

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, August 18, 2003

**ONE HUNDRED TWELFTH SESSION DAY
TWO HUNDRED SIXTIETH 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
Monday, August 18, 2003

The Assembly met at 1 p.m.
Hon. Christine Kehoe, 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.

Quorum Call of the Assembly

Assembly Member Goldberg moved a quorum call of the Assembly.
Motion carried. Time, 1:01 p.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 1:10 p.m., Speaker pro Tempore Kehoe declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—79:

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

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Lord God, We thank You for life and for our place in the world today. Help us to live wisely and well, never scorning the past nor fearing the future. Send us to our tasks this day renewed and strengthened by Your grace. Bring us to the evening with peace and joy in our hearts that we have served as Your instruments and have advanced Your kingdom on earth.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Cox then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cox.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness: Assembly Member Firebaugh.

COMMUNICATIONS

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

Per Diem Waiver

August 15, 2003

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

Dear Mr. Speaker: I am writing to decline per diem for Saturday, August 30, 2003, Sunday, August 31, 2003, and Monday, September 1, 2003.

Thank you for your consideration of this request. Should you have any questions please contact Sheri Pemberton of my staff at 319-2053.

Sincerely,

GEORGE NAKANO, Assembly Member
Fifty-third District

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as Committees on Conference concerning Senate Bills Nos. 191, 223, 228, 229, 354, 757, 899, 1007, and 1071 (worker's compensation):

Vargas, Nunez, and Maddox.

SPECIAL COMMITTEE MEETINGS

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

- Revenue and Taxation, on Monday, August 18, 2003;
- Health Committee to convene jointly with the Select Committee on Air and Water Quality, on Tuesday, August 19, 2003, at 10 a.m., in Room 444;
- Water, Parks and Wildlife, on Tuesday, August 19, 2003, at 1:30 p.m.;
- Labor and Employment, on Wednesday, August 20, 2003, at 1:30 p.m., in Room 447;
- Natural Resources, on Wednesday, August 20, 2003;
- Jobs, Economic Development and the Economy, on Friday, August 22, 2003, in Los Angeles;
- Select Committee on California Water Needs and Climate Change, on Monday, August 25, 2003, at 9 a.m.;
- Joint Committee on Preparing California for the 21st Century, on Tuesday, August 26, 2003, at 3:30 p.m., in Room 125;
- Arts, Entertainment, Sports, Tourism, and Internet Media, on August 27, 2003, at 9 a.m., in Room 444;
- Judiciary Committee to convene jointly with the Senate Judiciary Committee, on Wednesday, August 27, 2003, at 11 a.m., in Room 4203;
- Higher Education, on Thursday, August 21, 2003.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 1, 2003

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

Assembly Bill No. 1747	Assembly Bill No. 1761
Assembly Bill No. 1758	Assembly Bill No. 1766
Assembly Bill No. 1759	Assembly Bill No. 1768

And reports the same correctly enrolled, and presented to the Governor on the 1st day of August, 2003, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 4, 2003

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

Assembly Bill No. 117	Assembly Bill No. 1748
Assembly Bill No. 673	Assembly Bill No. 1751
Assembly Bill No. 1296	Assembly Bill No. 1754

And reports the same correctly enrolled, and presented to the Governor on the 4th day of August, 2003, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 4, 2003

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

Assembly Bill No. 1752
Assembly Bill No. 1762

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

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 5, 2003

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

Assembly Bill No. 1756
Assembly Bill No. 1757

And reports the same correctly enrolled, and presented to the Governor on the 5th day of August, 2003, at 10:15 a.m.

E. DOTSON WILSON, Chief Clerk

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

<i>Bill No.</i>	<i>Committee</i>
1667 -----	Pub. S.
1686 -----	Health and Jud.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
127 -----	Rls.
128 -----	Rls.
129 -----	Rls.
130 -----	Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
47 -----	W.,P. & W.

Senate

<i>Bill No.</i>	<i>Committee</i>
9 -----	Appr.
269 -----	P.E.,R. & S.S.

REQUEST TO SUSPEND JOINT RULES

The following requests were received, and read:

Assembly Chamber, August 18, 2003

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9) as it relates to Senate Bill No. 722.

JACKIE GOLDBERG

Assembly Chamber, August 18, 2003

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9) as it relates to Senate Bill No. 922.

JOE CANCIAMILLA

Assembly Chamber, August 18, 2003

Mr. Speaker: I request permission to suspend Joint Rules 61(a)(9) and 62(a) as they relate to Senate Bill No. 1.

PATRICIA WIGGINS

Assembly Chamber, August 18, 2003

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9) as it relates to Senate Bill No. 457.

JUAN VARGAS

Above requests ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS

Committee on Utilities and Commerce

August 18, 2003

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Senate Concurrent Resolution No. 39

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

REYES, Chair

SENATE CONCURRENT RESOLUTION NO. 39—Relative to municipal utilities.

Resolution read; 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 Appropriations

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 434

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

STEINBERG, Chair

SENATE BILL NO. 434—An act to amend Sections 25530, 25531, 25533, 25533.5, 25535, 25536, 29540, 29541, 29544, and 29545 of Corporations Code, to amend Sections 11180.5, 11181, 11183, 11184, 11185, 11186, 11187, and 11188 of the Government Code, and to add Section 131 to the Penal Code, relating to investigations.

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 Education

August 18, 2003

Mr. Speaker: The Chair of your Committee on Education reports:
Senate Concurrent Resolution No. 36

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

GOLDBERG, Chair

SENATE CONCURRENT RESOLUTION NO. 36—Relative to the centennial anniversary of flight.

Resolution read; 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 Appropriations

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 620

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

STEINBERG, Chair

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

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 60

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

STEINBERG, Chair

SENATE BILL NO. 60—An act to amend Sections 1653.5, 12800, 12801, 12801.5, 12814.5, 14900, 14900.1, 14901, and 14902 of the Vehicle Code, relating to vehicles.

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

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 352
Senate Bill No. 373

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

STEINBERG, Chair

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; 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. 373—An act to amend Section 64001 of the Education Code, relating to school accountability.

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

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 279
Senate Bill No. 704

Senate Bill No. 708
Senate Bill No. 1062

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

STEINBERG, Chair

SENATE BILL NO. 279—An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

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. 704—An act to repeal Part 3 (commencing with Section 1101) of the Food and Agricultural Code, and to add Section 41606 to the Health and Safety Code, relating to air quality.

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. 708—An act to amend Section 44062.1 of the Health and Safety Code, to add Section 1463.15 to the Penal Code, and to amend Section 42001.2 of, and to add Section 2814.1 to, the Vehicle 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. 1062—An act to amend Sections 51203 and 51283 of the Government Code, and to amend Sections 69.4, 69.5, 75.11, 75.31, 155, 194, 213.7, 214, 214.01, 214.8, 218, 231, 254.5, 259.5, 259.7, 272, 423, 439.2, 532, 534, 1609.5, 1841, and 11006 of, to add Sections 74.7 and 254.6 to, and to repeal Sections 75.30, 401.9, 5098, and 5098.5 of, the Revenue and Taxation Code, relating to taxation.

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

August 18, 2003

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

Senate Bill No. 1059

Senate Bill No. 1065

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

STEINBERG, Chair

SENATE BILL NO. 1059—An act to amend Section 6105 of the Commercial Code, and to amend Sections 72, 194, 220.5, 531.8, and 533 of, and to add Sections 256.6 and 276.5 to, the Revenue and Taxation Code, relating to property taxation.

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. 1065—An act to amend Sections 17024.5 and 23051.5 of the Revenue and Taxation Code, relating to taxation.

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

August 18, 2003

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

Senate Bill No. 322

Senate Bill No. 631

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

STEINBERG, Chair

SENATE BILL NO. 322—An act to add and repeal Sections 125118, 125118.5, 125119, 125119.3, and 125119.5 of the Health and Safety Code, relating to medical research.

