

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 19, 2005**  
**TWELFTH SESSION DAY**  
**FORTY-FIFTH 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 19, 2005

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th 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—63:

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

Quorum present.

**At 1:24 p.m., Hon. Lloyd Levine, 40th 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 Frommer, Shirley Horton, Koretz, Lieber, Nation, and Yee.*

*On personal business, and waiving per diem: Assembly Members Benoit, Garcia, Houston, Huff, La Suer, Maze, McCarthy, Niello, Runner, and Walters.*

*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 14, 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 19, 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 18, 2005

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

Dear Speaker Núñez: Please excuse me from check-in Session on Wednesday, January 19, 2005 and check-in Session on Thursday, January 20 as I have legislative business to attend to. In the event that a regular Session is called on Thursday, January 20, I will be in attendance.

Please feel free to contact me regarding any requests or concerns you may have. Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY HORTON, Assembly Member  
Seventy-eighth District

January 18, 2005

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

Dear Speaker Núñez: I respectfully ask permission to be excused from check-in session on Wednesday, January 19, 2005 due to legislative business. If you have any questions or concerns please contact Leticia Klein in my office at 916-319-2042.

Sincerely,

PAUL KORETZ, Assembly Member  
Forty-second District

January 19, 2005

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

Dear Speaker Núñez,

I request to be excused from Check-in session on Wednesday, January 19, 2005, due to legislative business in my District Office.

Cory Jaspersen, my Chief of Staff, is available to respond to any questions at 319-2022.

Sincerely,

SALLY J. LIEBER, Assembly Member  
Twenty-second District

January 19, 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 Check-In Session today, Wednesday, January 19, 2005 due to legislative business in my district office.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

January 19, 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 Wednesday January 19. I will be in my district during this time attending to legislative business.

Sincerely,

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

**COMMUNICATIONS**

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

January 18, 2005

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

RE: Appointment of Gene Mullin  
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Gene Mullin to the State Allocation Board for January 26, 2005 only.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**REPORTS**

The following reports were presented by the Chief Clerk:

**2003–04 Report Requiring Any Licensee or His or Her Insurer  
to Pay Any Amount of Damages in Excess of \$3,000  
(Pursuant to Business and Professions Code  
Division 2, Chapter 1, Article 11, Section 8)**

Above transmitted report, together with letter of transmittal from Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer, Board of Vocational Nursing and Psychiatric Technicians, dated December 15, 2004, referred by the Speaker to the Committee on Business and Professions.

**Ravenswood Budget Report  
(Pursuant to Budget Act 2004, Chapter 208, Item 28)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated January 6, 2005, referred by the Speaker to the Committee on Budget.

**Computer-Aided Dispatch System Report  
(Pursuant to Budget Act 2001, Item 3540-001-001)**

Above transmitted report, together with letter of transmittal from Dale Geldert, Director, Department of Forestry and Fire Protection, dated January 12, 2005, referred by the Speaker to the Committee on Budget.

**Progress Report on Implementation During 2003 of  
the Trout and Steelhead Conservation and Management Planning Act of 1979  
(Pursuant to Fish and Game Code Section 1727(d))**

Above transmitted report, together with letter of transmittal from L. Ryan Broddrick, Director, Department of Fish and Game, dated January 12, 2005, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Clean Beaches Initiative Program—Progress Report on  
Using Environmental Protection Indicators in Administration of Bond Funds  
(Pursuant to Supplemental Report of the 2003 Budget Act  
Item 3940-101-6031)**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated January 13, 2005, referred by the Speaker to the Committee on Budget.

**Progress Report on the Activities of  
the San Gabriel Basin Water Quality Authority, 1992 through 2003  
(Pursuant to Assembly Bill 2544, Chapter 905, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated January 10, 2005, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Small Business Loan Guarantee Program  
Annual Report for 2003–04  
(Pursuant to Corporations Code Section 14030.2(b))**

Above transmitted report, together with letter of transmittal from Glenn Stober, Manager, Small Business Loan Guarantee Program, Business, Transportation and Housing Agency, dated January 13, 2005, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Annual Railroad Safety Activity Report  
(Pursuant to Public Utilities Code Sections 309.7 and 765.6)**

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, Public Utilities Commission, dated January 7, 2005, referred by the Speaker to the Committee on Transportation.

**(Proposition 50) Bond Fund Report  
(Pursuant to Water Code Section 79575)**

Above report referenced in communication from Mike Chrisman, Secretary for Resources Agency, dated January 3, 2005, stating availability of report at <http://www.4050bonds.resources.ca.gov/>.

Referred by the Speaker to the Committee on Water, Parks and Wildlife.

**School Facility Program Costs Avoided per Pupil by Use of  
Year-Round Education  
(Pursuant to Education Code Section 42263(d) (3))**

Above report referenced in communication from Jacqueline R. Wilson, Deputy Executive Officer, Office of Public School Construction, State Allocation Board, dated January 7, 2005, stating availability of report at <http://www.legi.dgs.ca.gov/Publications/2004LegislativeReports.htm>.

Referred by the Speaker to the Committee on Education.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 19, 2005

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

Assembly Joint Resolution No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 163—Bermudez.** An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology.

**ASSEMBLY BILL NO. 164—Nava.** An act to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.92, 195.93, and 195.94 to, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 165—Dymally.** An act to amend Section 89416 of the Education Code, relating to the California State University.

**ASSEMBLY BILL NO. 166—Ridley-Thomas.** An act to add Chapter 5.5 (commencing with Section 101855) to part 4 of Division 101 of the Health and Safety Code, relating to health care.

**ASSEMBLY BILL NO. 167—Cohn.** An act to amend Section 1203.097 of the Penal Code, relating to domestic violence.

**ASSEMBLY BILL NO. 168—Ridley-Thomas.** An act to add Article 7.5 (commencing with Section 9147.1) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, and to repeal Section 13305 of, the Government Code, relating to state government.

**ADJOURNMENT**

At 3:55 p.m., the Assembly adjourned until 6 a.m., Thursday, January 20, 2005.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk