

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 27, 2005
SEVENTEENTH SESSION DAY
FIFTY-THIRD 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 27, 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 Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Maze moved a quorum call of the Assembly.
At 9:31 a.m., Speaker Pro Tempore Yee placed a quorum call upon
the Assembly. The Speaker pro Tempore directed the Sergeant at Arms
to close the doors, and to bring in the absent Members.

Quorum Present

At 9:33 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—74:

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

PRAYER

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

Almighty God, We are only mortal beings, but You are king forever. You are a refuge for the oppressed, a place of safety in times of trouble. Those who know You, Lord, will trust You and You will not abandon anyone who comes to You. That is why we come to You in prayer today and ask that You strengthen us in body and in soul and help us to remember all the wonderful things You have done.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Negrete McLeod 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 Chan and La Suer.

On personal business, and waiving per diem: Assembly Member Walters.

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 24, 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 Floor Session on Thursday, January 27, 2005, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

January 25, 2005

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

Dear Speaker Núñez: I am requesting an excused absence from Session on Thursday, January 27, 2005, as I have legislative business in my district that day.

Thank you for your assistance in this matter.

Sincerely,

JAY LA SUER, Assembly Member
Seventy-seventh District

COMMUNICATIONS

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

January 27, 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 the following Assemblymembers to the Joint Legislative Budget Committee for the 2005–06 Regular Session.

Assemblymember John Laird, Vice Chair
Assemblymember Judy Chu
Assemblymember Hector De La Torre
Assemblymember Jackie Goldberg
Assemblymember Rick Keene
Assemblymember Kevin McCarthy
Assemblymember Pedro Nava
Assemblymember Sharon Runner

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

January 27, 2005

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

Dear Dotson: Please be advised that I have appointed Assemblymember Paul Koretz to the Select Committee on the Los Angeles Health Care Crisis.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

January 27, 2005

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

RE: Appointment of Gene Mullin
to Curriculum Development and Supplemental Materials Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Gene Mullin to the Curriculum Development and Supplemental Materials Commission for January 28, 2005 only. Assemblymember Mullin will be replacing Assemblymember Jackie Goldberg.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

**Report on Utilization of Classrooms and Teaching Laboratories
(Pursuant to Supplemental Report of the 2002 Budget Act
Item 6610-301-0574)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated January 13, 2005, referred by the Speaker to the Committee on Higher Education.

**Status of the California Low Cost Automobile Insurance Program
(Pursuant to Insurance Code Sections 11629.81 and 11629.992)**

Above transmitted report, together with letter of transmittal from Richard J. Manning, CAARP Regional Director, California Automobile Assigned Risk Plan, dated January 21, 2005, referred by the Speaker to the Committee on Insurance.

**Report on School Districts that Have Not Adopted Budgets
Fiscal Year 2004–05
(Pursuant to Education Code Sections 42127(g) and 42127.1(a))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated January 18, 2005, referred by the Speaker to the Committee on Budget.

**California State University
San Bernardino Center for the Study of Correctional Education
Report on Deliverables to the California Department of Education
Interim Status Report
(Pursuant to Education Code Section 56867)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated January 18, 2005, referred by the Speaker to the Committee on Education.

**Statewide Habitat Conservation Plan Annual Report
(Pursuant to Budget Act 2003–2004, Item 5240-001-0001)**

Above transmitted report, together with letter of transmittal from J. S. Woodford, Director, Department of Corrections, dated January 18, 2005, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**2003 Employee Housing Statistical Summary Report
(Pursuant to Health and Safety Code Sections 17031.8 and 17050(f)(1))**

Above transmitted report, together with letter of transmittal from Lucetta Dunn, Director, Department of Housing and Community Development, dated January 21, 2005, referred by the Speaker to the Committee on Housing and Community Development.

**Approval of Workload Plan
for Office of Court Construction and Management
(Pursuant to Senate Bill 1732, Chapter 1082, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Kim Davis, Director, Office of Court Construction and Management, Judicial Council Of California, dated January 18, 2005, referred by the Speaker to the Committee on Judiciary.

**Annual Budget and Staffing Report of
the Office of Ratepayer Advocates
(Pursuant to Public Utilities Code Section 309.5 (g))**

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, Public Utilities Commission, dated January 19, 2005, referred by the Speaker to the Committee on Utilities and Commerce.

Surveys of Local Assessment Procedures

Contra Costa County, September 2004

Fresno County, April 2004

Merced County, April 2004

Placer County, December 2004

San Bernardino County, July 2004

Santa Barbara County, January 2004

Tuolumne County, May 2004

Yolo County, March 2004

Colusa County, December 2004

San Luis Obispo, December 2004

Trinity County, July 2004

**Orange County (Supplemental) Assessment, February 2004
(Pursuant to Government Code Sections 9795 and 15646)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated January 12, 2005, referred by the Speaker to the Committee on Revenue and Taxation.

SPECIAL COMMITTEE MEETINGS

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

Aging and Long-Term Care to convene jointly with the Committee on Judiciary, on Friday, February 4, 2005, in Room 4202;

Budget Subcommittee No. 2 on Education Finance, on Tuesday, March 1, 2005 at 9 a.m. in Room 444;

Budget Subcommittee No. 5 on Transportation, on Wednesday, February 9, 2005 at 10 a.m.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly

<i>Bill No.</i>	<i>Committee</i>
32 -----	Nat. Res.
102 -----	Jud.
103 -----	Ed.
109 -----	Health
110 -----	Ed. and Higher Ed.
124 -----	P.E.,R. & S.S.
161 -----	Pub. S.
163 -----	B. & P.
164 -----	Rev. & Tax.
165 -----	Higher Ed.
168 -----	Rev. & Tax.
170 -----	Health
171 -----	Ed.
173 -----	Jud.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
1 -----	Health
7 -----	J., E.D. & E.

