Session today, Monday, July 19, 2004 for legislative meetings in my district.

If you have any questions, please contact Julianna Thomas in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member  
Fifteenth District

July 19, 2004

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

Dear Mr. Speaker: I am travelling today on legislative business to attend two conferences.

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 19, 2004

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

Dear Speaker Nunez: I am writing to respectfully request an excused absence on legislative business from session today. I will be attending the funeral of Los Angeles County Fire Captain Dave Elkins who died in the line of duty in a fatal traffic accident after fulfilling an 18-hour shift on a major fire in my district.

Thank you in advance for your favorable consideration of my request. Please contact Will Smith in my office at 319-2036 should you have any questions regarding my request.

Sincerely,

SHARON RUNNER, Assembly Member  
Thirty-sixth District

**COMMUNICATIONS**

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

July 19, 2004

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

Dear Mr. Speaker: Since the budget bill was not passed by July 2, 2004 do not issue my per diem for travel or living expenses for the period from July 2 until the date the budget bill is passed. This forfeited travel and living expenses may not be paid to me retroactively.

Thank you for executing my request.

Sincerely,

REBECCA COHN, Assembly Member  
Twenty-fourth District

July 14, 2004

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

Dear Mr. Speaker: I am waiving per diem for today.

Sincerely,

LYNN DAUCHER, Assembly Member  
Seventy-second District

July 16, 2004

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

Dear Mr. Speaker: I wish to waive per diem for today, July 16, 2004.

Sincerely,

LYNN DAUCHER, Assembly Member  
Seventy-second District

July 12, 2004

*Jon Waldie  
Assembly Rules Committee  
State Capitol, Room 3016  
Sacramento, California*

Dear Mr. Waldie: This letter is to request that I not be paid per diem during the timeframe in which the budget is delayed.

Thank you for your attention to my request. Should you have any questions, please contact Cathleen Galgiani, my Chief of Staff, at 916/319-2017.

Sincerely,

BARBARA S. MATTHEWS, Assembly Member  
Seventeenth District

**REPORTS**

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2003-119  
July 14, 2004

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the Los Angeles County Metropolitan Transportation Authority's (MTA) legal and procurement practices. This report concludes that while its legal costs declined in fiscal year 2002-03, the MTA could improve the oversight of these costs by requiring the county of Los Angeles, Office of the County Counsel (County Counsel), to fully implement recommended management tools in its agreements with outside counsel. County Counsel acts as the MTA's general counsel, representing the MTA in transactional matters and monitoring outside counsel. Specifically, the MTA could benefit from the use of case plans and budgets, which provide a blueprint for the conduct of cases and allow an evaluation of the reasonableness of billed legal costs by providing cost estimates with which they may be compared.

The MTA and County Counsel appeared to thoroughly review the expense portion of legal invoices and to enforce most billing rates. Errors related to billing rates or to a lack of required documentary support amounted to only 1 percent of the legal costs we tested. Nevertheless, the MTA and County Counsel often could not show that outside counsel received prior approval for the cost and use of consultants and expert witnesses. In addition, a task-based billing format for invoices—which uses standardized billing codes for legal tasks—would aid in the analysis of legal fees by allowing for a quick determination of how much outside counsel spent on particular legal tasks.

Finally, through a process that spanned 18 months, the MTA procured a construction contract within budget for its Metro Gold Line Eastside Extension Project. After receiving bids for its initial invitation for bid that were significantly above estimate, the MTA revised the scope and other requirements of the project. After a second invitation for bid, the MTA made further changes to the project's scope of work and reduced other costs, allowing it to award a \$600.4 million contract.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Transportation.

The following reports were presented by the Chief Clerk:

**Evaluation of the Success of Removing Mercury-Containing Switches  
from Vehicles and Major Appliances  
(Pursuant to Senate Bill 633, Chapter 656, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Edwin F. Lowery, Director, Department of Toxic Substances Control, dated May 27, 2004, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Transmittal of Public Utilities Commission Report  
on Ongoing Auditing Resources Performance Evaluation  
(Pursuant to Supplemental Report of the 2002 Budget Act)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Deputy Executive Director, Public Utilities Commission, dated June 25, 2004, referred by the Speaker to the Committee on Budget.

**California Energy Resources  
Scheduling Division's Activities and Expenditures Report  
(Pursuant to Water Code Section 80250)**

Above transmitted report, together with letter of transmittal from Lester A. Snow, Director, Department of Water Resources, dated June 29, 2004, referred by the Speaker to the Committee on Utilities and Commerce.

**Minority Women and  
Disabled Veteran-Owned Business Enterprise (DVBE)  
In Contracts  
(Pursuant to Government Code Section 11139.8)**

Above transmitted report, together with letter of transmittal from Frederick Topete, Chief, Business Operations and Program Support, Business, Transportation and Housing Agency, dated June 30, 2004, referred by the Speaker to the Committee on Utilities and Commerce.

**California Worker's Compensation Losses and Expenses  
(Pursuant to Insurance Code Section 11759.1)**

Above transmitted report, together with letter of transmittal from David M. Bellusci, Senior Vice President and Chief Actuary, Worker's Compensation Insurance Rating Bureau, dated June 30, 2004, referred by the Speaker to the Committee on Insurance.

**Crime in California—2003  
(Pursuant to Penal Code Section 13010 (g))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, for Bill Lockyer, Attorney General, Department of Justice, dated June 30, 2004, referred by the Speaker to the Committee on Public Safety.