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. 631—An act to amend Sections 1202.4, 1202.45, 1214, and 2085.5 of, and to add Section 1202.44 to, the Penal Code, relating to restitution, 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 1025

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

STEINBERG, Chair

SENATE BILL NO. 1025—An act to amend Section 12955.1 of, and to add Section 12955.1.1 to, the Government Code, relating to fair housing.

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

August 18, 2003

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

Senate Bill No. 428

Senate Bill No. 814

Senate Bill No. 575

Senate Bill No. 1032

Senate Bill No. 619

Senate Bill No. 1080

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

STEINBERG, Chair

SENATE BILL NO. 428—An act to amend Sections 1575.5 and 100445 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, 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.

SENATE BILL NO. 575—An act to amend Section 33126 of the Education Code, relating to school accountability.

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. 619—An act to amend Sections 65008, 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; 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. 814—An act to amend Sections 19801, 19876, 19962, and 19963 of the Business and Professions Code, relating to gambling.

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. 1032—An act to add Section 653z to the Penal Code, relating to crime.

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. 1080—An act to amend Sections 1973, 2154.4, 5001, 5061, 5081, 5082, 5082.2, 5107, 5131, 7139.2, 7583.6, 7583.9, 10152, and 10153 of, to add Section 5115 to, to repeal Section 5091 of, and to repeal and add Section 5082.1 to, the Business and Professions Code, relating to professions and vocations, making an appropriation therefor, 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.

AUTHOR'S AMENDMENTS **Committee on Appropriations**

August 18, 2003

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

Senate Bill No. 162

Senate Bill No. 892

Senate Bill No. 916

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

STEINBERG, Chair

SENATE BILL NO. 162—An act to amend Sections 8869.80 and 8869.84 of the Government Code, relating to state 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.

SENATE BILL NO. 892—An act to add Section 35292.5 to the Education Code, relating to public 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. 916—An act to amend Section 14531 of the Government Code, to amend Sections 182.5, 188.3, 188.4, 30101, 30101.8, 30113, 30600, 30601, 30604, 30606, 30750, 30751, 30760, 30761, 30791, 30884, 30885, 30887, 30889.3, 30891, 30894, 30910, 30912, 30913, 30915, 30916, 30918, 30919, 30920, 30950, 30950.1, 30950.2, 30950.3, 30950.4, 30953, 30958, 30960, 30961, 31000, and 31010 of, to amend and renumber Section 188.10 of, to add Sections 30881, 30910.5, 30914.5, and 30922 to, and to repeal Sections 30603, 30605, 30608.2, 30752, 30753, 30754, 30755, 30756, 30757, 30762, 30762.5, 30763, 30764, 30764.5, 30765, 30766, 30767, 30791.7, 30792, 30792.2, 30793, 30794, 30795, 30886, 30888, 30889, 30896, and 30956 of, to repeal Article 5 (commencing with Section 30200) and Article 7 (commencing with Section 30350) of Chapter 1 of Division 17 of, to repeal and add Sections 30102.5, 30890, 30911, 30914, 30917, 30921, and 30951 of, the Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, relating to transportation, 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

August 18, 2003

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

Senate Bill No. 610

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

STEINBERG, Chair

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; 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

August 18, 2003

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

Senate Bill No. 591

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

STEINBERG, Chair

SENATE BILL NO. 591—An act to amend Sections 358, 358.1, 361.3, 16002, and 16501.1 of, and to add Sections 16010.4, 16010.5, 16010.6, and 16503.5 to, the Welfare and Institutions Code, relating to dependent 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 18, 2003

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

Senate Bill No. 489

Senate Bill No. 1008

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

STEINBERG, Chair

SENATE BILL NO. 489—An act to amend Sections 12126, 12130, and 12132 of the Penal Code, relating to firearms.

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. 1008—An act to amend Sections 999, 999.2, 999.5, 999.7, and 999.9 of the Military and Veterans Code, and to add Section 10115.9 to the Public Contract Code, relating to veterans.

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

August 18, 2003

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

Senate Bill No. 244
 Senate Bill No. 1004
 Senate Bill No. 1024

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

STEINBERG, Chair

SENATE BILL NO. 244—An act to add Section 1375.12 to the Health and Safety Code, relating to health care service plans.

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. 1004—An act to add Chapter 8.5 (commencing with Section 13610) to Division 7 of the Water Code, relating to perchlorate.

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. 1024—An act to amend Section 5091 of the Education Code, to amend Sections 3103, 3304, 3500, 4101, 7227, 7422, 7672, 7772, 10220, 10411, 11020, 13113, and 14242 of, and to repeal and add Section 7770 of, the Elections Code, to amend Section 26802 of the Government Code, and to amend Section 9358 of the Public Resources 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 18, 2003

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

Senate Bill No. 238
 Senate Bill No. 420

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

STEINBERG, Chair

SENATE BILL NO. 238—An act to amend Sections 666.7, 11108.3, 12021, 12028, 12074, 12077, 12201, 12280, 12285, 12287, 12290, and 12301 of the Penal Code, relating to deadly weapons.

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. 420—An act to add Article 2.5 (commencing with Section 11362.7) to Chapter 6 of Division 10 of the Health and Safety Code, relating to controlled 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.

AUTHOR'S AMENDMENTS
Committee on Water, Parks and Wildlife

August 18, 2003

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Senate Bill No. 922

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

CANCIAMILLA, Chair

SENATE BILL NO. 922—An act to amend Section 13304 of the Water Code, relating to water.

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

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 248
Senate Bill No. 937

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

STEINBERG, Chair

SENATE BILL NO. 248—An act to amend Sections 415, 426, 3001, 3003, 3051, and 3066 of, to add Sections 3050.8 and 3069.1 to, and to add Article 5 (commencing with Section 3070) to Chapter 6 of Division 2 of, the Vehicle Code, relating to vehicles.

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. 937—An act to amend Sections 1212, 1217, 1228, and 1231 of, and to add Sections 1218.1, 1218.2, 1226.1, 1226.2, 1226.3, and 1229.1 to, the Health and Safety Code, relating to clinics.

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

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 481

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

STEINBERG, Chair

SENATE BILL NO. 481—An act to amend Section 8484.8 of the Education Code, relating to afterschool 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 Natural Resources

August 18, 2003

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
 Senate Bill No. 18

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

JACKSON, Chair

SENATE BILL NO. 18—An act to amend Section 815.3 of the Civil Code, to amend Sections 65040.2, 65351, 65453, and 65560 of, and to add Sections 65351.1 and 65562.5 to, the Government Code, to amend Sections 7050.5 and 7054 of the Health and Safety Code, and to amend Sections 5097.9, 5097.77, 5097.91, 5097.92, 5097.94, 5097.96, 5097.97, 5097.98, 5097.99, 5097.995, and 21084 of, to add Sections 5097.10, 5097.96.1, 5097.96.2, 5097.96.3, 5097.96.4, 5097.96.5, and 21097 to, and to amend the heading of Chapter 1.75 (commencing with Section 5097.9) of Division 5 of, the Public Resources Code, relating to Traditional Tribal Cultural Sites, 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
 Senate Bill No. 186
 Senate Bill No. 577

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

STEINBERG, Chair

SENATE BILL NO. 186—An act to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to privacy.

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. 577—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of the Welfare and Institutions Code, relating to public social services.

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

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
 Senate Bill No. 720

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

STEINBERG, Chair

SENATE BILL NO. 720—An act to amend Section 884 of the Public Utilities Code, relating to telecommunications.

