

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 26, 2003

**ONE HUNDRED SEVENTEENTH SESSION DAY
TWO HUNDRED SIXTY-EIGHTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, August 26, 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—75:

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

Quorum present.

At 1:48 p.m., Hon. Rudy Bermudez, 56th 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 Corbett, Houston, and Runner.

Because of illness: Assembly Members Diaz and Firebaugh.

EXPLANATIONS OF ABSENCE

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

August 19, 2003

*The Honorable Herb Wesson
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I would like to request permission to be excused from check-in session on Tuesday, August 26, 2003. I have district business to attend to.

Thank you for your consideration of this matter. If you have any questions or concerns, please feel free to call me at (916) 319-2018.

Sincerely,

ELLEN M. CORBETT, Assembly Member
Eighteenth District

August 25, 2003

*The Honorable Herb Wesson
Speaker, California State Assembly
State Capitol
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Session on Tuesday, August 26 for legislative meetings in my district.

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

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

August 25, 2003

*The Honorable Herb Wesson
Speaker of the State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Wesson: I am writing to request an excused absence from check-in session on August 26th to attend to legislative business in my district.

Thank you for your favorable consideration of this request. Should you have any questions, please contact Will Smith, Chief of Staff at 319-2036.

Sincerely,

SHARON RUNNER, Assembly Member
Thirty-sixth District

COMMUNICATIONS

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

August 18, 2003

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

RE: Appointment of Kenneth Williams
to State Board of Barbering and Cosmetology

Dear Mr. Wilson: Please be advised I have appointed Mr. Kenneth Williams to the State Board of Barbering and Cosmetology. This is a term appointment starting August 18, 2003 and the expiration date is January 1, 2007.

Sincerely,

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

August 21, 2003

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

RE: Appointment of Christine Collins
to California Quality Education Commission

Dear Mr. Wilson: Please be advised I have appointed Ms. Christine Collins to the California Quality Education Commission. This is a term appointment starting August 21, 2003 and the expiration date is August 1, 2006.

Sincerely,

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

August 22, 2003

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

RE: Appointment of Desley Brooks
to Child Abuse and Neglect Reporting Act Task Force

Dear Mr. Wilson: Please be advised I have appointed Councilmember Desley Brooks to the Child Abuse and Neglect Reporting Act Task Force. This is a pleasure appointment starting August 22, 2003.

Sincerely,

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

August 22, 2003

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

RE: Appointment of Eugene Hardin
to Commission on Emergency Medical Services

Dear Mr. Wilson: Please be advised I have appointed Dr. Eugene Hardin to the Commission on Emergency Medical Services. This is a term appointment starting August 22, 2003 and the expiration date is January 1, 2004. Dr. Hardin will be replacing Dr. Ramon Johnson.

Sincerely,

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

August 25, 2003

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

RE: Appointment of Jackie Goldberg
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Jackie Goldberg to the State Allocation Board for August 27, 2003 only. This is a pleasure appointment. Assemblymember Marco Firebaugh will resume his appointment on August 28, 2003.

Sincerely,

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

REPORTS

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

California State Auditor

2002-114
August 19, 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 Department of Social Services (department) and its processes for licensing and monitoring community care facilities throughout California

This report concludes that state law gives the department wide discretion to decide if people with criminal histories should care for or have contact with community care clients. We found that the department is more selective when granting criminal history exemptions since we

issued our August 2000 report, *Department of Social Services: To Ensure Safe, Licensed Child Care Facilities, It Needs to More Diligently Assess Criminal Histories, Monitor Facilities, and Enforce Disciplinary Decisions* (child care report), but it could further improve the thoroughness of its criminal history investigations. Moreover, the department is less timely in communicating final decisions for exemption requests than when we issued the child care report, and its management and investigations of subsequent criminal history reports are inadequate. The department continues to need improvement in how it investigates complaints against community care facilities. Also, licensing offices did not always perform annual onsite facility evaluations as required and thus may be unaware of licensing violations that could pose a danger to children and adults in community care. Although the department adequately monitored the counties with which it contracts to license foster family homes, the department may diminish the effectiveness of its reviews by not consistently making sure those counties correct identified deficiencies. Finally, the department appears to prioritize and quickly process cases involving legal actions against individuals who fail to comply with licensing laws and regulations; however, its enforcement of decisions and orders is not always timely, consistent, or thorough.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Human Services.

