

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 26, 2005**  
**SIXTEENTH SESSION DAY**  
**FIFTY-SECOND 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 26, 2005

The Assembly met at 7 a.m.

Hon. Mimi Walters, Assembly Member, 73rd 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—72:

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

Quorum present.

**At 1:31 p.m., Hon. Kevin McCarthy, 32nd 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, Nation, Richman, Spitzer, and Yee.*

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

*Because of illness in her family: Assembly Member Montañez.*

**EXPLANATIONS OF ABSENCE**

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

January 26, 2005

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

Dear Speaker Núñez: Please excuse me from session today, January 26, 2005. I was engaged in legislative business, participating in a meeting of the Little Hoover Commission.

Sincerely,

MIKE GORDON, Assembly Member  
Fifty-third District

January 25, 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, Wednesday, January 26, 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 26, 2005

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

Dear Speaker Núñez: I inadvertently forgot to check in this morning. My first meeting was at 7:30 and I had back to back meetings the rest of the day before traveling to the airport and flying back to the district on legislative business. You may confirm my presence at the Capitol by contacting the Special Services sergeant who drove me to the airport. Please excuse me on legislative business.

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 25, 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 26. 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 Spitzer on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 25, 2005.)

#### COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 26, 2005

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Rick Keene to replace Assemblymember Alan Nakanishi, who served in place of Assemblymember Dave Cogdill, on the Joint Legislative Audit Committee for the committee's hearings on "The Secretary of State. Help America Vote Act of 2002" only.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

January 26, 2005

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

Dear Dotson: Please be advised that I have created the Select Committee on the Los Angeles Health Care Crisis and have appointed the following members to serve:

- Assemblymember Mark Ridley-Thomas, Chair
- Assemblymember Karen Bass
- Assemblymember Wilma Chan
- Assemblymember Hector De La Torre
- Assemblymember Mervyn Dymally
- Assemblymember Dario Frommer
- Assemblymember Jackie Goldberg
- Assemblymember Mike Gordon
- Assemblymember Cindy Montañez
- Assemblymember Keith Richman
- Assemblymember Sharon Runner

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 188—Nakanishi (Principal coauthor: Senator Cox).** An act to amend Section 21115.5 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 189—Shirley Horton.** An act to amend Section 149.4 of the Streets and Highways Code, relating to transportation.

**ASSEMBLY BILL NO. 190—Negrete McLeod (Coauthors: Chavez, Cohn, Evans, Garcia, Shirley Horton, Houston, Koretz, Laird, Liu, Matthews, Maze, Nava, Pavley, Spitzer, Walters, Wolk, and Yee) (Coauthor: Senator Speier).** An act to add and repeal Article 13.5 (commencing with Section 18846) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 191—Vargas.** An act to amend Sections 1063, 1063.1, and 1063.5 of the Insurance Code, relating to insolvency.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 10—Chu, Chan, Nakanishi, Tran, Yee, Shirley Horton, Torrico, and Liu (Coauthor: Senator Machado).** Relative to a Day of Remembrance.

**HOUSE RESOLUTION NO. 5—Chu, Chan, Nakanishi, Tran, Yee, Shirley Horton, Torrico, and Liu.** Relative to Lunar New Year Celebration.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, January 27, 2005.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

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