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**

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 920

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

STEINBERG, Chair

SENATE BILL NO. 920—An act to amend Sections 352 and 372 of, to add Section 345.3 to, to repeal Section 350 of, to repeal Article 4 (commencing with Section 355) and Article 5 (commencing with Section 359) of, and to repeal and add Article 2 (commencing with Section 334) of Chapter 2.3 of Part 1 of, the Public Utilities Code, relating to public utilities.

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**

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 328

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

STEINBERG, Chair

SENATE BILL NO. 328—An act to amend Sections 70303, 70366, 70367, 70373, 70373.5, 70374, 70375, 70392, 70402, and 76000 of, and to repeal Section 70046.2 of, the Government Code, relating to court facilities.

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**

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 359

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

STEINBERG, Chair

SENATE BILL NO. 359—An act to amend Section 94990 of, and to add Sections 94779.1, 94779.3, and 94779.4 to, the Education Code, relating to the Bureau for Private Postsecondary and Vocational Education, 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.

**AUTHOR'S AMENDMENTS
Committee on Environmental Safety and Toxic Materials**

August 18, 2003

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:
Senate Bill No. 543

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

LAIRD, Chair

SENATE BILL NO. 543—An act to add Chapter 1.5 (commencing with Section 1249) to Part 2 of Division 2 of the Water Code, relating to water.

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 Public Employees, Retirement and Social Security

August 18, 2003

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 439

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

NEGRETE McLEOD, Chair

SENATE BILL NO. 439—An act relating to state employees, 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.

AUTHOR'S AMENDMENTS

Committee on Education

August 18, 2003

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

Senate Bill No. 722

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

GOLDBERG, Chair

SENATE BILL NO. 722—An act to amend Sections 52052 and 52057 of, and to add Section 52051.3 to, the Education Code, relating to school performance.

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

August 18, 2003

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

Senate Bill No. 130

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

STEINBERG, Chair

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; 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

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 857

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

STEINBERG, Chair

SENATE BILL NO. 857—An act to amend Sections 14043.15, 14123.25, and 14172.5 of, to amend the heading of Article 1.3 (commencing with Section 14043) of Chapter 7 of Part 3 of Division 9 of, and to add Sections 14043.26, 14043.27, 14043.28, 14043.29, 14043.341, 14043.47, 14105.05, and 14170.10 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 613

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

STEINBERG, Chair

SENATE BILL NO. 613—An act to amend Sections 2194, 14217, 14310, and 14311 of, 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; 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

August 18, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 151

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

STEINBERG, Chair

SENATE BILL NO. 151—An act to amend Sections 11165.1 and 11166 of, to amend and repeal Sections 11162, 11168, and 11169 of, to amend, repeal, and add Sections 11159.2, 11161, 11164, 11165, 11167, 11167.5, and 11190 of, to add Sections 11029.5, 11161.5, 11161.7, 11162.1, and 11162.6 to, and to add, repeal, and add Section 11164.1 to, the Health and Safety Code, relating to controlled 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.

AUTHOR'S AMENDMENTS**Committee on Jobs, Economic Development and the Economy**

August 18, 2003

Mr. Speaker: The Chair of your Committee on Jobs, Economic Development and the Economy reports:

Senate Bill No. 527

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

RIDLEY-THOMAS, Chair

SENATE BILL NO. 527—An act to amend Section 15363.10 of the Government Code, relating to economic development.

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 Rules**

August 18, 2003

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 62(a), as it relates to the following bill be granted:

Judiciary and Appropriations

Senate Bill No. 1

NATION, Chair

August 18, 2003

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(a)(9), as it relates to the following bills be granted:

Banking and Finance and Judiciary

Senate Bill No. 1

Banking and Finance

Senate Bill No. 27

Senate Bill No. 602

Insurance

Senate Bill No. 457

NATION, Chair

August 18, 2003

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a)(2), as it relates to the following bill be granted:

Health

Assembly Bill No. 1363

NATION, Chair

MESSAGES FROM THE GOVERNOR

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file.

Veto Message—Assembly Bill No. 718

Governor's Office, Sacramento
August 3, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 718 without my signature.

This bill would mandate multiple, additional activities that local election officials would have to perform as part of their normal duties and election operations.

Without bias to the merits of the proposal, I am vetoing this bill because it could result in a potentially significant reimbursable State-mandated cost to the General Fund at a time when the State is facing a fiscal environment of considerable constraint.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 922

Governor's Office, Sacramento
August 3, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 922 without my signature.

This well-intentioned bill would codify existing criteria, priorities and guidelines adopted by the California Infrastructure and Economic Development Bank's board of directors for the selection of projects that receive Infrastructure State Revolving Fund Program financing from the Bank.

The intent of this measure is to require the California Infrastructure Bank to give priority to projects that have the greatest need for economic development. However, pursuant to the Bank's current criteria, priority is already given to projects that have the greatest need for economic development.

My concern with this measure is that it would eliminate the ability of the board to amend the criteria that may be necessary or desirable in order to address economic, fiscal, program implementation or rating agency related issues. This could delay critical financial assistance to local governments. This legislation could also interfere with the Bank's ability to finalize such priorities of my Administration as the potential Imperial Irrigation District loan guarantee if any criteria changes are needed this fall to finalize the deal. Therefore, codifying the existing criteria could hinder, not help, the Bank's ability to provide financing to economically distressed areas.

I am instructing the Bank to continue to make staff available in economically distressed areas of the State to provide special assistance to these communities to complete applications for Bank financing.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 4th day of August 2003 at 2:02 p.m., of Assembly Bills Nos. 718 and 922, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1748

Governor's Office, Sacramento

August 14, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 1748 without my signature.

This bill would provide for public review of State agency acquisition of conservation lands. In addition, the bill would require the Secretary for Resources to delegate to the Wildlife Conservation Board her responsibilities for the administration of the river parkway and the Sierra Nevada-Cascade programs.

While I support the desire for public review of acquisitions, the provisions in this bill require minor modifications to ensure a proper balance between private property rights and public disclosure. However, the provision of the bill delegating the Secretary's program responsibilities are inappropriate and may be unconstitutional, as it would modify provisions established by voter-approved initiative.

Although I am returning this bill without signature, I would be willing to sign a bill that establishes criteria for the river parkway and Sierra Nevada-Cascades programs in a manner consistent with the voter-approved initiative. Additionally, I am directing the Wildlife Conservation Board to work with the Legislature to develop an appropriate public review process for acquisition of conservation lands.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 14th day of August 2003 at 3:10 p.m., of Assembly Bill No. 1748, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

The following item veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

Item Veto Message—Assembly Bill No. 1765

Governor's Office, Sacramento

August 2, 2003

I object to the following appropriations contained in Assembly Bill 1765.

Item 0250-490—Reappropriation, Judicial Council. I delete Provision 3.

I am deleting Provision 3 of this item as it is unnecessary and infringes on a process that is already well underway. The search process should be left up to the Judicial Council, in conjunction with the Department of General Services as the real estate experts, to determine the best site that meets the programmatic needs of the court who will ultimately reside on the property.

Item 3600-001-0001—For support of Department of Fish and Game. I revise this item by deleting Provision 2.

Provision 2 requires the Department of Fish and Game to develop a long-term sport fishing hatchery program and prohibits the Department from closing any fish hatcheries until January 1, 2004. This language inappropriately restricts administrative flexibility in addressing funding priorities with limited resources.

Item 3760-301-0005—For capital outlay, State Coastal Conservancy. I delete this item and Provisions 1, 2, and 3.

This language would exclude priority projects within San Luis Obispo and Santa Barbara counties from competing for these excess funds. I believe that any unencumbered balance from this Proposition 12 appropriation should revert to the Coastal Conservancy to be allocated to priority projects using established guidelines and criteria.

I am deleting Provisions 1, 2, and 3 to conform with this action.

Item 3860-496—Reversion, Department of Water Resources. I delete Provision 1 of this item.