California State Auditor

2003-105
August 20, 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 accuracy of the Department of Justice's (Justice) database of registered sex offenders commonly known as the Megan's Law database.

This report concludes that the Megan's Law database contains thousands of errors and inconsistencies, and out-of-date information, so the public is not accurately informed about all known sex offenders. Specifically, the Megan's Law database does not inform the public of the threat some serious and high-risk sex offenders pose because it excludes their records or erroneously lists them as incarcerated. Conversely, it may unnecessarily alarm the public because it includes hundreds of duplicate records and erroneously indicates that 1,142 sex offenders are living in public communities although the Department of Corrections reports them as incarcerated. Furthermore, the address information for roughly 23,000 records in the Megan's Law database has not been updated for at least a year largely because the sex offenders have not registered, and 14,000 of these have not been updated for at least five years. Although the accuracy of the Megan's Law database is

highly dependent on sex offenders registering as required, California law enforcement and custodial institutions can do more to ensure its completeness and accuracy. Justice has not routinely reviewed the data's accuracy, maintaining that its primary role is to compile the sex offender data it receives. Nonetheless, Justice has recently taken steps to improve the accuracy of the information in the Megan's Law database.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Public Safety.

The following reports were presented by the Chief Clerk:

**California Energy Resources Scheduling Division's
Activities and Expenditures Report for 2002
(Pursuant to Assembly Bill 1X (Chapter 4, Statutes of 2001
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from Michael J. Spear, Interim Director, Department of Water Resources, dated August 21, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Special Incident Reports
(July 1, 2002 through June 30, 2003)
(Pursuant to Assembly Bill 430, Chapter 171, Statutes of 2001**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated August 18, 2003, referred by the Speaker to the Committee on Human Services.

**California Consumer Power and Conservation Financing Authority's
Energy Resource Investment Plan—2003—2004
(Pursuant to Public Utilities Code Section 3300)**

Above transmitted report, together with letter of transmittal from S. David Freeman, Chairman, Consumer Power Conservation Financing Authority, dated August 11, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Child Care Facilities Revolving Fund Program
2002—03 Annual Report
(Pursuant to Education Code Section 8278.3 (c))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated August 12, 2003, referred by the Speaker to the Committee on Education.

**HIV—Early Intervention Program Report 2001
(Pursuant to Senate Bill 1360, Chapter 415, Statutes of 1995)**

Above transmitted report, together with letter of transmittal from Diana M. Bonta, R.N., Dr. P. H., Director, Department of Health Services, dated August 11, 2003, referred by the Speaker to the Committee on Health.

**Boat Trailer Collision Report
(Pursuant to Senate Bill 1403, Chapter 1035, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, dated August 12, 2003, referred by the Speaker to the Committee on Transportation.

**Report to the Legislature
on A Survey of Non-Indigenous Aquatic Species
in the Coastal and Estuarine Waters of California
(Pursuant to Public Resources Code Section 71211 (a))**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated July 25, 2003, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**June, 2003 Report of Lifer Parole Hearings
(Pursuant to Penal Code Section 3041 (d))**

Above transmitted report, together with letter of transmittal from Marvin E. Speed, Executive Officer, Board of Prison Terms, dated July 8, 2003, referred by the Speaker to the Committee on Public Safety.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 26, 2003

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

Assembly Bill No. 1050

Assembly Bill No. 1667

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, August 26, 2003

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

Assembly Concurrent Resolution No. 127

Assembly Concurrent Resolution No. 128

Assembly Concurrent Resolution No. 129

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, August 26, 2003

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

Assembly Joint Resolution No. 40

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, August 26, 2003

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

Assembly Joint Resolution No. 48

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

AUTHOR'S AMENDMENTS
Committee on Governmental Organization

August 26, 2003

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Assembly Concurrent Resolution No. 123
With author's amendments with the recommendation: Amend, and re-refer to the committee.

JEROME HORTON, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 123—Relative to advance deposit wagering.

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 26, 2003

Mr. Speaker: The Chair of your Committee on Committee on Appropriations reports: Assembly Concurrent Resolution No. 135
With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 135—Relative to the Deputy Sheriff Steven Sorensen Memorial Highway.

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 26, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports: Senate Bill No. 966
With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

SENATE BILL NO. 966—An act to add Section 1781 to the Labor Code, relating to prevailing wages.

