

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 13, 2005

NINTH SESSION DAY

THIRTY-NINTH 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
Thursday, January 13, 2005

The Assembly met at 7 a.m.

Hon. Lynn Daucher, Assembly Member, 72nd 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—65:

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

Quorum present.

At 1:05 p.m., Hon. Paul Koretz, 42nd 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 Calderon, Chan, Chu, Cogdill, Frommer, Gordon, Harman, Ridley-Thomas, Torrico, Vargas, Wyland, and Yee.

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

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 5, 2005

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

Dear Mr. Speaker: I am writing today to request to be excused from Session on Thursday, January 13, 2005 and Friday, January 14, 2005 to attend legislative business in my district. If you have any questions please contact Tiffany Morrison at (916) 319-2058.

Sincerely,

RONALD S. CALDERON, Assembly Member
Fifty-eighth District

January 10, 2005

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

Dear Speaker Núñez: I am requesting to be excused from Check-In Session on Thursday, January 13, 2005 due to legislative business taking place in my district.

Thank you for your attention to this matter.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

January 5, 2005

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

Dear Speaker Núñez: I, respectfully, request to be excused from Check-In Session on Thursday, January 13, 2005, so that I may be in my district on legislative business.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please feel free to contact my chief of staff, Bill Wong or me at 916/319-2049.

Kind regards,

JUDY CHU, PH.D., Assembly Member
Forty-ninth District

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 on Thursday, January 13, 2005. I will be in my district on legislative business. In the event that session is called, I can be in Sacramento well within the designated period of time.

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

January 12, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from Check-In Session on January 13, 2005, to attend meetings in my District Office.

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 12, 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 Thursday, January 13, 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 6, 2005

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

Dear Mr. Speaker,

I respectfully request to be excused of my legislative duties on Thursday, January 13th and Friday, January 14th on legislative business so that I may attend the National Conference of Legislators from Gaming States (NCLGS) conference in Duck Key, Florida.

Should you have any questions or concerns, please do not hesitate to contact Tiffany Conklin in my Capitol Office. Thank you for your consideration.

Very truly yours,

TOM HARMAN, Assembly Member
Sixty-seventh District

January 4, 2005

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

Dear Mr. Speaker: I write to request permission to be excused from Check-In Session on Thursday, January 13 and Floor Session on Friday, January 14th. I have Legislative commitments in my District.

Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Lourdes Machado, at (916) 319-2048.

With hope,

MARK RIDLEY-THOMAS, Assembly Member
Forty-eighth District

January 10, 2005

Session Excuse Request

Office of Assembly Speaker Fabian Núñez

Please excuse me from check-in session on Thursday, January 13, 2005. I will be conducting legislative business in my district.

Thank you,

ALBERTO TORRICO, Assembly Member
Twentieth District

January 13, 2005

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

Dear Mr. Speaker: The purpose of this letter is to notify you that, although I was present in the Capitol today, I neglected to check-in as required—please excuse me on legislative business.

Thank you for your consideration.

Very truly yours,

MARK WYLAND, Assembly Member
 Seventy-fourth District

January 11, 2005

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

Dear Speaker Núñez: I respectfully request that I be excused from the Assembly Check-In Session on Thursday January 13. I will be in my district during this time attending to legislative business.

Sincerely,

LELAND Y. YEE, PH.D.
 Speaker pro Tempore

(NOTE: For letter explaining the absence of Assembly Member Vargas on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 12, 2005.)

REPORTS

The following reports were presented by the Chief Clerk:

**2004–05 First Quarter Monthly Status and Oversight Reports
 for the California Developmental Disabilities Information System
 (CADDIS) Project
 (Pursuant to Senate Bill 1113, Chapter 208, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated October 26, 2004, referred by the Speaker to the Committee on Budget.

**Litigation Deposit Fund—Quarterly Report
 Ending September 30, 2004
 (Pursuant to Government Code Section 16427(f))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated November 16, 2004, referred by the Speaker to the Committee on Budget.

**2003–04 Consulting Contract Report
 (Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from David M. Carlisle, M.D., Ph.D., Director, Office of Statewide Health Planning and Development, dated December 2, 2004, referred by the Speaker to the Committee on Business and Professions.