I am deleting this language that would prohibit the transfer of funds from the General Fund to the Colorado River Management Account. A negotiated settlement of the Colorado River Quantification Settlement Agreement (QSA) is critical to ensure that the State's water needs are met. This language would weaken the Executive Branch's flexibility in negotiating with local water agencies that rely on water from the Colorado River, and reaching an ultimate agreement on the QSA.

Item 4120-001-0001—For support of Emergency Medical Services Authority. I delete Provision 1.

I am deleting Provision 1 because this language is not necessary. Provision 1 specifies that a reduction of \$138,000 be made to State operations only, and not to local assistance. The Emergency Medical Services Authority has already identified State operations reductions of \$68,000 General Fund in personal services and \$70,000 in operating expenses and equipment from the Disaster Medical Services Division.

Item 4130-001-0632—For support of California Health and Human Services Agency Data Center. I delete Provision 6.

I am deleting Provision 6, which would require the California Health and Human Services Agency Data Center to reduce its rates by at least 8 percent to achieve total savings of approximately \$20,000,000 in client departments' budgets. While I support the need for the Data Center to set rates that provide cost effective information technology services, this language would hamper the Data Center's ability to do so. Rates set by the Data Center are predicated on both costs and projected utilization. To the extent that client departments' funding for information technology is reduced, those departments would not have appropriate resources to pay for increased utilization. Any decrease in utilization from that projected in setting the rates would preclude the ability to actually lower the rates. This action conforms to my action on SEC. 9.70.

Item 4140-111-0236—For local assistance, Office of Statewide Health Planning and Development. I revise this item by deleting Provision 1.

In order to correct a technical error in the Budget Bill, I am deleting Provision 1, which would eliminate funding for the Rural Health Small Grants Program if legislation is enacted to amend the provisions of the Tobacco Tax and Health Protection Act (Proposition 99) to authorize Proposition 99 funds to be used to draw down federal funds for the Rural Health Demonstration Program within the Managed Risk Medical Insurance Board. Although legislation has been enacted to authorize the use of Proposition 99 funds for this purpose, there are sufficient Proposition 99 funds to provide funding for both programs in 2003–04. Therefore, I am sustaining the funding for the Rural Health Small Grants Program, which provides health care services to approximately 18,500 uninsured persons in rural areas of the State.

Item 4170-001-0001—For support of Department of Aging. I delete Provision 1.

I am deleting Provision 1 because it specifies that a reduction made to State operations cannot be allocated in a manner that affects State positions that provide direct services for the Department of Aging to the public or that administer the federal Older Americans Act programs. This language would restrict the Administration's ability to prioritize resources and deal with the legislative reduction based on programmatic needs of the Department of Aging.

Item 4220-001-0001—For support of Child Development Policy Advisory Committee. I delete this item.

I am deleting the legislative augmentation of \$668,000 (\$367,000 General Fund and \$301,000 Reimbursements), 5.4 positions for administrative support, and funding for the Child Development Policy Advisory Committee. The Committee is no longer functioning as all positions are currently vacant. Further, other State entities can be consulted for policy information and recommendations regarding child development and child care issues, at no additional cost to the State.

Item 4260-101-0890—For local assistance, Department of Health Services. I reduce this item from \$16,566,448,000 to \$16,409,608,000.

I am reducing this item by \$156,840,000 to correct a technical error in the Budget Bill. This technical veto is consistent with the Legislature's intent and legislative actions taken in this item.

Item 4440-101-0001—For local assistance, Department of Mental Health. I revise this item by reducing:

- (1) 10.25-Community Services—Other Treatment \$1,139,412,000 to \$1,127,228,000

I am reducing Program 10.25 by \$12,184,000 as a technical adjustment in order to conform to the legislative action to implement a 5-percent reduction to Mental Health Managed Care.

Item 5240-001-0001—For support of Department of Corrections. I reduce this item from \$4,739,474,000 to \$4,739,327,000 by reducing:

- (3) 31-Community Correctional Program from \$512,902,000 to \$512,755,000.

I am sustaining the \$2,600,000 legislative augmentation to implement a program to place inmates in residential aftercare treatment 120 days prior to release from prison, rather than upon parole. However, due to my strong concerns regarding public safety, I am directing the Department to develop regulations that clearly specify that inmates will not be eligible for this program who have been previously convicted of a serious or violent offense, or who are presently serving a sentence for a serious or violent offense.

I am sustaining the \$45,000,000 legislative augmentation to implement a Substance Abuse Treatment Control Unit program for non-violent parole violators who are not eligible for Proposition 36 and to implement a community detention program utilizing structured sanctions for other low-level parole violators. However, to ensure the safety of the citizens of California, I am directing the Department to develop regulations specifying that no individuals with an underlying serious or violent offense, or who have previously been convicted of a serious or violent offense will be eligible for these programs. In addition, these regulations are to specify that the community detention programs are only available if the parole violation is of a minor, technical nature.

I am deleting the \$147,000 legislative augmentation for the Sexually Violent Predators (SVPs) Conditional Release program, which the Legislature requested be transferred from the Department of Mental Health to the Department of Corrections (CDC). SVPs are repeat sex offenders who are diagnosed with mental illnesses and ordered into inpatient treatment upon completion of their criminal sentences. The Conditional Release program is necessary to monitor offenders and protect the public when courts order SVPs released into the community. The supervision, monitoring, and clinical treatment provided to SVPs under conditional release are essential to ensuring public safety. It is unclear at this time whether the CDC is appropriately equipped to provide all of the supervision and treatment services for this population. However, I will instruct the departments to explore the most effective and least costly way to provide supervision for these SVPs.

Item 6110-001-0890—For support of Department of Education. I reduce this item from \$129,929,000 to \$129,304,000 and revise Provisions 9 and 24.

I am reducing the legislative augmentation for support of special education dispute resolution services amount by \$123,000. This technical reduction eliminates funding for salary increases negotiated by the contractor. As the Budget provides for no augmentations for state employees, I believe it would be inequitable to fund salary increases for contracted employees. With this reduction, \$10,140,000 remains available for dispute resolution services. I am revising Provision 9 to conform to this action.

“9. Of the funds appropriated in this item, ~~\$10,263,000~~ *\$10,140,000* is for dispute resolution services, including mediation and fair hearing services, provided through contract for the Special Education Program.”

I am reducing the \$1,700,000 legislative augmentation for support of the Ravenswood City School Improvement Program by \$502,000. This technical reduction reflects the payment recently made for this purpose through the legal claim process. With this reduction, \$1,198,000 remains available to fully comply with the court-ordered payment for the State’s share of monitoring this district’s special education program. I am revising Provision 24 to conform to this action.

“24. Of the funds appropriated in this item ~~\$1,700,000~~ *\$1,198,000* shall be allocated to the Ravenswood City School District to support the costs of the court-ordered Ravenswood School Improvement Program.”

Item 6870-101-0001—For local assistance, Board of Governors of the California Community Colleges (Proposition 98). I revise this Item by revising Provision 2.

I am revising Provision 2 to delete language that would limit any apportionment reduction for a given community college district related to concurrent enrollment to no more than ten percent of the statewide amount in order to ensure an equitable allocation of the reductions. The ten percent limitation would result in potentially disproportionate reductions to other districts. The provision would still provide sufficient authority for the Chancellor to mitigate reductions in the event such reductions would threaten fiscal solvency, which I believe to be sufficient.

