

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 20, 2003

**ONE HUNDRED FOURTEENTH SESSION DAY
TWO HUNDRED SIXTY-SECOND 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
Wednesday, August 20, 2003

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—74:

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

Quorum present.

At 1:50 p.m., Hon. Jay La Suer, 77th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez, Cogdill, and Longville.

On personal business, and waiving per diem: Assembly Member Campbell.

Because of illness: Assembly Members Firebaugh and Leslie.

EXPLANATIONS OF ABSENCE

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

August 13, 2003

The Honorable Herb J. Wesson, Jr.

Speaker

California State Assembly

State Capitol, Room 219

Sacramento, California

Dear Mr. Speaker Wesson: I respectfully request that I be excused from session on Wednesday, August 20, 2003. The purpose is to attend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member
Fifty-seventh District

August 18, 2003

The Honorable Herb Wesson

Speaker, California State Assembly

State Capitol, Room 219

Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Check-In Session on Wednesday, August 20, 2003. I will be conducting legislative business in my district on that day.

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

Sincerely,

DAVE COGDILL, Assembly Member
Twenty-fifth District

August 19, 2003

The Honorable Herb Wesson

Speaker of the California State Assembly

State Capitol, Room 219

Sacramento, California

Dear Mr. Speaker: Please excuse me from Check In Session on Wednesday, August 20, 2003 due to legislative business.

Thank you for your consideration of this request. If your staff should have any questions or require further information, please feel free to contact Traci Holt at 319-2062.

Respectfully,

JOHN LONGVILLE, Assembly Member
Sixty-second District

COMMUNICATIONS

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

August 20, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Jackie Goldberg to replace Assemblymember Gloria Negrete McLeod on the Assembly Labor and Employment Committee for today's hearing only.

Sincerely,

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

COMMUNICATIONS

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, transmitting copies of the ballot titles, summaries, and labels, for the October 7, 2003 Statewide Special Election Ballot for the following Propositions in accordance with the provisions of Sections 8 and 9 of (Chapter 147, Statutes of 1998) Senate Bill 1505, and the provisions of Elections Code Sections 9050–9051, 13247, 13281–13282, and Government Code Sections 88002–88003:

Proposition 53
Funds Dedicated for State and Local Infrastructure
Legislative Constitutional Amendment.
Resolution Chapter 185, Statutes of 2002 (ACA 11).

Proposition 54
Classification by Race, Ethnicity, Color, or National Origin.
Initiative Constitutional Amendment.

Referred by the Speaker to the Committee on Elections, Redistricting and Constitutional Amendments.

Proposed Initiatives

The following communication was presented by the Chief Clerk from:

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

Traffic and Parking Violations. Fees.
Initiative Statute. SA 2003RF0025

Referred by the Speaker to the Committee on Public Safety.

REPORTS

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2002-117
July 31, 2003

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

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the readiness of the Governor's Office of Emergency Services (OES) and the California National Guard (National Guard) to respond to terrorist events in the State. This report concludes that although both agencies have developed plans that adequately guide their response to terrorist events, OES has not included a prevention element in the State's terrorism response plan. Additionally, OES does not always identify the critical training that staff in the operations centers need to effectively complete their duties, nor does it regularly develop and administer state-level terrorism readiness exercises with other state and local agencies as required by the terrorism response plan. Furthermore, clarification of the roles and responsibilities of the State's Office of Homeland Security and OES would be beneficial to ensure that clear lines of authority exist.

This report also concludes that although the National Guard generally relies on its members' military training to respond to terrorism missions, it has not provided all of the training its staff in its Joint Operations Center needs to adequately respond to these missions. The National Guard also has not fully implemented a required terrorism readiness force protection program in its Army Guard Division. Additionally, although it conducts internal terrorism readiness exercises, the National Guard believes it has not had sufficient funding to participate in exercises involving other state and local emergency response agencies. Finally, despite ranking behind many of its counterparts in other states based on a key measure of recruiting and retention success, the National Guard has managed to finish near its end-strength goal—the number of members for which the National Guard is funded—for each of the last four years.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Governmental Organization.

California State Auditor

2002-113
July 30, 2003

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

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the extent to which the Governor's Office of Emergency Services (OES) and county emergency operation centers (EOCs) are able to coordinate and respond to multijurisdictional emergencies under the Standardized Emergency Management System (SEMS).