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 26, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports: Assembly Bill No. 1011
With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

ASSEMBLY BILL NO. 1011—An act to add Title 15.5 (commencing with Section 97000) to the Government Code, relating to infrastructure finance, 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 26, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 1008

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

STEINBERG, Chair

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 Rules

August 26, 2003

Mr. Speaker: The Chair of your Committee on Rules reports:
Assembly Concurrent Resolution No. 125

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

NATION, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 125—Relative to Breast Cancer Awareness Month.

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 Natural Resources

August 26, 2003

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Senate Bill No. 23

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

JACKSON, Chair

SENATE BILL NO. 23—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14573.51, 14575, 14575.1, 14581, and 14585 of, and to add Sections 14513.5 and 14575.5 to, the Public Resources Code, relating to beverage containers, 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.

**REPORTS OF STANDING COMMITTEES
Committee on Higher Education**

Date of Hearing: August 25, 2003

Mr. Speaker: Your Committee on Higher Education reports:
Assembly Concurrent Resolution No. 124

With the recommendation: Be adopted.

LIU, Chair

Above resolution ordered to third reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 1363—An act to add Chapter 16 (commencing with Section 121345) to Part 4 of Division 105 of the Health and Safety Code, relating to AIDS.

Bill read second time; amendments proposed by the Committee on Health read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bills Nos. 9, 186, 189, 617, 619, 727, and 1065, ordered to third reading;

Senate Bills Nos. 763, 826, 937, and 1077, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 478—An act to add Section 230.2 to the Labor Code, relating to employment.

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

SENATE BILL NO. 439—An act to amend Section 20035.1 of, and to add Sections 20035.2, 20035.3, and 22825.11 to, the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 338—An act to amend Sections 48800, 48800.5, 48802, 76001, and 76002 of the Education Code, relating to public schools.

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

SENATE BILL NO. 545—An act to amend Section 4052 of, and to add Section 682 to, the Business and Professions Code, relating to pharmacists.

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

SENATE BILL NO. 969—An act to amend Sections 4999.2 and 4999.7 of the Business and Professions Code, and to amend Section 1348.8 of the Health and Safety Code, relating to health care service plans.

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

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. 331, on request of Assembly Member Chan;

Senate Bill No. 305, on request of Assembly Member Matthews;

Senate Bill No. 65, on request of Assembly Member Jackson.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 26, 2003

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

Assembly Bill No. 540
 Assembly Bill No. 542
 Assembly Bill No. 627
 Assembly Bill No. 846
 Assembly Bill No. 918
 Assembly Bill No. 945
 Assembly Bill No. 967
 Assembly Bill No. 976
 Assembly Bill No. 1069
 Assembly Bill No. 1080

Assembly Bill No. 1102
 Assembly Bill No. 1125
 Assembly Bill No. 1141
 Assembly Bill No. 1166
 Assembly Bill No. 1207
 Assembly Bill No. 1211
 Assembly Bill No. 1212
 Assembly Bill No. 1217
 Assembly Bill No. 1227
 Assembly Bill No. 1247

And reports the same correctly enrolled, and presented to the Governor on the 26th day of August, 2003, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 26, 2003

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

Assembly Bill No. 1294
 Assembly Bill No. 1347
 Assembly Bill No. 1379
 Assembly Bill No. 1386
 Assembly Bill No. 1407
 Assembly Bill No. 1413
 Assembly Bill No. 1420

Assembly Bill No. 1436
 Assembly Bill No. 1498
 Assembly Bill No. 1505
 Assembly Bill No. 1606
 Assembly Bill No. 1641
 Assembly Bill No. 1744

And reports the same correctly enrolled, and presented to the Governor on the 26th day of August, 2003, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 26, 2003

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

Assembly Concurrent Resolution No. 71
 Assembly Joint Resolution No. 32

And reports the same correctly enrolled, and presented to the Secretary of State on the 26th day of August, 2003, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 27, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 26, 2003**

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

AB RN

1011 0318045
1363 0311670

ACR RN

123 0318216
125 0318268
135 0318277

SB RN

23 0317970
338 0317881
439 0317828
478 0318154
545 0317967
966 0318269
969 0317988
1008 0318379

| | |
|--------------------------|-------------|
| Daily Total: | 13 |
| Cumulative Total: | 2631 |

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