“2. Of the funds appropriated in Schedule (1), Apportionments:

- (a) Up to \$100,000 is for a maintenance allowance, pursuant to regulations adopted by the board of governors.
- (b) Up to \$500,000 is to reimburse colleges for the costs of federal aid repayments related to assessed fees for fee waiver recipients. This reimbursement only applies to students who completely withdraw from college before the census date.
- (c) The amount appropriated in this item reflects a reduction of \$25 million and approximately 6,500 full-time-equivalent students (FTES) based on a policy that revises allowable parameters for the claiming of state funding for concurrent enrollment. The chancellor shall allocate this reduction on a basis proportionate to the level of FTES reported by districts for concurrent enrollment in physical education, recreation,

study skills, and personal development courses. However, nothing in this provision shall prohibit those districts from receiving growth allocations, as warranted, to the extent that designated funds are available: ~~No district shall receive a funding reduction that exceeds 10 percent of the statewide total reduction made pursuant to this subdivision.~~ Further, the chancellor may limit the amount of reduction for a district if, in the judgment of the chancellor, the district's financial integrity otherwise would be jeopardized. The chancellor shall report to the Legislature and the Governor by January 1, 2004, on how the reduction was allocated.

- (d) Notwithstanding any other provision of law or regulation, the chancellor shall not reduce district workload obligations for a lack of a funded cost-of-living adjustment."

Item 7350-001-0001—For support of Department of Industrial Relations. I delete Provision 1.

I am deleting Provision 1 because it conflicts with Labor Code provisions, which direct the Industrial Welfare Commission to conduct public hearings in at least three California cities, as specified. This language would prevent the Commission to choosing the most cost effective venue for meetings.

I am sustaining the \$27,095,000 augmentation which would provide partial year funding for the 80 percent General Fund share of workers' compensation program costs. This budget assumes that the 100 Percent User Funding proposal that I proposed in December will be enacted as a part of a larger workers' compensation reform package. I have already stated my support and intent to enact reforms in the workers' compensation system. I view this budget augmentation as a signal that the Legislature intends to include 100 Percent User Funding in the workers' compensation reform package. If user funding is not included in those reforms and enacted in a timely fashion, the Department will incur a significant General Fund deficiency.

Item 8100-101-0001—For local assistance, Office of Criminal Justice Planning. I delete Provision 3.

I am deleting Provision 3, as a technical correction, which would require the Office of Criminal Justice Planning to maintain all matching federal discretionary funds for the Homeless Youth Project and the Youth Telephone Emergency Referral Program for at least this fiscal year. This language is unnecessary since Schedules (4) and (5) of this item provide appropriations specifically intended to support the Homeless Youth Project and Youth Telephone Emergency Referral Program, including the use of these funds to match any available federal funds.

Item 8180-101-0001—For local assistance, payment to counties for costs of homicide trials. I delete Provision 3.

I am deleting Provision 3, which allows Stanislaus County to be reimbursed for 100 percent of its costs associated with the homicide trial of the People v. Scott Peterson. There is an existing procedure by which counties can procure reimbursements for costly homicide trials. Stanislaus County can apply for funds for this trial through that procedure; therefore this language is unnecessary.

Item 9210-103-0001—For local assistance, Local Government Financing. I delete this item and Provisions 1, 2, 3, and 4.

I am deleting this legislative augmentation, which restored \$500,000 of my proposed elimination of the special supplemental subventions for redevelopment agencies. These resources were provided to ensure that debt obligations supported by the special supplemental subventions would not be harmed. If redevelopment agencies have debt secured by that funding, there is an established process to ensure that they are not harmed.

I am deleting Provisions 1, 2, 3, and 4 to conform to this action.

SEC. 9.70—Information Technology Savings from Reduced Rates at the Health and Human Services Agency Data Center. I delete this Control Section.

I am deleting this control section because it would require that (1) the Health and Human Services Agency Data Center reduce its rates by 8 percent, (2) the approximate \$20 million in resultant savings be reduced from client department budgets for information technology, (3) the Department of Finance (Finance) capture the resultant savings and revert the funding to the appropriate fund, and (4) Finance report to the Legislature on adjustments be made by November 1, 2004. While I support the need for the Data Center to set rates that provide cost effective information technology services, I believe this control section would hamper the Data Center's ability to do so. Rates set by the Data Center are predicated on both costs and projected utilization. To the extent that client department's funding for information technology is reduced, those departments would not have appropriate resources to pay for increased utilization. Any decrease in utilization from the projected levels would preclude the ability to actually lower the rates. Additionally, the requirement for the Data Center to reduce its rates is unnecessary, because the Data Center plans to reduce rates by an average of 8 percent for 2003–04.

With the above deletions, revisions, and reductions, I hereby approve Assembly Bill 1765.

GRAY DAVIS

RECEIPT

I acknowledge receipt this 2nd day of August 2003 at 3:10 p.m., of the Governor's statement of the items of appropriation reduced and eliminated from Assembly Bill 1765 delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Message—Assembly Bill No. 1509

Governor's Office, Sacramento

August 3, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1509, which would require the Office of Emergency Services (OES) to conduct a pilot project on the use of satellite-linked devices that use geographic position system (GPS) and geographic information system (GIS) technologies in managing and deploying of mobile emergency response equipment and personnel.

In an emergency or disaster, the proper utilization and deployment of emergency response personnel and vehicles is critical in mitigating the effects of the disaster. New technologies, based on GPS and GIS technologies have the advantage of being independent of terrestrial systems that may have been damaged by a disaster or overburdened with voice traffic. Emergency service vehicles can be equipped with satellite tracking technology, which can convey to incident managers an emergency responder's exact location, and can instantly provide emergency response personnel with information about obstacles in their response path or other incidents which can impede their response to a disaster location.

Although this is a new program, it does not require the expenditure of any state funds. This bill specifies that this pilot project shall not be implemented by OES until the Director of Emergency Services certifies to the Department of Finance that sufficient nonstate funding is available to fund this project.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 287

Governor's Office, Sacramento

August 9, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 287, which will require the California Travel and Tourism Commission to make recommendations to the Secretary of the Technology, Trade, and Commerce Agency, the Governor, and the Legislature by July 1, 2005, regarding a strategy to revise the annual tourism marketing plan to include the promotion of the state's artistic, cultural, historical, and ethnic resources.

Under the provisions of the 2003 Budget Act and budget trailer bill AB 1757, currently on my desk, the State's tourism program is eliminated with the exception of the staff responsible for collecting the industry assessments. The assessment responsibility is being transferred to the Business, Transportation, and Housing Agency effective January 1, 2004.

Although I am signing this bill, I am directing the Business, Transportation, and Housing Agency not to commit any resources to carry out this bill's requirements since there are neither State staff

resources nor funding available for that purpose. Alternatively, the Tourism Commission has sufficient independent authority to secure resources to meet the requirements of this bill if it determines that the requirements of the bill are of relative importance to its constituents.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 673

Governor's Office, Sacramento
August 9, 2003

To the Members of the California Legislature:

I am signing AB 673 (Horton/Burton), which appropriates \$50,568,787.99 from the Indian Gaming Special Distribution Fund (SDF) to cover shortfalls that have occurred in the Indian Gaming Revenue Sharing Trust Fund (RSTF), and establishes the Office of Problem and Pathological Gambling within the Department of Alcohol and Drug Programs.

Four years ago, I signed compacts that for the first time in the nation benefited gaming and non-gaming tribes. Specifically under the compacts, each tribe with less than 350 machines is eligible to receive up to \$1.1 million from the RSTF. Unfortunately, there has not been enough money in the RSTF to reach that amount. Under this bill, we are transferring enough money from the SDF into the RSTF to achieve that goal.

Californians voted twice to help Native Americans move towards enhancing their economic opportunities. This legislation furthers the will of voters to assist California's federally recognized Native American tribes in their quest to gain self-sufficiency. As such, I am pleased to sign this legislation.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1472

Governor's Office, Sacramento
August 9, 2003

To Members of the California Legislature:

I am signing Assembly Bill 1472, which authorizes a governing school board to use its school buildings or other public buildings for polling places on any election day. In the event that a school building is used for a polling place, this bill authorizes the governing board to do one of the following: (1) allow the school session to continue while polling places are set up in specific areas not designated for school activities; (2) designate the day for staff training and development; or (3) close the school altogether. Additionally, once a school building has been designated as a polling place, this bill would require a school administrator to provide a telephone line for Internet access if the election official requests it.

