

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 18, 2005
ELEVENTH SESSION DAY
FORTY-FOURTH 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 18, 2005

The Assembly met at 11 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 Gordon moved a quorum call of the Assembly.
Motion carried. Time, 11:01 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 11:02 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—69:

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

PRAYER

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

Lord, You are a righteous judge and You judge our thoughts and desires. Lord, bring together all people around You and rule over them from above. Protect us against all evil and save those who obey You. Lord, we thank You for Your justice and we sing praises to You, the Most High God.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Gordon 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 Frommer, 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 Bermúdez and Nation.

On personal business, and waiving per diem: Assembly Members La Suer, Maze, McCarthy, Niello, Runner, and Walters.

To attend a funeral in the district: Assembly Members Aghazarian and Bogh.

Because of illness: Assembly Member Jerome E. Horton.

EXPLANATIONS OF ABSENCE

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

January 12, 2005

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

Dear Mr. Speaker: This letter is to respectfully request your approval to be excused from Floor Session on Tuesday, January 18, 2005, for legislative business in my district.

Your favorable consideration in this matter would be greatly appreciated. If you have any questions, please do not hesitate to contact me.

Respectfully yours,

RUDY BERMÚDEZ, Assembly Member
Fifty-sixth District

January 6, 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 Legislative Floor Session on Tuesday, January 18, 2005 due to legislative business in my district. Please contact Jim DeBoo, my Chief of Staff with any questions.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

COMMUNICATIONS

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

January 18, 2005

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

Dear Dotson: This is to advise you that I appointed Assemblymember Lloyd Levine to replace Assemblymember Joe Coto on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

Bill No.

Committee

- 14 ----- H. & C.D. and L. Gov.
- 64 ----- Pub. S.
- 67 ----- U. & C. and Jud.
- 69 ----- Jud.
- 70 ----- Trans.
- 71 ----- Health
- 72 ----- Health and Jud.
- 73 ----- Health and B. & P.
- 74 ----- Health and B. & P.
- 75 ----- Health and B. & P.
- 76 ----- Health and B. & P.
- 77 ----- Pub. S. and Health
- 78 ----- Health and B. & P.
- 80 ----- Rev. & Tax.
- 82 ----- Ins.
- 85 ----- Agri.
- 86 ----- Pub. S.
- 87 ----- W.,P. & W.
- 88 ----- Pub. S.

*Assembly Concurrent**Resolution No.**Committee*

5 ----- Trans.

SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit Committee, on Monday, January 24, 2005, at 3 p.m., in Room 4202;

Joint Legislative Audit Committee, on Thursday, February 3, 2005, upon adjournment of Floor Session in Room 4202;

Jobs, Economic Development and the Economy, on Wednesday, February 9, 2005.

REPORTS

The following reports were presented by the Chief Clerk:

**Concealable Firearms Charges in California 2000–2003
(Pursuant to Penal Code Sections 12025 and 12031)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated January 3, 2005, referred by the Speaker to the Committee on Public Safety.

**Kapiloff Land Bank Report
(Pursuant to Public Resources Code Section 8618)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated January 4, 2005, referred by the Speaker to the Committee on Natural Resources.

**Report to the Legislature: Approved Mandated Claims
October 1, 2004 through December 31, 2004
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated January 3, 2005, referred by the Speaker to the Committee on Appropriations.

**Report to the Legislature: Denied Mandate Claims
January 1, 2004 through December 31, 2004
(Pursuant to Government Code Section 17601)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated January 6, 2005, referred by the Speaker to the Committee on Appropriations.

**Plan for the Closure of Agnews Developmental Center
(Pursuant to Welfare and Institutions Code, Section 4474.1)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated January 10, 2005, referred by the Speaker to the Committee on Human Services.

**Flood Warnings: Responding to California's Flood Crisis
(Pursuant to Supplemental Report of the 2004 Budget Act
Item 3860-001-001)**

Above transmitted report, together with letter of transmittal from Lester A. Snow, Director, Department of Water Resources, dated January 10, 2005, referred by the Speaker to the Committee on Budget.

**2004 Report on the Safe at Home Confidential Address Program
(Pursuant to Government Code Section 6210)**

Above transmitted report, together with letter of transmittal from Kevin Shelley, Secretary of State, dated January 10, 2005, referred by the Speaker to the Committee on Public Safety.

**Seismic Safety Retrofit Report—Second Quarter—
2003–04 Fiscal Year Report for Period Ending December 31, 2003
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated January 6, 2005, referred by the Speaker to the Committee on Transportation.

**Toll Bridge Seismic Safety Retrofit Report—
Third Quarter—2004 Fiscal Year
Report for the Period Ending September 30, 2004
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated January 6, 2005, referred by the Speaker to the Committee on Transportation.

**Seismic Safety Retrofit Program Report—
Third Quarter—2004 Fiscal Year
Report for the Period Ending September 30, 2004 (Non-toll bridges)
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated January 6, 2005, referred by the Speaker to the Committee on Transportation.