**Report on Hate Crime in California—2003  
(Pursuant to Penal Code Section 13023)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, for Bill Lockyer, Attorney General, Department of Justice, dated June 30, 2004, referred by the Speaker to the Committee on Public Safety.

**AB 2326 Braille Reading Task Force Report  
(Pursuant to Assembly Bill 2326, Chapter 653, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated July 1, 2004, referred by the Speaker to the Committee on Education.

**Disability Insurance Fund Forecast  
(Pursuant to Unemployment Insurance Code Section 995)**

Above transmitted report, together with letter of transmittal from Herb K. Schultz, Acting Director, Employment Development Department, dated July 1, 2004, referred by the Speaker to the Committee on Insurance.

**Unemployment Insurance (UI) Fund Forecast  
(Pursuant to Unemployment Insurance Code Section 995)**

Above transmitted report, together with letter of transmittal from Herb K. Schultz, Acting Director, Employment Development Department, dated July 1, 2004, referred by the Speaker to the Committee on Budget.

**Unpaid Holocaust-Era Insurance Claims Status Report  
January 2004 through June 2004  
(Pursuant to Insurance Code Section 12967 (e))**

Above transmitted report, together with letter of transmittal from John Garamendi, Insurance Commissioner, dated July 1, 2004, referred by the Speaker to the Committee on Insurance.

**State Compensation Insurance Fund's Ability to Reduce Its Rates  
(Pursuant to Senate Bill 228, Chapter 639, Statutes of 2003)**

Above transmitted report, together with letter of transmittal from John Garamendi, Insurance Commissioner, dated July 8, 2004, referred by the Speaker to the Committee on Insurance.

**Report on Organized Crime in California 2003  
(Pursuant to Government Code Section 15028)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, for Bill Lockyer, Attorney General, Department of Justice, dated July 12, 2004, referred by the Speaker to the Committee on Public Safety.

**2002-03 Emergency Medical Services Fund (EMS) Report  
(Pursuant to Health and Safety Code Section 1797.98b(a)) from:**

Siskiyou County, Ann Cameron, Assistant Auditor-Controller, dated June 29, 2004.

Referred by the Speaker to the Committee on Health.

**California State Controller  
250 California Special Districts with Largest Revenue for 2002-03  
(Pursuant to Senate Bill 282, Chapter 288, Statutes of 2001)**

Above report referenced in communication from Vincent P. Brown, Chief Operating Officer, dated June 30, 2004, stating availability of report at Controller's website.

Referred by the Speaker to the Committee on Local Government.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 16, 2004

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

Assembly Bill No. 279  
 Assembly Bill No. 1787  
 Assembly Bill No. 1855  
 Assembly Bill No. 1930  
 Assembly Bill No. 1951  
 Assembly Bill No. 2355  
 Assembly Bill No. 2409

Assembly Bill No. 2552  
 Assembly Bill No. 2560  
 Assembly Bill No. 2660  
 Assembly Bill No. 2720  
 Assembly Bill No. 2854  
 Assembly Bill No. 3101

And reports the same correctly enrolled, and presented to the Governor on the 16th day of July, 2004, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 16, 2004

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

Assembly Concurrent Resolution No. 142  
 Assembly Concurrent Resolution No. 162  
 Assembly Concurrent Resolution No. 171  
 Assembly Concurrent Resolution No. 175  
 Assembly Concurrent Resolution No. 179  
 Assembly Concurrent Resolution No. 180  
 Assembly Concurrent Resolution No. 185  
 Assembly Concurrent Resolution No. 244  
 Assembly Joint Resolution No. 52  
 Assembly Joint Resolution No. 72  
 Assembly Joint Resolution No. 83

And reports the same correctly enrolled, and presented to the Secretary of State on the 16th day of July, 2004, at 3:15 p.m.

E. DOTSON WILSON, Chief Clerk

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

July 19, 2004

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

Senate Bill No. 449  
 Senate Bill No. 1352

Senate Bill No. 1359  
 Senate Bill No. 1462

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

CHU, Chair

**SENATE BILL NO. 449**—An act to amend Sections 202, 207.1, 636, 706, 707.1, 727, 729.2, and 740 of the Welfare and Institutions Code, relating to wards of the juvenile court.

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. 1352**—An act to amend Sections 6126.3 and 6126.5 of, and to add Sections 6131 and 6132 to, and to repeal Section 6126.6 of, the Penal Code, relating to the Inspector General.

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. 1359**—An act to add Section 14107.13 to the Welfare and Institutions Code, relating to Medi-Cal.

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. 1549**—An act to amend Sections 2455, 2456, 2457, 2472, 2499.5, 5510, 5517, 5620, 5621, 5622, and 5641 of, and to add Sections 5641.1, 5641.2, 5641.3, 5641.4, 5641.6, and 5685 to, 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.

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

July 19, 2004

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

Senate Bill No. 1343

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

CHU, Chair

**SENATE BILL NO. 1343**—An act to add Section 8206.9 to the Education Code, relating to child care and development programs.

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 19, 2004

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

Senate Bill No. 1196

Senate Bill No. 1795

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

CHU, Chair

**SENATE BILL NO. 1196**—An act to amend Section 49557.2 of the Education Code, to amend Section 12693.75 of the Insurance Code, and to amend Section 14005.41 of the Welfare and Institutions Code, relating to health care coverage.

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. 1795**—An act to add Section 66204.1 to the Education Code, relating to career preparation.

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.

**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.

**ADJOURNMENT**

At 5 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

