

CALIFORNIA LEGISLATURE
2005–06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 14, 2005

TENTH SESSION DAY

FORTIETH 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
Friday, January 14, 2005

The Assembly met at 9:30 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Neva Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Mountjoy moved a quorum call of the Assembly.
Motion carried. Time, 9:31 a.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 9:34 a.m., Speaker pro Tempore Yee declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—56:

Aghazarian	De La Torre	Klehs	Nation
Arambula	Dymally	Koretz	Nava
Baca	Evans	La Malfa	Niello
Benoit	Garcia	La Suer	Oropeza
Berg	Gordon	Laird	Pavley
Bermúdez	Hancock	Leno	Runner
Blakeslee	Haynes	Leslie	Ruskin
Canciamilla	Horton, Jerome	Lieber	Saldaña
Chan	Horton, Shirley	Liu	Torrico
Chavez	Houston	Matthews	Umberg
Chu	Huff	McCarthy	Villines
Cogdill	Jones	Mountjoy	Walters
Cohn	Karnette	Mullin	Wolk
Coto	Keene	Nakanishi	Yee

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

O Lord, You bless all those who obey You. Your love protects us like a shield. We encounter people every day whose words are flattering and smooth, but not always sincere. So we ask this day, Lord, that You protect us against deceitful words and deeds. Bring us into Your presence, for we find safety in You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Aghazarian then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Cohn, seconded by Assembly Member Cogdill.

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 Bass, Bogh, Calderon, DeVore, Frommer, Goldberg, Harman, Levine, Maze, Montañez, Negrete McLeod, Núñez, Parra, Plescia, Richman, Ridley-Thomas, Salinas, Spitzer, Vargas, and Wyland.

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

Because of illness: Assembly Member Daucher.

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 11, 2005

The Honorable Fabian Núñez

Speaker of the California State Assembly

State Capitol, Room 219

Sacramento, California

Dear Speaker Núñez: Please grant me a waiver from session on January 14, 2005. I will be in my district conducting legislative business.

If you have any question regarding this request, please contact my Chief of Staff, Notice Edwards at 319-2047.

Sincerely,

KAREN BASS, Assembly Member
Forty-seventh District

January 10, 2005

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

Dear Assembly Speaker Núñez,

This letter is a request to be excused from Session on Friday, January 14, 2005 for legislative business.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member
Sixty-fifth District

January 6, 2005

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

Dear Mr. Speaker: I respectfully request authorization to be absent from session on Friday, January 14th. I will be in my district on legislative business.

Thank you for your consideration of my request.

Sincerely,

CHUCK DE VORE, Assembly Member
Seventieth District

January 13, 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 Session on January 14, 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 4, 2005

*Speaker Fabian Núñez
State Capitol
Sacramento, California*

Dear Mr. Speaker: This letter is to request permission to be excused from session on Friday, January 14, 2005. I will be attending a Groundbreaking event in my district.

Should you have any questions, please do not hesitate to contact my Executive Assistant, Bertha Mardueño at ext. 2045.

Sincerely,

JACKIE GOLDBERG, Assembly Member
Forty-fifth District

January 10, 2005

Assemblyman Fabian Núñez
Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Floor Session Friday, January 14th, for business purposes in my district.

Thank you for your consideration of this request.

Sincerely,

LLOYD E. LEVINE, Assembly Member
Fortieth District

January 11, 2005

Speaker Fabian Núñez
State Capitol, Room 219
Sacramento, California

Dear Speaker Núñez,

I respectfully request your permission to be excused from Regular Session on Friday, January 14, 2005 to travel to Inyo County on District business. As you know, because of the remote aspects of various parts of my district with no serviceable commercial airports, driving is required.

Because of inclement winter weather, the Northern route to Death Valley is not viable. Driving from Sacramento represents approximately a 10-hour journey.

Please contact my office with any questions. Thank you in advance for your consideration of my request.

Sincerely,

BILL MAZE, Assembly Member
Thirty-fourth District

January 12, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from floor session on Friday, January 14, 2005. I will be in my district on legislative business.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2039.

Sincerely,

CINDY MONTAÑEZ, Assembly Member
Thirty-ninth District

January 5, 2005

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

Dear Mr. Speaker: I respectfully request permission to travel to my district after check in session Thursday, January 13, 2005 and be excused from Floor session on Friday, January 14, 2005 due to district commitments.

Thank you in advance for your consideration of this request.

Respectfully,

GLORIA NEGRETE MCLEOD, Assembly Member
Sixty-first District

January 14, 2005

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

Dear Dotson: This is to advise you that I will be in my district today on legislative business.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

January 10, 2005

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

Dear Speaker Núñez: Due to urgent legislative business in the district, I respectfully request permission to miss Floor Session on Friday, January 14, 2005.

