

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 10, 2004

**TWO HUNDRED THIRTY-SEVENTH SESSION DAY
SIX HUNDRED EIGHTEENTH 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, August 10, 2004

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th 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—77:

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

Quorum present.

At 12:04 p.m., Hon. Jay La Suer, 77th 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 Levine and Oropeza.

Because of illness: Assembly Member Samuelian.

EXPLANATIONS OF ABSENCE

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

August 10, 2004

Hon. Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am respectfully requesting authorization to be excused from Check in Session on Tuesday, August 10th due to legislative business in my district office.

Thank you for your consideration of this request.

Sincerely,

LLOYD LEVINE, Assembly Member
Fortieth District

August 9, 2004

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

Dear Mr. Speaker: I respectfully request to be excused from Session, Tuesday, August 10, 2004, due to legislative business in my District.

Thank you for your consideration of this request. Please contact Mercedes Flores, in my office, if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth District

COMMUNICATIONS

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

August 10, 2004

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: Please be advised that I have appointed Assemblymember Gene Mullin to replace Assemblymember Wilma Chan on the Assembly Health Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Transportation, on Thursday, August 12, 2004, off the Floor, during Floor Session, in the Tom Bane Rules Committee Room, or Room 4202;

Banking and Finance, on Thursday, August 12, 2004, upon adjournment of Floor Session;

Business and Professions, on Thursday, August 12, 2004, upon Call of the Chair;

Public Safety, on Thursday, August 12, 2004, upon adjournment of Floor Session.

REPORTS

The following reports were presented by the Chief Clerk:

**Principal Training Program Interim Report 2004
(Pursuant to Assembly Bill 75, Chapter 697, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated August 3, 2004, referred by the Speaker to the Committee on Education.

**School Safety and Violence Prevention Act Annual Report
(Pursuant to Assembly Bill 1113, Chapter 51, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated August 2, 2004, referred by the Speaker to the Committee on Budget.

**Precinct Size Increase
in Counties with a Population of 1,000,000 More for Years 2002 and 2003
(Pursuant to Assembly Bill 280, Chapter 905, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Kevin Shelley, Secretary of State, dated August 5, 2004, referred by the Speaker to the Committee on Elections, Redistricting and Constitutional Amendments.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 10, 2004

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

Assembly Concurrent Resolution No. 254

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, August 10, 2004

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

Assembly Concurrent Resolution No. 224

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, August 10, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 236
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, August 10, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 493
And reports the same correctly enrolled, and presented to the Governor on the
10th day of August, 2004, at 11:40 a.m.

E. DOTSON WILSON, Chief Clerk

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 257—Bogh. Relative to California Economic Literacy Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 258—Negrete McLeod. Relative to Red Ribbon Week.

**AUTHOR’S AMENDMENTS
Committee on Appropriations**

August 10, 2004

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 1652
With author’s amendments with the recommendation: Amend, and re-refer to the committee.

CHU, Chair

SENATE BILL NO. 1652—An act to add Section 25402.10 to the Public Resources Code, relating to solar energy.

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 Labor and Employment**

Date of Hearing: August 9, 2004

Mr. Speaker: Your Committee on Labor and Employment reports:
Assembly Bill No. 2449
With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

KORETZ, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Natural Resources

Date of Hearing: August 9, 2004

Mr. Speaker: Your Committee on Natural Resources reports:
Assembly Bill No. 425
Assembly Bill No. 800
With the recommendation: That the Senate amendments be concurred in.

JACKSON, Chair

Above bills ordered to unfinished business.

Committee on Revenue and Taxation

Date of Hearing: August 9, 2004

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

Assembly Bill No. 1416

With the recommendation: That the Senate amendments be concurred in.

BERMUDEZ, Chair

Above bill ordered to unfinished business.

Committee on Human Services

Date of Hearing: August 9, 2004

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1393

With the recommendation: That the Senate amendments be concurred in.

WOLK, Chair

Above bill ordered to unfinished business.

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Assembly Bill No. 1980:

Wolk, Leno, and Samuelian.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

Senate Bills Nos. 17, 96, and 1088, on request of Assembly Member Frommer;

Senate Bill No. 838, on request of Assembly Member Runner.

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. 1178, 1259, 1352, 1444, 1548, 1608, and 1782, ordered to third reading;

Senate Bills Nos. 30 and 1462, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1703—An act to add Division 32 (commencing with Section 60000) to the Public Resources Code, relating to the environment.

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

SENATE BILL NO. 1865—An act to amend Sections 1631 and 1632 of, to amend, renumber, and add Section 1632.5 of, and to repeal Sections 1633 and 1633.5 of, the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

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

SENATE BILL NO. 1342—An act to amend Sections 6125, 6128, and 6129 of, and to add Section 6130 to, the Penal Code, relating to the Inspector General.