**21st Century Community Learning Centers Awards Reports
(Pursuant to Senate Bill 1113, Chapter 208, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated January 3, 2005, referred by the Speaker to the Committee on Budget.

**Department of General Services
Reports on Its Intent to Augment the 2004–05 Budget
(Pursuant to 2004 Budget Act, Item 1760-001-0666)**

Above transmitted reports, together with letters of transmittal from Ron Joseph, Director, Department of General Services dated December 7, 2004, December 21, 2004, and December 28, 2004, referred by the Speaker to the Committee on Budget.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 117—Cohn. An act to add Section 14133.06 to the Welfare and Institutions Code, relating to MediCal.

ASSEMBLY BILL NO. 118—Cohn (Principal coauthor: Senator Alquist). An act to amend Section 6320 of the Family Code, relating to protective orders.

ASSEMBLY BILL NO. 119—Cohn. An act to amend Section 14043.26 of the Welfare and Institutions Code, relating to MediCal.

ASSEMBLY BILL NO. 120—Cohn (Principal coauthor: Senator Alquist). An act to add Section 6219.5 to the Family Code, relating to domestic violence.

ASSEMBLY BILL NO. 121—Vargas. An act to add Chapter 5.5 (commencing with Section 105320) to Part 5 of Division 103 of the Health and Safety Code, relating to lead contamination of candy.

ASSEMBLY BILL NO. 122—Spitzer. An act to amend Section 1597.531 of, and to add Section 1596.794 to, the Health and Safety Code, relating to child day care.

ASSEMBLY BILL NO. 123—Dymally. An act to amend Section 41511 of the Education Code, relating to school safety, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 124—Dymally. An act to amend Sections 19790, 19791, 19792, 19792.5, 19793, 19794, 19795, 19796, 19797, and 19798 of, and to amend the heading of Chapter 12 (commencing with Section 19790) of Part 2 of Division 5 of Title 2 of, the Government Code, relating to state civil service.

ASSEMBLY BILL NO. 125—Dymally. An act to amend Sections 11351, 11353.6, 11369, 11370, 11370.2, 11370.4, 11372, 11372.5, 11470, 11470.4, 11488, 11571.1, and 11590 of, and to repeal Section 11351.5 of, the Health and Safety Code, and to amend Sections 629.52, 999e, 1174.4, 1203.07, 1203.073, 6243, and 12022 of the Penal Code, relating to controlled substances.

ASSEMBLY BILL NO. 126—Dymally. An act to amend Section 1442.5 of, and to add Section 1442 to, the Health and Safety Code, relating to county hospitals.

ASSEMBLY BILL NO. 127—Committee on Budget (Laird (Chair), Arambula, Bermudez, Chan, Coto, De La Torre, Dymally, Evans, Goldberg, Hancock, Montanez, Mullin, Nava, Parra, Pavley, and Wolk). An act relating to the Budget Act of 2005.

ASSEMBLY BILL NO. 128—Committee on Budget (Laird (Chair), Arambula, Bermudez, Chan, Coto, De La Torre, Dymally, Evans, Goldberg, Hancock, Montanez, Mullin, Nava, Parra, Pavley, and Wolk). An act relating to the Budget Act of 2005.

SPECIAL COMMITTEE MEETINGS

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

Judiciary, on Tuesday, January 18, 2005, upon adjournment of Floor session, in the Tom Bane Rules Committee Room;

Aging and Long-Term Care to convene jointly with the Committee on Judiciary, on Friday, January 21, 2005, in Los Angeles and on Wednesday, February 4, 2005, in San Francisco;

Labor and Employment, on Wednesday, January 26, 2005, at 1 p.m.

AUTHOR'S AMENDMENTS
Committee on Judiciary

January 13, 2005

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

Assembly Joint Resolution No. 3

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

JONES, Chair

ASSEMBLY JOINT RESOLUTION NO. 3—Relative to the 32nd anniversary of Roe v. Wade.

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

ADJOURNMENT

At 4 p.m., the Assembly adjourned until 9:30 a.m., Friday, January 14, 2005.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 13, 2005**

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

AJR RN

3 0502419

Daily Total: 1

Cumulative Total: 2

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