

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, July 27, 2004

**TWO HUNDRED THIRTY-SECOND SESSION DAY
SIX HUNDRED FOURTH 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
Tuesday, July 27, 2004

The Assembly met at 7 a.m.

Hon. John J. Benoit, Assembly Member, 64th 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—58:

Aghazarian	Dutton	Lowenthal	Plescia
Benoit	Dymally	Maddox	Reyes
Berg	Frommer	Maldonado	Richman
Bermudez	Goldberg	Matthews	Ridley-Thomas
Bogh	Haynes	Maze	Salinas
Calderon	Horton, Shirley	McCarthy	Simitian
Campbell	Jackson	Montanez	Spitzer
Chavez	Kehoe	Mountjoy	Steinberg
Chu	Koretz	Mullin	Strickland
Corbett	La Suer	Nakano	Wesson
Correa	Laird	Nation	Wiggins
Cox	Levine	Negrete McLeod	Wolk
Daucher	Lieber	Oropeza	Mr. Speaker
Diaz	Liu	Parra	
Dutra	Longville	Pavley	

Quorum present.

At 5:39 p.m., Hon. Jackie Goldberg, 45th 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, Houston, Keene, Leslie, Pacheco, Runner, and Samuelian.

On legislative business, and waiving per diem: Assembly Members Cogdill and Wyland.

On personal business, and waiving per diem: Assembly Members Canciamilla, Cohn, Firebaugh, Hancock, La Malfa, Leno, Nakanishi, Vargas, and Yee.

Because of illness: Assembly Members Bates and Jerome Horton.

Because of illness in her family: Assembly Member Garcia.

Because of travel delays: Assembly Member Harman.

EXPLANATIONS OF ABSENCE

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

July 27, 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 Tuesday, July 27, 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 27, 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 for today—Tuesday, July 27, 2004, on legislative business. I am willing to waive per diem.

Thank you for your consideration of this request. If you have any questions, please contact me at 319-2025.

Sincerely,

DAVE COGDILL, Assembly Member
Twenty-fifth District

July 26, 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 tomorrow, July 27, 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 27, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session today, Tuesday, July 27th due to legislative business.

Please call Kelly Garman in my Capitol office with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

RICK KEENE, Assembly Member
Third District

July 26, 2004

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

Dear Mr. Speaker: Should check-in be called, I am requesting to be excused due to legislative business. However, if floor session is called I will be present.

If you have any questions, please contact my office at (916) 319-2004.

Sincerely,

TIM LESLIE, Assembly Member
Fourth District

July 26, 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 Tuesday, July 27th. 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,

BOB PACHECO, Assembly Member
Sixtieth District

July 26, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 205
Sacramento, California*

Dear Speaker Nunez: I am writing to request an excused absence for July 27, 2004. I will be traveling to Seattle on legislative business to attend the American Legislative Exchange Council conference.

Should you have any questions regarding this request, please contact Will Smith in my office at 319-2036.

Sincerely,

SHARON RUNNER, Assembly Member
Thirty-sixth District

July 26, 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 tomorrow July 27, 2004 because of legislative business 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 27, 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 Tuesday, July 27, 2004, due to business in my district. I am waiving per diem.

Thank you for your prompt attention to this request.

Sincerely,

MARK WYLAND, Assembly Member
Seventy-fourth District

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Select Committee on the West Nile Virus, on August 4, 2004, at 9:30 a.m., in Room 444.

AUTHOR'S AMENDMENTS
Committee on Appropriations

July 27, 2004

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

Senate Bill No. 1316
 Senate Bill No. 1397
 Senate Bill No. 1399

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

CHU, Chair

SENATE BILL NO. 1316—An act to amend Sections 52052, 52054, 56157, 56366, 56366.1, 56366.5, and 56366.9 of, and to add Sections 49085, 56155.7, 56366.10, and 56836.19 to, the Education Code, and to amend Section 1501.1 of the Health and Safety Code, relating to foster children.

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. 1397—An act to add Article 4.5 (commencing with Section 40459.5) to Chapter 5.5 of Part 3 of the Health and Safety Code, relating to air pollution.

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. 1399—An act to add Chapter 9 (commencing with Section 3090) to Title 1 of Part 3 of the Penal Code, and to add Section 1768.5 to the Welfare and Institutions Code, relating to prisoners.

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 27, 2004

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

Senate Bill No. 805	Senate Bill No. 1617
Senate Bill No. 1405	Senate Bill No. 1796
Senate Bill No. 1444	

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

CHU, Chair

SENATE BILL NO. 805—An act to amend Section 25401.1 of the Health and Safety Code, relating to hazardous substances.

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. 1405—An act to add Section 60401 to the Education Code, relating to instructional materials, 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. 1444—An act to amend Section 110423.2 of, and to add Section 110423.9 to, the Health and Safety Code, relating to dietary supplements.