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

SENATE BILL NO. 1233—An act to amend Section 2985.8 of Civil Code, to amend Sections 21670.3, 21674.5, 21675, 21675.1, 99314, 99314.1, 120050, 120105, 120105.5, 120224.1, and 120550 of, and to add Section 99210.1 to, the Public Utilities Code, to amend Sections 100.21, 1730, and 1953 of the Streets and Highways Code, and to amend Sections 1655, 1685, 4000.6, 5301, 9400.1, 11205.2, 12811, 13370, 21960, 24011, 24602, 27602, and 35401 of, to add Section 314 to, to add and repeal Section 1685.1 of, and to repeal Section 11705.5 of, the Vehicle Code, relating to transportation.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

MESSAGES FROM THE SENATE

Senate Chamber, August 9, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 321 | Assembly Bill No. 1827 |
| Assembly Bill No. 323 | Assembly Bill No. 1894 |
| Assembly Bill No. 466 | Assembly Bill No. 2062 |
| Assembly Bill No. 656 | Assembly Bill No. 2140 |
| Assembly Bill No. 979 | Assembly Bill No. 2150 |
| Assembly Bill No. 1272 | Assembly Bill No. 2388 |
| Assembly Bill No. 1489 | Assembly Bill No. 2509 |
| Assembly Bill No. 1663 | Assembly Bill No. 2593 |
| Assembly Bill No. 1707 | Assembly Bill No. 2817 |
| Assembly Bill No. 1799 | Assembly Bill No. 2946 |

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, August 9, 2004

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

- Assembly Joint Resolution No. 47

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, August 9, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1956 | Assembly Bill No. 2711 |
| Assembly Bill No. 2037 | Assembly Bill No. 2917 |
| Assembly Bill No. 2156 | Assembly Bill No. 3016 |
| Assembly Bill No. 2314 | |

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

Above bills ordered enrolled.

Senate Chamber, August 10, 2004

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

Assembly Bill No. 42	Assembly Bill No. 2398
Assembly Bill No. 72	Assembly Bill No. 2401
Assembly Bill No. 129	Assembly Bill No. 2439
Assembly Bill No. 502	Assembly Bill No. 2527
Assembly Bill No. 1000	Assembly Bill No. 2565
Assembly Bill No. 1138	Assembly Bill No. 2719
Assembly Bill No. 1338	Assembly Bill No. 2760
Assembly Bill No. 1667	Assembly Bill No. 2807
Assembly Bill No. 1889	Assembly Bill No. 2816
Assembly Bill No. 1934	Assembly Bill No. 2841
Assembly Bill No. 1997	Assembly Bill No. 2861
Assembly Bill No. 2063	Assembly Bill No. 2870
Assembly Bill No. 2197	Assembly Bill No. 2909
Assembly Bill No. 2228	Assembly Bill No. 2982
Assembly Bill No. 2307	Assembly Bill No. 3029
Assembly Bill No. 2353	

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, August 10, 2004

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

Assembly Bill No. 107	Assembly Bill No. 2431
Assembly Bill No. 320	Assembly Bill No. 2473
Assembly Bill No. 403	Assembly Bill No. 2520
Assembly Bill No. 594	Assembly Bill No. 2591
Assembly Bill No. 921	Assembly Bill No. 2629
Assembly Bill No. 1431	Assembly Bill No. 2677
Assembly Bill No. 1725	Assembly Bill No. 2686
Assembly Bill No. 1859	Assembly Bill No. 2715
Assembly Bill No. 1999	Assembly Bill No. 2716
Assembly Bill No. 2021	Assembly Bill No. 2810
Assembly Bill No. 2043	Assembly Bill No. 2849
Assembly Bill No. 2106	Assembly Bill No. 2857
Assembly Bill No. 2185	Assembly Bill No. 3044
Assembly Bill No. 2216	Assembly Bill No. 3070
Assembly Bill No. 2240	Assembly Bill No. 3079
Assembly Bill No. 2317	

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, August 10, 2004

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

Assembly Concurrent Resolution No. 193

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, August 10, 2004

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

Assembly Bill No. 1073
Assembly Bill No. 2224
Assembly Bill No. 2397
Assembly Bill No. 2519
Assembly Bill No. 2635

Assembly Bill No. 2747
Assembly Bill No. 2749
Assembly Bill No. 2791
Assembly Bill No. 2839

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

Above bills ordered enrolled.

Senate Chamber, August 10, 2004

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

Assembly Bill No. 2738
Assembly Bill No. 2866

Assembly Bill No. 2989
Assembly Bill No. 3027

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

Above bills ordered enrolled.

Senate Chamber, August 10, 2004

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

Assembly Joint Resolution No. 44
Assembly Joint Resolution No. 71

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

Above resolutions ordered enrolled.

Senate Chamber, August 10, 2004

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

Assembly Concurrent Resolution No. 189

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

Above resolution ordered enrolled.

Senate Chamber, August 10, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 749
Senate Bill No. 871
Senate Bill No. 1189
Senate Bill No. 1264
Senate Bill No. 1615

Senate Bill No. 1764
Senate Bill No. 1840
Senate Bill No. 1847
Senate Joint Resolution No. 24
Senate Joint Resolution No. 29

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

August 10, 2004

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning Senate Bill 1906 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

August 10, 2004

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning Senate Bill 7 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 11, 2004.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 10, 2004**

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

SB	RN	
1233	0415572	
1342	0415654	
1652	0415731	
1703	0415541	
1856	0415610	
Daily Total:		5
Cumulative Total:		5459

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