While I recognize the intent of this bill is to address the lack of polling places and poll workers for elections, this bill is drafted in a manner that could have unintended consequences of diminishing instructional time for our students and further, could create a reimbursable state mandate

by requiring schools to provide telephone lines with internet access. The author of this bill has agreed to introduce legislation to clarify that this bill will not diminish instructional time for our students and that this bill is not intended to create a new reimbursable state mandate by requiring schools to provide telephone lines with internet access.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1662

Governor's Office, Sacramento
August 9, 2003

To the Members of the California Legislature:

I am signing AB 1662, a bill that will permit certain accessory attachments to be affixed on the sidewall of a recreational vehicle.

However, this bill is drafted in a manner that could be unintentionally interpreted as broadening the definition of a recreational vehicle. The author of this bill has assured me that this is not the intent of this legislation. The author has agreed to introduce legislation to clarify that this bill is not intended to create a new definition of a recreational vehicle under California law.

Furthermore, I am directing the California Highway Patrol to implement this bill in a manner that is consistent with the intent of this legislation.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1754

Governor's Office, Sacramento
August 9, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1754 which would make numerous statutory changes necessary to implement the 2003–04 education budget. However, I am signing the bill with the expectation that the Legislature will approved appropriate cleanup language to require the mandatory backfill of the 1.2 percent revenue limit reduction. Absent this language, I am concerned that there could be a detrimental effect on the quality of classroom instruction resulting from an increase in student to teacher ratio.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1757

Governor's Office, Sacramento
August 9, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1757, which would make various statutory changes related to abolishing the Technology Trade and Commerce Agency and the Office of Criminal Justice Planning (OCJP).

The motion picture industry is an important part of California's history and its continued vitality. Programs such as Film California First have an important mission, and while funds are tight, the authority for such programs should remain in statute, so that they can be considered

for funding when the economy improves. I urge the Legislature to restore the statutory authority for this program and other functions of the California Film Commission.

This bill also will require a shift in oversight responsibility for the former OCJP domestic violence program. I intend to submit a plan for administering this important program in consultation with the Legislature and persons working against domestic violence.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1762

Governor's Office, Sacramento
August 9, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1762.

This bill would provide the Department of Health Services (DHS), the Department of Mental Health, the Department of Managed Health Care, the Department of Developmental Services, the Managed Risk Medical Insurance Board, and the Emergency Medical Services Authority, with the necessary authority to implement the Budget Act of 2003, as it relates to health services.

AB 1762 provides for a freeze of the Medi-Cal reimbursement rates for hospital services for the 2004–05 fiscal year. This section of the bill could be interpreted to violate the *Orthopedic* lawsuit settlement, which provides for specific rate increases for hospital outpatient services. It was not the intent of AB 1762 to interfere with DHS' compliance with this settlement, and I am directing DHS to provide all rate increases as prescribed by the settlement.

Sincerely,

GRAY DAVIS

REQUEST FOR PHOTOGRAPHER

Assembly Members Correa, Yee, Koretz, Richman, and Canciamilla were granted unanimous consent that photographers and videographers be permitted on the Floor of the Assembly.

BILLS RETURNED TO SENATE

The following bills were returned to the Senate for further action:

Assembly Bill No. 953, upon request of Assembly Member Houston;
Assembly Bill No. 962, upon request of Assembly Member La Suer;
and

Assembly Bill No. 691, upon request of Assembly Member Daucher.

**BILL WITHDRAWN FROM INACTIVE FILE
AND RETURNED TO THE SENATE**

Assembly Member Nakanishi was granted unanimous consent that Assembly Bill No. 172 be withdrawn from the inactive file and returned to the Senate for further action.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Chan announced her intention to request that Senate Bill No. 348 be removed from the inactive file.

JOINT RULE 62(a) WAIVED

Assembly Member Chan was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 269 for hearing in the Committee on Public Employees, Retirement and Social Security, on Wednesday, August 20, 2003.

SPECIAL CONSENT CALENDAR ANNOUNCEMENT

Assembly Member Chan announced that commencing today, a special consent calendar for Assembly bills amended in the Senate will be created. The criteria for a bill being placed on this special consent calendar will be: (1) No "NO" votes in any Senate or Assembly committee, and (2) No "NO" votes on either the Assembly or Senate Floor. Bills will be placed on the Unfinished Business File for one day, then to First Day Special Consent Calendar, and will then be voted upon on the Second Day Special Consent Calendar. Any bill placed upon the Special Consent Calendar may be removed upon the objection of a Member.

RESOLUTIONS

The following resolutions were offered:

Resolutions to Suspend Joint Rules

By Assembly Member Wiggins:

Resolved, That Joint Rule 62(a) be suspended to permit the Committee on Banking and Finance to set Senate Bill No. 1 for reconsideration and further action.

By Assembly Member Wiggins:

Resolved, That Joint Rule 61(a)(9) be suspended to permit the Committees on Banking and Finance and Judiciary to meet, consider, and report Senate Bill No. 1 for further action.

By Assembly Member Wiggins:

Resolved, That Joint Rule 61(a)(9) be suspended to permit the Committee on Banking and Finance to report Senate Bills Nos. 27 and 602 for further action.

By Assembly Member Vargas:

Resolved, That Joint Rule 61(a)(9) be suspended to permit the Committee on Insurance to meet, consider, and report Senate Bill No. 457 for further action.

By Assembly Member Frommer:

Resolved, That Joint Rule 61(a)(2) be suspended to permit the Committee on Health to meet, consider, and report Assembly Bill No. 1363 for further action.

Resolutions read, and adopted by the following vote:

AYES—67

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

NOES—None

AUTHOR'S AMENDMENTS

Committee on Banking and Finance

August 18, 2003

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Senate Bill No. 1

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

WIGGINS, Chair

SENATE BILL NO. 1—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

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 Banking and Finance

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 27

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

WIGGINS, Chair

Above bill ordered to second reading.

Date of Hearing: July 8, 2003

Mr. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 602

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

WIGGINS, Chair

Above bill ordered to second reading.

JOINT RULE 62(a) WAIVED

Assembly Member Chan was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1 for hearing in the Committee on Banking and Finance today.

SUSPEND ASSEMBLY RULE 56 AND JOINT RULE 62(a)

Assembly Member Chan was granted unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended for the purpose of permitting the Committees on Judiciary and Appropriations to hear Senate Bill No. 1, pending re-referral to the committees.

BILL RETURNED TO SENATE

Assembly Member Goldberg was granted unanimous consent that Senate Bill No. 308 be returned to the Senate for further action.

ADJOURN IN MEMORY

Assembly Member Chan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James D. Driscoll, Chief Clerk of the Assembly from October 5, 1963–December 30, 1986.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Wiggins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Rita Tamayo, of Santa Rosa.

(Assembly Rule 45.5 suspended.)

RECESS

By unanimous consent, at 1:22 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Correa introduced Sandy Daniels and Cherie Rolapp-Khan, representing South Coast Plaza and Lois Augustine, representing Children's Hospital of Orange County and presented a resolution to honor their work in organizing the "Festival of Children", a month-long event celebrating the health and well-being of children.

RECONVENED

At 1:25 p.m., the Assembly reconvened.

Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the Assembly, presiding.

ADJOURN IN MEMORY

Assembly Member McCarthy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Staff Sgt. David Perry, of Bakersfield.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Speaker pro Tempore Kehoe was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David S. Casey, Sr., of La Jolla.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Deputy Stephen Sorensen, Los Angeles County Sheriff's Department.