Should you have any questions or need additional information please contact Bill Herms at 319-2030.

Sincerely,

NICOLE M. PARRA, Assembly Member
Thirtieth District

January 12, 2005

Hon. Fabian Núñez
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from session on January 14, 2005. I have legislative business in my district.

If you have any questions regarding this request, please feel free to contact Beth Helmsin in my office at 319-2075.

Sincerely,

GEORGE A. PLESCIA, Assembly Member
Seventy-fifth District

January 10, 2005

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

Dear Mr. Speaker: I am writing to respectfully request to be excused on legislative business from Session on Friday, January 14, 2005.

If you have any questions about this request, please feel free to contact Jalene Romo in my Capitol Office.

Sincerely,

SIMÓN SALINAS, Assembly Member
Twenty-eighth District

January 7, 2005

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

Dear Mr. Speaker: I would like to be excused from session on Friday, January 14, 2005 for legislative business in the district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member
Seventy-first District

January 3, 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 in Sacramento for Friday, January 14, 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

January 14, 2005

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Floor Session on Friday January 14, 2005, due to legislative business.

Thank you for your prompt attention to this request.

Sincerely,

MARK WYLAND, Assembly Member
Seventy-fourth District

(NOTE: For letters explaining the absences of Assembly Members Calderon, Harman, and Ridley-Thomas on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 13, 2005; for letter explaining the absence of Assembly Member Richman on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 12, 2005.)

COMMUNICATIONS

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

January 14, 2005

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

Dear Dotson: Attached please find the Schedule of Assembly Standing and Subcommittees for the 2005–06 Regular Session.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

**SCHEDULE OF 2005–06
ASSEMBLY STANDING COMMITTEE MEETINGS**

MONDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
4:00 p.m.**	444.....	Banking and Finance
9:00 a.m.*	4202.....	Education
1:30 p.m.*	447.....	Natural Resources
1:30 p.m.*	126.....	Revenue and Taxation
! *	3162.....	Rules
1:30 p.m.*	4202.....	Transportation
3:00 p.m.*	437.....	Utilities and Commerce

TUESDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
2:00 p.m.**	127.....	Aging and Long-Term Care
9:00 a.m.**	437.....	Arts, Entertainment, Sports, Tourism and Internet Media
9:00 a.m.**	447.....	Business and Professions
1:30 p.m.**	444.....	Elections and Redistricting

1:30 p.m.***	444.....	Environmental Safety and Toxic Materials
1:30 p.m.*	4202.....	Health
1:30 p.m.**	437.....	Higher Education
1:30 p.m.***	437.....	Human Services
9:00 a.m.**	447.....	Jobs, Economic Development, and the Economy
9:00 a.m.*	4202.....	Judiciary
9:00 a.m.*	126.....	Public Safety
4:00 p.m.***	126.....	Veterans Affairs
9:00 a.m.***	437.....	Water, Parks and Wildlife

WEDNESDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
1:30 p.m.***	4202.....	Agriculture
9:00 a.m.*	4202.....	Appropriations
!	4202.....	Budget
1:30 p.m.**	4202.....	Governmental Organization
9:00 a.m.***	126.....	Housing and Community Development
9:00 a.m.*	437.....	Insurance
1:30 p.m.**	447.....	Labor and Employment
1:30 p.m.***	126.....	Local Government
9:00 a.m.**	444.....	Public Employees, Retirement and Social Security

* Meets every week.

** Meets 1st and 3rd week of month as called at time indicated.

*** Meets 2nd and 4th week of the month as called at time indicated.

! Upon call of the Chair.

SCHEDULE OF 2005-06 SUBCOMMITTEES

BUDGET

MONDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
4:00 p.m.*	127.....	Subcommittee No. 1—Health and Human Services

TUESDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
10:00 a.m.*	444.....	Subcommittee No. 2—Education Finance
1:30 p.m.*	447.....	Subcommittee No. 4—State Administration

WEDNESDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
1:30 p.m.*	444.....	Subcommittee No. 1—Health and Human Services
4:00 p.m.*	126.....	Subcommittee No. 2—Education Finance
8:30 a.m.*	127.....	Subcommittee No. 3—Resources

1:30 p.m.*	437.....	Subcommittee No. 4—State Administration
4:00 p.m.*	127.....	Subcommittee No. 5—Information Technology/Transportation

* Meets every week.

