

CALIFORNIA LEGISLATURE
2005–06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 11, 2005

SEVENTH SESSION DAY

THIRTY-SEVENTH 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, January 11, 2005

The Assembly met at 7 a.m.

Hon. Simón Salinas, Assembly Member, 28th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dymally	La Suer	Pavley
Arambula	Emmerson	Laird	Plescia
Baca	Evans	Leno	Richman
Bass	Frommer	Leslie	Ridley-Thomas
Benoit	Garcia	Levine	Runner
Berg	Goldberg	Lieber	Ruskin
Bermúdez	Gordon	Liu	Saldaña
Blakeslee	Hancock	Matthews	Salinas
Bogh	Haynes	Maze	Spitzer
Calderon	Horton, Jerome	McCarthy	Strickland
Canciamilla	Horton, Shirley	Montañez	Torrico
Chan	Houston	Mountjoy	Umberg
Chavez	Huff	Mullin	Vargas
Chu	Jones	Nakanishi	Villines
Cohn	Karnette	Nation	Walters
Coto	Keene	Nava	Wolk
Daucher	Klehs	Negrete McLeod	Wyland
De La Torre	Koretz	Niello	Yee
DeVore	La Malfa	Parra	Mr. Speaker

Quorum present.

At 1:58 p.m., Hon. Juan Vargas, 79th 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 Member Cogdill.

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

Because of illness: Assembly Member Oropeza.

Because of a death in his family: Assembly Member Tran.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 11, 2005

*The Honorable Fabian Núñez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from check in session today, Tuesday, January 11, 2005. I attended a legislative meeting in my district and due to the inclement weather am unable to make it back to Sacramento to check in.

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

COMMUNICATIONS

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

January 10, 2005

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

Dear Speaker Núñez: The Senate Rules Committee has appointed the following Senate members to serve on the Joint Legislative Audit Committee: Senators Poochigian, V.Ch., Cedillo, McClintock, Morrow, Murray, Romero and Speier.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2004-010
December 2, 2004

*The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Governor and Legislative Leaders: As required by Chapter 310, Statutes of 1995, the Bureau of State Audits presents its audit report concerning the Department of Transportation's (department) revenues and expenditures authorized by the Seismic Retrofit Bond Act of 1996 (Bond Act). This report concludes that the department has ensured that seismic retrofit projects funded with bond proceeds are consistent with

the purpose of the Bond Act. As of June 30, 2004, the department had spent \$1.93 billion of the \$2 billion authorized by the Bond Act. In addition, the department has nearly completed its reimbursement of the State Highway Account and the Consolidated Toll Bridge Fund for expenditures incurred during fiscal years 1994–95 and 1995–96 as required by the Bond Act. As of June 30, 2004, the department had reimbursed the two funding sources \$95.7 million of the \$114 million that is owed to them.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Transportation.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 96—Cohn (Principal coauthor: Senator Alquist). An act to amend Section 1203.097 of the Penal Code, relating to probation.

ASSEMBLY BILL NO. 97—Cohn. An act to amend Section 33128 of the Education Code, relating to school budget reserves.

ASSEMBLY BILL NO. 98—Cohn. An act to amend Sections 7582.2, 7583.12, 7583.37, 7597.1, and 7597.6 of the Business and Professions Code, to amend Sections 171b, 171.5, 626.9, 12001, 12026, 12026.1, 12026.2, 12027, 12027.1, 12031, 12034, 12073, 12078, 12316, and 12807 of, and to repeal and add Section 12025 of, the Penal Code, and to amend Section 10334 of the Public Contract Code, relating to firearms.

ASSEMBLY BILL NO. 99—Cohn (Principal coauthor: Senator Alquist). An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

ASSEMBLY BILL NO. 100—Cohn. An act to amend Section 977.2 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 101—Cohn. An act to amend Section 244.5 of, and to add Chapter 4.5 (commencing with Section 12430) of Title 2 of Part 4 to, the Penal Code, relating to tasers.

ASSEMBLY BILL NO. 102—Cohn (Principal coauthor: Senator Alquist). An act to add Section 6219.5 to, and to repeal and add Section 6219 of, the Family Code, relating to domestic violence.

ASSEMBLY BILL NO. 103—Cohn. An act to add Section 49404 to the Education Code, relating to school districts.

ASSEMBLY BILL NO. 104—Cohn (Principal coauthor: Senator Alquist). An act to add Section 6347 to the Family Code, relating to protective orders.

ASSEMBLY BILL NO. 105—Cohn. An act to add Article 2.5 (commencing with Section 110387.10) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food labeling.

ASSEMBLY BILL NO. 106—Cohn (Principal coauthor: Senator Alquist). An act to add Section 1465.9 to the Penal Code, relating to battery.

ASSEMBLY BILL NO. 107—Benoit. An act to amend Section 11202 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 108—Houston. An act to add Section 6157.8 to the Business and Professions Code, relating to attorneys.

ASSEMBLY BILL NO. 109—Chan. An act to amend Sections 130140 and 130150 of, and to add Section 130151 to, the Health and Safety Code, relating to child development.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 6—Koretz. Relative to Financial Literacy Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 7—Runner and McCarthy (Principal coauthor: Senator Runner). Relative to space travel.

AUTHOR'S AMENDMENTS
Committee on Public Safety

January 11, 2005

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 35

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

LENO, Chair

ASSEMBLY BILL NO. 35—An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 12, 2005.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 11, 2005**

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

AB RN

35 0501329

Daily Total: 1

Cumulative Total: 1

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