Senate

<i>Bill No.</i>	<i>Committee</i>
29 -----	Health

MESSAGES FROM THE SENATE

Senate Chamber, January 27, 2005

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 28

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Senate Chamber, January 27, 2005

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 6

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 28—An act relating to human remains, and declaring the urgency thereof, to take effect immediately.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 6—Relative to the 60th anniversary of the World War II invasion of the Island of Iwo Jima.

ADJOURN IN MEMORY

Assembly Member Nakanishi was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Aurora C. Aguirre, of Lodi.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Saldaña was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sergeant Patrick S. Tainsh, of Oceanside, Captain Richard J. Gannon II, of Escondido, Specialist Eric U. Ramirez, Sergeant Rafael Peralta, and Corporal Randal Kent Rosacker, of San Diego, Corporal Erik H. Silva, of Chula Vista, Specialist Ramon C. Ojeda, of Ramona, Lance Corporal Jason William Moore, of San Marcos, Lance Corporal Jesus A. Suarez Del Solar, of Escondido, Private Devon D. Jones, of San Diego, and Lance Corporal Cory Ryan Geurin, of Santee.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY**Moment of Silence Observed**

Assembly Members Frommer and Goldberg were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Scott McKeown, of Pasadena, Julia Bennett, of Los Angeles, Manuel D. Alcala, of West Hills, Elizabeth Hill, of Glendale, and Deputy James Tutino, of Los Angeles, and that the Assembly observe a moment of silence in their honor.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Arambula was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Captain Joe Fenton Lusk II, of Reedley and Staff Sergeant Jose Carlos Rangel, of Fresno.

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Danny Nations, of Crescent City.

Assembly Member Calderon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard "Rick" Salazar, of Montebello.

Assembly Member Evans was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marilyn Edstrom and Paul Henry Egly, of Santa Rosa.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kathleen Harrington, of San Francisco.

Assembly Member McCarthy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roy Weygand, of Bakersfield.

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 John Galvez, of Sacramento.

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 Julia Judy Hurst, of Benicia; Gregory J. Fisk, and Victor Frias, of Davis; John Fernandez Ariza, Edward Bud Borges, Robert L. Calbert, Jerry Ebling, and Douglas H. Eltringham, of Fairfield; Audrey Ruth Adcock, Alberta E. Ball, and Irene Louise Joraskie, of Vacaville; and Larry Lee Gondala, of Vallejo.

MOTION TO ADJOURN

At 9:45 a.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

REMARKS ON CONDITION OF THE FILE

Assembly Members Keene, Frommer, Richman, Goldberg, Bermúdez, and Mountjoy arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Frommer 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. 192—Tran. An act to amend Section 830.6 of, and to add Section 815.1 to, the Government Code, relating to governmental tort liability.

ASSEMBLY BILL NO. 193—Maze (Principal coauthor: Cogdill). An act relating to fish and game.

ASSEMBLY BILL NO. 194—Dymally. An act to amend Section 54960.1 of the Government Code, relating to open meetings.

ASSEMBLY BILL NO. 195—Dymally. An act to amend 19702 of the Government Code, relating to state civil service.

ASSEMBLY BILL NO. 196—Liu. An act to repeal and add Sections 99180, 99181, and 99182 of the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 197—Umberg. An act to add Section 798.80.5 of the Civil Code, relating to mobilehomes.

ASSEMBLY BILL NO. 198—Klehs. An act relating to the California Arts Council.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 4—Tran. Relative to the death tax.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 11 a.m., Monday, January 31, 2005, out of respect to the memory of Aurora C. Aguirre, on motion of Assembly Member Nakanishi; Sergeant Patrick S. Tainsh, Captain Richard J. Gannon II, Specialist Eric U. Ramirez, Sergeant Rafael Peralta, Corporal Randal Kent Rosacker, Corporal Erik H. Silva, Specialist Ramon C. Ojeda, Lance Corporal Jason William Moore, Lance Corporal Jesus A. Suarez Del Solar, Private Devon D. Jones, and Lance Corporal Cory Ryan Geurin, on motion of Assembly Member Saldaña; out of respect to the memory of Scott McKeown, Julia Bennett, Manuel D. Alcalá, Elizabeth Hill, and Deputy James Tutino, on motion of Assembly Members Frommer and Goldberg; out of respect to the memory of Captain Joe Fenton Lusk II and Staff Sergeant Jose Carlos Rangel, on motion of Assembly Member Arambula; out of respect to the memory of Danny Nations, on motion of Assembly Member Berg; out of respect to the memory of Richard “Rick” Salazar, on motion of Assembly Member Calderon; out of respect to the memory of Marilyn Edstrom and Paul Egly, on motion of Assembly Member Evans; out of respect to the memory of Kathleen Harrington, on motion of Assembly Member Leno; out of respect to the memory of Roy Weygand, on motion of Assembly Member McCarthy; out of respect to the memory of John Galvez, on motion of Assembly Member Niello; out of respect to the memory of Julia Judy Hurst, Gregory J. Fisk, Victor Frias, John Fernandez Ariza, Edward Bud Borges, Robert L. Calbert, Jerry Ebling, Douglas H. Eltringham, Audrey Ruth Adcock, Alberta E. Ball, Irene Louise Joraskie, and Larry Lee Gondala, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

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