(Assembly Rule 45.5 suspended.)

At 1:28 p.m., Speaker pro Tempore Christine Kehoe, 76th District, presiding

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Wiggins announced that the Committees on Banking and Finance and Judiciary would convene jointly in Room 4202 today, upon recess of Floor session.

COMMITTEE MEETING ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced that the Committee on Appropriations would meet today, upon adjournment of the joint hearing of the Committees on Banking and Finance and Judiciary.

ADJOURN IN MEMORY

Assembly Member Cogdill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marine Captain John T. Berger, of Sonora.

(Assembly Rule 45.5 suspended.)

COMMITTEE MEETING CANCELED

Assembly Member Dutra announced that the meeting of the Committee on Transportation scheduled for today has been canceled.

RECESS

By unanimous consent, at 1:30 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 4:27 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Banking and Finance

Date of Hearing: August 18, 2003

Mr. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 1

With the recommendation: Do pass, and be re-referred to the Committee on Judiciary.

WIGGINS, Chair

Above bill re-referred to the Committee on Judiciary.

Committee on Judiciary

Date of Hearing: August 18, 2003

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

CORBETT, Chair

Above bill re-referred to the Committee on Appropriations.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Resolutions

ASSEMBLY CONCURRENT RESOLUTION NO. 6 (Cohn)—Relative to Domestic Violence Awareness Month.

Resolution read, adopted, and ordered transmitted to the Senate.

(For the vote on the above resolution, see this day's Consent Calendar roll call.)

ASSEMBLY CONCURRENT RESOLUTION NO. 11 (Cohn)—Relative to Health Cares About Domestic Violence Day.

Resolution read, adopted, and ordered transmitted to the Senate.

(For the vote on the above resolution, see this day's Consent Calendar roll call.)

ASSEMBLY CONCURRENT RESOLUTION NO. 107 (Firebaugh)—Relative to Senator Ralph C. Dills Day and Week.

Resolution read, adopted, and ordered transmitted to the Senate.

(For the vote on the above resolution, see this day's Consent Calendar roll call.)

Consent Calendar—Senate Resolution

SENATE CONCURRENT RESOLUTION NO. 38 (Ashburn)—Relative to Valley Fever Awareness Month.

Resolution read, adopted, and ordered transmitted to the Senate.

(For the vote on the above resolution, see this day's Consent Calendar roll call.)

Consent Calendar Roll Call

The roll was called, and the above resolutions on the Consent Calendar, adopted by the following vote:

AYES—74

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

NOES—None

Objection to Vote Adds and Changes

Assembly Member Cox withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Consent Calendar.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: August 18, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1

With the recommendation: Do pass.

STEINBERG, Chair

Above bill ordered to second reading.

JOINT RULE 62(a) WAIVED

Assembly Member Steinberg was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 9 for hearing in the Committee on Appropriations on Wednesday, August 20, 2003.

JOINT RULE 62(a) WAIVED

Assembly Member Steinberg requested unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 60 for hearing in the Committee on Appropriations on Wednesday, August 20, 2003.

Assembly Member Cogdill withheld unanimous consent.

Motion to Waive Joint Rule 62(a)

Assembly Member Steinberg moved that Joint Rule 62(a) be waived for the purpose of hearing Senate Bill No. 60 in the Committee on Appropriations on Wednesday, August 20, 2003.

Assembly Member Chan seconded the motion.

Motion carried by the following vote:

AYES—45

Berg	Dymally	Longville	Reyes
Bermudez	Frommer	Lowenthal	Ridley-Thomas
Calderon	Goldberg	Matthews	Salinas
Canciamilla	Hancock	Montanez	Steinberg
Chan	Horton, Jerome	Mullin	Vargas
Chavez	Jackson	Nakano	Wiggins
Chu	Kehoe	Nation	Wolk
Cohn	Koretz	Negrete McLeod	Yee
Corbett	Laird	Nunez	Mr. Speaker
Correa	Leno	Oropeza	
Diaz	Levine	Parra	
Dutra	Lieber	Pavley	

NOES—28

Aghazarian	Dutton	La Suer	Plescia
Benoit	Harman	Maddox	Richman
Bogh	Haynes	Maze	Runner
Campbell	Horton, Shirley	McCarthy	Samuelian
Cogdill	Houston	Mountjoy	Spitzer
Cox	Keene	Nakanishi	Strickland
Daucher	La Malfa	Pacheco	Wyland

OBJECTION WITHDRAWN

Assembly Member Cox withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on the Consent Calendar.

CONSIDERATION OF SENATE BILL NO. 1 BY UNANIMOUS CONSENT

Assembly Member Dutra was granted unanimous consent to take up Senate Bill No. 1 without reference to file, for purpose of consideration.

SENATE BILL NO. 1 (Speier)—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

Bill read second time.

Third Reading of Senate Bill No. 1

SENATE BILL NO. 1—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

Bill read third time, and presented by Assembly Member Dutra.

Bill passed by the following vote:

AYES—78

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

NOES—1

Haynes

Bill ordered transmitted to the Senate.

REQUEST TO RESCIND ACTION ON SENATE BILL NO. 523

Assembly Member Chan requested unanimous consent to rescind the action whereby the Assembly, on July 3, 2003 (Assembly Journal, page 2644), passed Senate Bill No. 523, and whereby the bill was ordered transmitted to the Senate, and to permit consideration of the bill, without reference to file, for purpose of amendment.

Assembly Member Cogdill withheld unanimous consent.

Motion to Rescind Action

Assembly Member Chan moved that the action be rescinded whereby on July 3, 2003, Senate Bill No. 523 was passed by the Assembly and transmitted to the Senate, and to permit the bill to be taken up without reference to file for purpose of amendment.

Assembly Member Vargas seconded the motion.

Motion carried by the following vote:

AYES—43

Berg	Dutra	Lieber	Oropeza
Bermudez	Dymally	Liu	Pavley
Calderon	Frommer	Longville	Ridley-Thomas
Canciamilla	Goldberg	Lowenthal	Simitian
Chan	Hancock	Matthews	Steinberg
Chavez	Jackson	Montanez	Vargas
Chu	Kehoe	Mullin	Wiggins
Cohn	Koretz	Nakano	Wolk
Corbett	Laird	Nation	Yee
Correa	Leno	Negrete McLeod	Mr. Speaker
Diaz	Levine	Nunez	

NOES—30

Aghazarian	Dutton	La Suer	Pacheco
Bates	Garcia	Leslie	Plescia
Benoit	Harman	Maddox	Runner
Bogh	Haynes	Maldonado	Samuelian
Campbell	Horton, Shirley	Maze	Spitzer
Cogdill	Houston	McCarthy	Wyland
Cox	Keene	Mountjoy	
Daucher	La Malfa	Nakanishi	

Consideration of Senate Bill No. 523, Without Reference to File

SENATE BILL NO. 523 (Escutia)—An act to amend Section 912 of the Civil Code, relating to construction defects.

Bill read third time.

Motion to Amend

Assembly Member Corbett moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 777 (Escutia)—An act to amend Sections 1102.5 and 1106 of, and to add Sections 1102.6, 1102.7, 1102.8, and 1102.9 to, the Labor Code, relating to whistleblowers.

Bill read third time.

Motion to Amend

Assembly Member Corbett moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 684 (Alpert)—An act to amend Section 530.8 of the Penal Code, relating to identity theft.

Bill read third time.

Motion to Amend

Assembly Member Wiggins moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 1076 (Committee on Health and Human Services)—An act to amend Sections 444.20, 444.22, 444.24, and 1771.7 of the Health and Safety Code, relating to consumer assistance.

Bill read third time.

Motion to Amend

Assembly Member Nakanishi moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 245 (Sher)—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

Bill read third time.