This report concludes that the State's Emergency Plan and related annexes provide adequate guidance to agencies responding to multijurisdictional emergencies, but that OES lacks a formal process to regularly evaluate and update these plans. Additionally, OES is not consistently evaluating the use of SEMS by preparing statutorily required after-action reports following all declared disasters or through regular meetings of its SEMS advisory board and technical group. While the Federal Emergency Management Agency and most state agencies we interviewed believe OES does well in coordination responses to emergencies, OES often does not record the data needed to evaluate its performance in its resources tracking system. Further, clarification of the roles and responsibilities of the State's Office of Homeland Security and OES would be beneficial to ensure that clear lines of authority exist. Also, OES has had difficulty in acquiring and maintaining emergency response equipment due to what it asserts is inadequate funding, resulting in 26 percent of its fire engines exceeding their useful lives and other legislatively-mandated equipment—heavy urban search and rescue vehicles and thermal imaging equipment—not being purchased.

Finally, our review of six EOCs found that they had adequate plans and training to prepare for emergencies. However, OES's recent survey of all local EOCs—conducted to apply for a federal grant—reveals that some counties are in need of potentially costly upgrades to improve their ability to respond to emergencies.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Governmental Organization.

California State Auditor

2002-123.2
August 6, 2003

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

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents the second of two audit reports examining whether California is maximizing the amount of federal funds it is entitled to receive for appropriation through the Budget Act.

This report concludes that California as a whole receives a share of federal funding for grants that is near its share of the United States' population (population share). However, on a grant-by-grant basis, grant allocation formulas can result in a California grant share that is lower than California's population share, largely because of unfavorable demographics and the use of out-of-date statistics. Because grant formulas are created at the federal level, the State has little control over these factors. On the other hand, state and local policies have limited California's share of federal funds in a few cases, and departments have sometimes lost federal funding due to the lack of state matching funds. In addition, the State has lost some federal funds because of an inability to obligate funds timely, federal sanctions, and other budget constraints.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Budget.

The following reports were presented by the Chief Clerk:

**System Of Care Redesign (SOCR) Report to the Legislature
(Pursuant to Assembly Bill 429, Chapter 111, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Kathryn P. Jett, Director, Department of Alcohol and Drug Programs, dated July 22, 2003, referred by the Speaker to the Committee on Health.

**Annual Lottery Education Funds Report
(Pursuant to Senate Bill 739, Chapter 106, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated July 22, 2003, referred by the Speaker to the Committee on Budget.

**Public Utilities Commission 2001–2002 Annual Report
(Pursuant to Public Utilities Code Sections 316)**

Above transmitted report, together with letter of transmittal from William Ahern, Executive Director, Public Utilities Commission, dated July 28, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Railroad Local Safety Hazard Report
(Pursuant to Public Utilities Code Section 7711)**

Above transmitted report, together with letter of transmittal from William Ahern, Executive Director, Public Utilities Commission, dated July 29, 2003, referred by the Speaker to the Committee on Transportation.

**Underground Storage Tank Cleanup Fund Program
(Pursuant to Health and Safety Code Section 25299-81 (d))**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Report on Lottery Expenditures for K-12 Education, 2001-02
(Pursuant to 2002 Budget Act)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated July 11, 2003, referred by the Speaker to the Committee on Budget.

**Annual Disabled Veteran Business Enterprise Report
(Pursuant to Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Kathryn P. Jett, Director, Department of Alcohol and Drug Programs, dated July 17, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**School Safety and Violence Prevention Act
Annual Report
(Pursuant to Education Code Section 32228.5 (a))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated July 21, 2003, referred by the Speaker to the Committee on Budget.

**Unpaid Holocaust-Era Insurance Claims Status Report
January 2003 through June 2003
(Pursuant to Insurance Code Section 12967 (e))**

Above transmitted report, together with letter of transmittal from Beverly Hunter, Legislative Director, Department of Insurance, dated July 21, 2003, referred by the Speaker to the Committee on Insurance.

**SB 1X Energy Efficiency and Low-Income Programs
Third Quarterly Report, May 1, 2001 through April 30, 2002
(Pursuant to Senate Bill X15, Chapter 7, First Extraordinary Session
Statutes of 2001)**

Above transmitted report, together with letter of transmittal from William Ahern, Executive Director, Public Utilities Commission, dated July 16, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Affordable Housing
(Pursuant to Assembly Bill 2877, Chapter 93, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated July 22, 2003, referred by the Speaker to the Committee on Budget.

