

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 12, 2005**  
**EIGHTH SESSION DAY**  
**THIRTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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, January 12, 2005

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 Brian Ebbert reading.

#### ROLL CALL

The following were placed upon the morning roll call—68:

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

Quorum present.

**At 1:12 p.m., Assistant Speaker pro Tempore Sally Lieber,  
22nd 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 Gordon, Houston, Nava, Oropeza, Richman, and Vargas.*

*On legislative business, and waiving per diem: Assembly Member Frommer.*

*On personal business, and waiving per diem: Assembly Members Harman and Strickland.*

*Because of illness: Assembly Members Cohn and Núñez.*

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

**EXPLANATIONS OF ABSENCE**

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

January 10, 2005

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

Dear Mr. Speaker: I respectfully request an excuse for Check-In Session on January 12, 2005, to attend meetings in my District Office. I will waive per diem.

Thank you for your attention to this request. If you have any questions, please telephone my scheduler, Maria Campos, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member  
Forty-third District

January 11, 2005

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

Dear Speaker Núñez: I respectfully request permission to be excused from Check-in Session on Wednesday, January 12, due to legislative business in my district.

If you have any questions regarding this request, please contact George Wiley in my Capitol office.

Sincerely,

MIKE GORDON, Assembly Member  
Fifty-third District

January 11, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from Check-In Session on Wednesday, January 12, 2005 due to legislative meetings in my district.

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

Sincerely,

GUY S. HOUSTON, Assembly Member  
Fifteenth District

January 11, 2005

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

Dear Speaker Núñez: I would like to request approval to be excused from check-in session on Wednesday, January 12, 2005, and to be excused from check-in session on Thursday, January 13, 2005, due to legislative business in the district. Thank you for your prompt attention to this matter.

Sincerely,

PEDRO NAVA, Assembly Member  
Thirty-fifth District

January 11, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from Session, Wednesday, January 12, 2005, due to legislative business in my district.

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

Sincerely,

JENNY OROPEZA, Assembly Member  
Fifty-fifth District

January 12, 2005

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

Dear Speaker Núñez: I respectfully request that I be excused from attending session January 12, 2005, to attend to legislative business in my district and return on Tuesday morning, January 18, 2005 for legislative session.

Thank you for your consideration in this matter. If you should have any questions, please call Connie in my capitol office any time at 916-319-2038.

Sincerely,

KEITH S. RICHMAN, M.D., Assembly Member  
Thirty-eighth District

January 11, 2005

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

Dear Mr. Speaker: I respectfully request permission to be excused from Assembly session and all legislative matters scheduled for January 12–13, 2005. I will be conducting legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JUAN VARGAS, Assembly Member  
Seventy-ninth District

**COMMUNICATIONS**

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

January 12, 2005

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

RE: Appointment of Mike Gordon  
to Milton Marks “Little Hoover” Commission  
on California State Government Organization and Economy

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Mike Gordon to the Milton Marks “Little Hoover” Commission on California State Government Organization and Economy. This is a pleasure appointment starting January 12, 2005.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 12, 2005

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 35  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:  
**ASSEMBLY BILL NO. 110—Ruskin.** An act relating to public education.

**ASSEMBLY BILL NO. 111—Koretz.** An act to amend Section 23399 of the Business and Professions Code, relating to alcoholic beverages.

**ASSEMBLY BILL NO. 112—Cohn (Principal coauthor: Senator Alquist).** An act to add Section 6347 to the Family Code, relating to protective orders.

**ASSEMBLY BILL NO. 113—Cohn (Principal coauthor: Senator Alquist).** An act to amend Section 3003 of the Penal Code, relating to parole.

**ASSEMBLY BILL NO. 114—Cohn (Principal coauthor: Senator Alquist).** An act to amend Section 1109 of the Evidence Code, relating to admissibility of evidence.

**ASSEMBLY BILL NO. 115—Klehs.** An act to amend Sections 17144 and 24307 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 116—Shirley Horton.** An act to amend Section 124030 of the Health and Safety Code, relating to child health and disability prevention.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, January 13, 2005.

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LELAND Y. YEE, Speaker pro Tempore

SUE PARKER, Minute Clerk

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