*** Meets 2nd and 4th week of the month as called at time indicated.

COMMUNICATIONS

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

January 12, 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 Rules Committee:

Senators Battin, V. Ch., Ashburn, Bowen, Cedillo, Dunn, Escutia, Murray, Ortiz, Perata, Pochigian and Romero.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Public Safety, on Tuesday, February 8, 2005, at 10 a.m., in Room 126.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 14, 2005

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

Assembly Joint Resolution No. 3

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

ANNOUNCEMENTS

Speaker pro Tempore Yee announced that today is Francesca Vega's last day as the Assistant File Clerk.

ADJOURN IN MEMORY

Moment of Silence Observed

Assembly Members La Suer, Baca, Bermúdez and Mountjoy were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Correctional Officer Manuel A. Gonzalez Jr., of Whittier, and that the Assembly observed a moment of silence in his honor.

(Assembly Rule 45.5 suspended.)

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Keene was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber, whereupon he introduced Rosie Keene.

ADJOURN IN MEMORY

Assembly Member Niello was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dennis James Conrad, of Fair Oaks.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Gordon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donald M. Carter and Robert Sherrill, of El Segundo.

Assembly Member Shirley Horton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Emma Doris Foster, of San Diego and Ernie Flores Jr., of National City.

Assembly Member Nation was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harding B. Eklund, of San Rafael.

Assembly Member Nava was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michael "Tony" Alvis, Vanessa Joy Bryson, Christina Kennedy, John Murry Morgan, Patrick Meryl Rodreick, Hannah Jade Wallet, Mechelle Van Wallet, Paloma Julie Wallet, Raven Violet Wallet, and Charles Womack, of La Conchita.

Assembly Member Umberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Elizabeth Rowan Keller, of Fullerton.

Assembly Member Villines was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard Body, of La Habra.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary A. Duncan, Patricia C. Loomis, Ruth C. Loomis, Lillian Evelyn Poirier, William Saur, and Thelma G. Winters, of Davis; Joe M. Brown, of Dixon; Ernest Coleman Fields, and Archie L. Jefferson, of Fairfield; Jason R. Null, of Sacramento; Robert John Greve, and Annie M. Williams, of Vacaville; Carolyn Mary Williams, of Winters; Ruth A. May and Sandra Lee Voelz, of Woodland.

MOTION TO ADJOURN

At 9:53 a.m., Assembly Member Cohn moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Bermúdez and Mountjoy were granted unanimous consent to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Cohn that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:57 a.m., Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 157—Levine. An act to amend Section 244.5 of, and to add Section 12025.1 to, the Penal Code, relating to tasers.

ASSEMBLY BILL NO. 158—Bermúdez. An act to amend Sections 2035, 2102, 2107, 2119, 2154, 2155, and 2187 of the Elections Code, relating to voter registration.

ASSEMBLY BILL NO. 159—Salinas. An act to amend Section 21100 of the Water Code, relating to water.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 8—Dymally. Relative to Elder and Dependent Adult Abuse Awareness Month.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Cohn, the Assembly adjourned until 11 a.m., Tuesday, January 18, 2005, out of respect to the memory of Correctional Officer Manuel A. Gonzalez Jr., on motion of Assembly Members La Suer, Baca, Bermúdez and Mountjoy; out of respect to the memory of Dennis James Conrad, on motion of Assembly Member Niello; out of respect to the memory of Donald M. Carter and Robert Sherrill, on motion of Assembly Member Gordon; out of respect to the memory of Emma Doris Foster and Ernie Flores Jr., on motion of Assembly Member Shirley Horton; out of respect to the memory of Harding B. Eklund, on motion of Assembly Member Nation; out of respect to the memory of Michael “Tony” Alvis, Vanessa Joy Bryson, Christina Kennedy, John Murry Morgan, Patrick Meryl Rodreick, Hannah Jade Wallet, Mechelle Van Wallet, Paloma Julie Wallet, Raven Violet Wallet, and Charles Womack, on motion of Assembly Member Nava; out of respect to the memory of Mary Elizabeth Rowan Keller, on motion of Assembly Member Umberg; out of respect to the memory of Richard Body, on motion of Assembly Member Villines; and out of respect to the memory of Mary A. Duncan, Patricia C. Loomis, Ruth C. Loomis, Lillian Evelyn Poirier, William Saur, Thelma G. Winters, Joe M. Brown, Ernest Coleman Fields, Archie L. Jefferson, Jason R. Null, Robert John Greve, Annie M. Williams, Carolyn Mary Williams, Ruth A. May, and Sandra Lee Voelz, on motion of Assembly Member Wolk.

LELAND Y. YEE, Speaker pro Tempore

SUE PARKER, Minute Clerk