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. 1617—An act to add and repeal Section 47612.2 of the Education Code, relating to charter schools.

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. 1796—An act to amend Section 912 of the Evidence Code, to amend Sections 3304 and 68115 of the Government Code, to amend Section 11100 of the Health and Safety Code, to amend Sections 266h, 266i, 290.01, 337j, 629.61, 666.7, 836, 1170.11, 1337, 1341, 1372, 1405, 4501, 11171, 13010, 13014, 13022, 13510.7, 13823.9, and 13879.81 of the Penal Code, and to amend Sections 285 and 15763 of the Welfare and Institutions Code, relating to public safety.

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 27, 2004

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

Senate Bill No. 1056

Senate Bill No. 1809

Senate Bill No. 1886

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

CHU, Chair

SENATE BILL NO. 1056—An act to add Section 65957.3 to the Government Code, relating to land use.

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. 1809—An act to amend Section 2699 of the Labor Code, relating to employment.

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. 1886—An act to amend Sections 10406 and 12200 of, to add Sections 6615, 12201, 12203, 12207, 12209, 12211, 12215, and 12217 to, to add Article 3.5 (commencing with Section 12190) to Chapter 4 of Part 2 of Division 2 of, to repeal Sections 10233, 10308.5, 10354, 10507, 10855, 10860, 12150, 12153, 12155, 12157, 12158, 12159, 12160, 12161, 12162, 12162.5, 12163, 12164, 12168, 12169, 12181, 12182, 12185, 12210, 12213, 12225, and 12226 of, to repeal Article 2.1 (commencing with Section 12170) of Chapter 4 of Part 2 of Division 2 of, and to repeal and add Section 12205 of, the Public Contract Code, and to amend Sections 40183, 49120, and 49300 of, and to repeal Article 3 (commencing with Section 42220) of Chapter 4 of, Article 1 (commencing with Section 42360) of Chapter 6 of, and Article 2 (commencing with Section 42370) of Chapter 6 of, Part 3 of Division 30 of, the Public Resources Code, relating to recycling.

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 Rules

July 27, 2004

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

Senate Bill No. 1096	Senate Bill No. 1105
Senate Bill No. 1097	Senate Bill No. 1106
Senate Bill No. 1098	Senate Bill No. 1107
Senate Bill No. 1099	Senate Bill No. 1108
Senate Bill No. 1100	Senate Bill No. 1110
Senate Bill No. 1101	Senate Bill No. 1111
Senate Bill No. 1102	Senate Bill No. 1112
Senate Bill No. 1103	Senate Bill No. 1119
Senate Bill No. 1104	

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

MONTANEZ, Chair

SENATE BILL NO. 1096—An act relating to the Budget Act of 2004.

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. 1097—An act relating to the Budget Act of 2004.

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. 1098—An act relating to the Budget Act of 2004.

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. 1099—An act relating to the Budget Act of 2004.

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. 1100—An act relating to the Budget Act of 2004.

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. 1101—An act relating to the Budget Act of 2004.

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. 1102—An act relating to the Budget Act of 2004.

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. 1103—An act relating to the Budget Act of 2004.

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. 1104—An act relating to the Budget Act of 2004.

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. 1105—An act relating to the Budget Act of 2004.

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. 1106—An act relating to the Budget Act of 2004.

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. 1107—An act relating to the Budget Act of 2004.

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. 1108—An act relating to the Budget Act of 2004.

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. 1110—An act relating to the Budget Act of 2004.

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. 1111—An act relating to the Budget Act of 2004.

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. 1112—An act relating to the Budget Act of 2004.

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. 1119—An act relating to the Budget Act of 2004.

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 Governmental Organization

July 27, 2004

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Senate Constitutional Amendment No. 4

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

JEROME HORTON, Chair

SENATE CONSTITUTIONAL AMENDMENT NO. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article V thereof, relating to the Governor.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Rules

July 27, 2004

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

Senate Bill No. 1113

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

MONTANEZ, Chair

SENATE BILL NO. 1113—An act relating to the Budget Act of 2004.

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 11:45 p.m., the Assembly adjourned until 10:30 a.m., Wednesday, July 28, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 27, 2004**

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

SB	RN
805	0414920
1056	0415079
1096	0415197
1097	0415130
1098	0414708
1099	0414691
1100	0415226
1101	0414695
1102	0415185
1103	0414682
1104	0415162
1105	0414768
1106	0415174
1107	0415179
1108	0415161
1110	0415242
1111	0414694
1112	0415150
1113	0415145
1119	0415239
1316	0414659
1397	0414573
1399	0415081
1405	0414463
1444	0415033
1617	0415028
1796	0414263
1809	0415121
1886	0415046

SCA	RN
4	0415238

Daily Total:	30
Cumulative Total:	5380