Motion to Amend

Assembly Member Berg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 705 (Florez)—An act to add Section 41855.5 to the Health and Safety Code, relating to air quality.

Bill read third time.

Motion to Amend

Assembly Member Reyes moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 824 (Scott)—An act to amend Sections 12071, 12074, 12077, and 12082, of the Penal Code, relating to firearms.

Bill read third time.

Motion to Amend

Assembly Member Longville moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 476 (Florez)—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of the Health and Safety Code, relating to health.

Bill read third time.

Motion to Amend

Assembly Member Reyes moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 967 (Burton)—An act to amend Sections 94739, 94800, 94802, and 94905 of, to amend and renumber Section 94740.1 of, and to add Sections 94740.3 and 94740.5 to, the Education Code, relating to postsecondary education.

Bill read third time.

Motion to Amend

Assembly Member Leno moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 993 (Poochigian)—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read third time.

Motion to Amend

Assembly Member Reyes moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced the following session schedule:

Tuesday, August 19 and Wednesday, August 20, Check-in Session, 7 a.m.–3 p.m.

Thursday, August 21, Floor Session, 9 a.m.

Speaker pro Tempore Kehoe announced that panoramic photo for the California State Assembly publication would be taken in the Chamber on Thursday, August 21, 2003.

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 Bill No. 933, on request of Assembly Member Chan;

Senate Bill No. 85, on request of Assembly Member Levine.

CONGRATULATIONS EXTENDED TO ASSEMBLY MEMBER PLESCIA

Assembly Member Wyland was joined by the Members of the Assembly in extending congratulations to Assembly Member Plescia on the occasion of his recent wedding.

ADJOURN IN MEMORY

Assembly Member Bates was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Claire “Duff” Duffie, of Placentia and Rev. Clyde “Pete” Shideler, of Oceanside.

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Seiji Sugawara, of Ukiah and Dr. Wayne R. Hawthorne, of Crescent City.

Assembly Member Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Russell Jessup, of Tustin.

Assembly Member Jackson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marie Koutoulas, of Santa Barbara.

Assembly Members Laird and Canciamilla were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Henry Colarich, of Concord.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Andrea Martin and Christopher Smith, of San Francisco.

Assembly Member Leslie was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Corine “Cori” J. Buckley, of Loomis.

Assembly Member Nakano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Larson, of Harbor City and Jim Standifer, of Torrance.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Willard H. "Bill" Johnson, Sr., of Selma.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John L. Powers, of Lancaster and Wallace Spinarski, of Los Angeles.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Resolutions to Suspend Rules: Calderon, Campbell, Canciamilla, Daucher, Frommer, Lowenthal, Maldonado, Negrete McLeod, Reyes, Salinas, Strickland, and Vargas—Aye.

Consent Calendar: Calderon, Campbell, Correa, Daucher, Frommer, Maldonado, Negrete McLeod, Reyes, Runner, Samuelian, and Strickland—Aye.

Senate Bill No. 60, Steinberg Motion to Suspend Rules: Frommer, Nation, and Yee—Aye; Daucher, Richman, Samuelian, and Strickland—No.

Senate Bill No. 1: Canciamilla and Richman—Aye.

MOTION TO ADJOURN

At 5:12 p.m., Assembly Member Chan moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Leslie, Mountjoy and Dymally arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Chan that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:17 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 131—Cox (Principal coauthor: Steinberg) (Coauthor: Dymally). Relative to the William Alexander Leidesdorff, Jr. Memorial Highway.

ASSEMBLY CONCURRENT RESOLUTION NO. 132—Correa (Coauthors: Bates, Bermudez, Bogh, Calderon, Chavez, Cohn, Dutra, Frommer, Harman, Koretz, Maddox, Maldonado, Matthews, Maze, Montanez, Nakano, Oropeza, Parra, Runner, Spitzer, and Vargas) (Coauthors: Senators Ackerman, Karnette, Machado, Perata, Scott, and Soto). Relative to Red Ribbon Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 133—Bates (Coauthor: Senator Morrow). Relative to the Oceanside Police Officer Tony Zeppetella Memorial Highway.

ASSEMBLY CONCURRENT RESOLUTION NO. 134—Cogdill (Coauthor: Senator Poochigian). Relative to California Small and Rural Telecommunications Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 135—Runner (Coauthor: Senator Knight). Relative to the Deputy Sheriff Steven Sorensen Memorial Highway.

ASSEMBLY CONCURRENT RESOLUTION NO. 136—Berg. Relative to Assisted Living Week.

ASSEMBLY JOINT RESOLUTION NO. 48—Liu and Jackson (Coauthors: Berg, Chu, Cohn, Corbett, Goldberg, Hancock, Kehoe, Lieber, Oropeza, Pavley, Ridley-Thomas, and Wiggins) (Coauthors: Senators Ducheny, Figueroa, Karnette, Kuehl, Ortiz, Romero, Soto, and Speier). Relative to Women's Equality Day.

ADJOURNMENT

At 5:18 p.m., pursuant to the motion by Assembly Member Chan, the Assembly adjourned until 7 a.m., Tuesday, August 19, 2003 out of respect to the memory of James D. Driscoll, on motion of Assembly Member Chan; out of respect to the memory of Mary Rita Tamayo, on motion of Assembly Member Wiggins; out of respect to the memory of Staff Sgt. David Perry, on motion of Assembly Member McCarthy; out of respect to the memory of David S. Casey, Sr., on motion of Speaker pro Tempore Kehoe; out of respect to the memory of Deputy Stephen Sorensen, on motion of Assembly Member Runner; out of respect to the memory of Marine Captain John T. Berger, on motion of Assembly Member Cogdill; out of respect to the memory of Claire “Duff” Duffie and Rev. Clyde “Pete” Shideler, on motion of Assembly Member Bates; out of respect to the memory of Seiji Sugawara and Dr. Wayne R. Hawthorne, on motion of Assembly Member Berg; out of respect to the memory of Dr. Russell Jessup, on motion of Assembly Member Campbell; out of respect to the memory of Henry Colarich, on motion of Assembly Members Laird and Canciamilla; out of respect to the memory of Andrea Martin and Christopher Smith, on motion of Assembly Member Leno; out of respect to the memory of Corine “Cori” J. Buckley, on motion of Assembly Member Leslie; out of respect to the memory of George Larson and Jim Standifer, on motion of Assembly Member Nakano; out of respect to the memory of John L. Powers and Wallace Spinarski, on motion of Assembly Member Runner; out of respect to the memory of Willard H. “Bill” Johnson, Sr., on motion of Assembly Member Reyes; and out of respect to the memory of Marie Koutoulas, on motion of Assembly Member Jackson.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 18, 2003

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

SB	RN	SB	RN
1	0317631	620	0316930
18	0317430	361	0317328
60	0317703	684	0317325
130	0317505	704	0317298
151	0317114	705	0317470
162	0317515	708	0316564
186	0317539	720	0317191
238	0317482	722	0317402
244	0317355	777	0316067
245	0316933	814	0317344
248	0317542	824	0317105
279	0317040	857	0317432
322	0317375	892	0317477
328	0317636	916	0317453
352	0317116	920	0317553
359	0317643	922	0317507
373	0316576	937	0317434
420	0317473	967	0316320
428	0317304	993	0316832
434	0317247	1004	0317508
439	0317472	1008	0317569
476	0316954	1024	0316239
481	0316856	1025	0317503
489	0317498	1032	0317403
523	0316626	1059	0317320
527	0317479	1062	0317246
543	0317418	1065	0316857
575	0316433	1076	0317368
577	0317376	1080	0317435
591	0317484		
619	0316463	SCR	RN
613	0317693	36	0317103
619	0317406	39	0317168

Daily Total:	64
Cumulative Total:	2576