**Organized Crime in California 2002
(Pursuant to Government Code Section 15028)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Series Division, Department of Justice, dated July 30, 2003, referred by the Speaker to the Committee on Public Safety.

**A Process Evaluation of the California DNA Cold Hit Program
(Pursuant to Office of Criminal Justice Planning's Annual Plan for
Program Evaluations)**

Above transmitted report, together with letter of transmittal from Wayne Strumpfer, Interim Executive Director, Office of Criminal Justice Planning, dated July 30, 2003, referred by the Speaker to the Committee on Public Safety.

**Evaluation of Multi-Jurisdictional Drug Task Forces in California
Final Report of The California State University, Sacramento
(Pursuant to Office of Criminal Justice Planning's Annual Plan for
Program Evaluations)**

Above transmitted report, together with letter of transmittal from Wayne Strumpfer, Interim Executive Director, Office of Criminal Justice Planning, dated July 30, 2003, referred by the Speaker to the Committee on Public Safety.

**Quarterly Hazardous Waste Fee Revenue Report
April 1, 2003 through June 30, 2003
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from Timothy W. Boyer, Interim Executive Director, Board of Equalization, dated August 1, 2003, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Feasibility of a Strategic Fuel Reserve in California
(Pursuant to Assembly Bill 2076, Chapter 936, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from William J. Keese, Chairman, California Energy Commission, dated August 5, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Charter School Facility Funding Joint Report
(Pursuant to Education Code Section 17078.50)**

Above transmitted report, together with letter of transmittal from Luisa M. Park, Executive Officer, State Allocation Board, dated July 31, 2003, referred by the Speaker to the Committee on Education.

**Assembly Bill 722
Study of Pupil Personnel Ratios, Services, and Programs
(Pursuant to Assembly Bill 722, Chapter 250, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated July 30, 2003, referred by the Speaker to the Committee on Education.

**California State Vehicle Fleet fuel Efficiency Report.
Volume I: Summary, Findings and Recommendations, and Volume II
(Pursuant to Senate Bill 1170, Chapter 912, Statutes 2001)**

Above transmitted report, together with letter of transmittal from William J. Keese, Chairman, California Energy Commission, J. Clark Kelso, Interim Director, Department of General Services, and Alan C. Lloyd, Chairman, Air Resources Board, dated May 30, 2003, referred by the Speaker to the Committee on Transportation.

**Quarterly Report to the Legislature
Concerning the Renewable Energy Program
(April 1, 2003 through June 30, 2003)
(Pursuant to Public Utilities Code, Article 5, Section 445(g))**

Above transmitted report, together with letter of transmittal from John L. Geesman, Commissioner and Presiding Member, Renewables Committee, California Energy Commission, dated July 31, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Report to the Legislature on the Regulatory Activities of
the South Coast Air Quality Management District
(Pursuant to Senate Bill 1928, Chapter 1702, Statutes of 1990)**

Above transmitted report, together with letter of transmittal from Barry R. Wallerstein, D. Env., Executive Officer, South Coast Air Quality Management District, dated July 31, 2003, referred by the Speaker to the Committee on Natural Resources.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 20, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 119
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, August 20, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1686
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, August 20, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 120
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, August 20, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1455

And reports the same correctly enrolled, and presented to the Governor on the 20th day of August, 2003, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

AUTHOR'S AMENDMENTS
Committee on Transportation

August 20, 2003

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

Assembly Concurrent Resolution No. 115

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

DUTRA, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 115—Relative to the Inspector Raymond J. Giacomelli Memorial Overcrossing.

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

REPORTS OF STANDING COMMITTEES

Committee on Public Employees, Retirement and Social Security

Date of Hearing: August 20, 2003

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 269

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

NEGRETE McLEOD, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Appropriations

Date of Hearing: August 20, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 60

With the recommendation: Do pass.

STEINBERG, Chair

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE
SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 27, ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, August 21, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 20, 2003**

The following measure was amended in the Assembly on this day:

ACR RN

115 0317680

Daily Total: 1

Cumulative Total: 2583

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