**2003–04 Report of Classes Approved for Membership in
the State Safety Membership Category
(Pursuant to Government Code Sections 19816.20 and 20405.1)**

Above transmitted report, together with letter of transmittal from Michael T. Navarro, Director, Department of Personnel Administration, dated January 10, 2005, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Report to the Legislature on the Regulation of Advertising for
the Purpose of Limiting Exposure of Children to
Materials Promoting Gambling
(Pursuant to Assembly Bill 2431, Chapter 738, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Dean Shelton, Chairman, Gambling Control Commission, dated January 11, 2005, referred by the Speaker to the Committee on Governmental Organization.

**Expenditure Plan: Agnews Transition
(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 January 11, 2005, referred by the Speaker to the Committee on Budget.

**2003–04 Disabled Veteran Business Enterprise (DVBE)
Contracting Activity Reports, and/or Race, Ethnicity, and
Gender Business Ownership Reports (WBME)
(Pursuant to Public Contract Code Sections 10115.5, 10116 or
Government Code Section 1139.8) from:**

Department of Corrections, J.S. Woodford, Director, dated December 14, 2004;

Commission on Teacher Credentialing, Crista Hill, Manager, Fiscal and Business Services Section, dated December 16, 2004;

State Treasurer, Carrie Cornwell, Deputy Treasurer, dated December 17, 2004;

Department of Rehabilitation, Catherine Campisi, Ph.D., Director, dated December 20, 2004.

Referred by the Speaker to the Committee on Jobs, Economic Development and the Economy.

**2003–2004 Disabled Veterans Business Enterprise (DVBE)
Contracting Activity Reports
(Pursuant to Public Resources Code Section 10115.5 and
Military and Veterans Code Section 999.7) from:**

Commission on State Mandates, Paula Higashi, Executive Director, dated December 31, 2004;

Department of Veterans Affairs, Thomas Johnson, FACHE, Secretary, dated December 31, 2004;

Commission on Teacher Credentialing, Crista Hill, Manager, Fiscal and Business Services Section, dated January 3, 2005;

Commission on Peace Officer Standards and Training, Thomas S. Liddicoat, Bureau Chief, dated January 6, 2005;

California Public Employee's Retirement System (CalPERS), Fred Buenrostro, Chief Executive Officer.

Referred by the Speaker to the Committee on Veterans Affairs.

**REPORTS OF STANDING COMMITTEES
Committee on Judiciary**

Date of Hearing: January 18, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Joint Resolution No. 3

With the recommendation: Be adopted.

JONES, Chair

Above resolution ordered to third reading.

**AUTHOR'S AMENDMENTS
Committee on Rules**

January 18, 2005

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

Assembly Joint Resolution No. 1

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

MONTAÑEZ, Chair

ASSEMBLY JOINT RESOLUTION NO. 1—Relative to commemorative stamps.

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

REQUEST FOR PHOTOGRAPHER

Assembly Member Pavley was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Calderon was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests to sit at his desk in the Assembly Chamber.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Jones announced that the Committee on Judiciary would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

ADJOURN IN MEMORY

Assembly Member Levine was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Muff Singer, of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Strickland was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Melvin A. St. John Jr., of Thousand Oaks.

(Assembly Rule 45.5 suspended.)

RECESS

By unanimous consent, at 11:15 a.m., Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Pavley introduced The Honourable Jean-C. Lapierre, Minister of Transport Riding and The Honourable Stephane Dion, Minister of the Environment representatives of a delegation from Canada.

RECONVENED

At 11:16 a.m., the Assembly reconvened.

Hon. Leland Yee, Speaker pro Tempore of the Assembly, presiding.

ADJOURN IN MEMORY

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joan Bonanno, of South San Francisco.

Assembly Member Pavley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carol E. Hinshaw, of Tarzana.

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 Eleanor J. Paratore, of Davis; Robert Scadden, of Winters; Samuel Everett Rimoldi, of Woodland; and William L. Glover, of Vacaville.

MOTION TO ADJOURN

At 11:16 a.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:16 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. 160—Cogdill. An act to amend Section 10783 of the Revenue and Taxation Code, and to amend Sections 5101.5 and 9105 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 161—Vargas (Principal coauthor: Evans). An act to add Section 5009.5 to the Penal Code, relating to prisoners.

ASSEMBLY BILL NO. 162—Leslie. An act to amend Section 81142 of the Education Code, relating to community colleges.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 7 a.m., Wednesday, January 19, 2005, out of respect to the memory of Muff Singer, on motion of Assembly Member Levine; out of respect to the memory of Melvin A. St. John Jr., on motion of Assembly Member Strickland; out of respect to the memory of Joan Bonanno, on motion of Assembly Member Mullin; out of respect to the memory of Carol E. Hinshaw, on motion of Assembly Member Pavley; out of respect to the memory of Eleanor J. Paratore, Robert Scadden, Samuel Everett Rimoldi, and William L. Glover, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 18, 2005**

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

AJR RN

1 0502399

Daily Total: 1

Cumulative Total: 3

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