

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 8, 2005
TWENTY-FIRST SESSION DAY
SIXTY-FIFTH 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, February 8, 2005

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Neva Parker reading.

ROLL CALL

The following were placed upon the morning roll call—76:

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

Quorum present.

At 1:10 p.m., Hon. Rudy Bermúdez, 56th 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 Maze and Richman.

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

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:

February 7, 2005

*Speaker Fabian Núñez
State Capitol, Room 219
Sacramento, California*

Dear Speaker Núñez,

I respectfully request your permission to be excused from Check-In for legislative business on Tuesday, February 8, 2005 in Tulare County on District business. I will be attending the Tulare County Farm Show and will return to the Capitol early the following morning.

As you know, the Tulare County Farm Show is a significant event at which my attendance is necessary.

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

February 8, 2005

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

Dear Speaker Núñez: I respectfully request that I be absent February 8, 2005, due to legislative business in my district.

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

COMMUNICATIONS

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

February 2, 2005

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

Dear Speaker Núñez: The Senate Rules Committee has appointed Senator Ortiz as a member of the Joint Legislative Audit Committee to replace Senator Murray.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

PROPOSED INITIATIVES

The following communication was presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated February 3, 2005, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

Reapportionment.

Initiative Constitutional Amendment. SA 2004RF0037, Amdt. #1-NS

Referred by the Speaker to the Committee on Elections and Reapportionment.

REPORTS

The following reports were presented by the Chief Clerk:

Disabled Veterans Business Enterprise Report 2003–04 (Pursuant to Military and Veterans Code Section 999.7)

Above transmitted report, together with letter of transmittal from Lucetta Dunn, Director, Department of Housing and Community Development, dated January 26, 2005, referred by the Speaker to the Committee on Veterans Affairs.

Jenkins Act Compliance and Enforcement Report (Pursuant to Revenue and Taxation Code Section 30101.7(g))

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated January 25, 2005, referred by the Speaker to the Committee on Revenue and Taxation.

Report on Legislation Enacted in 2004 with State-Mandated Local Program Implications (Pursuant to Government Code Sections 17562(e)(3))

Above transmitted report, together with letter of transmittal from Stephen W. Kessler, Deputy Director, Department of Finance, dated February 4, 2005, referred by the Speaker to the Committee on Local Government.

Annual Report of Exemptions from the Bidding Process Due to Unexpected Causes January 1, 2004 through December 31, 2004 (Pursuant to Public Contract Code Section 10722)

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated January 28, 2005, referred by the Speaker to the Committee on Budget.

SPECIAL COMMITTEE MEETINGS

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

Natural Resources to convene jointly with Environmental Safety and Toxic Materials, Water, Parks and Wildlife, and Budget Subcommittee No. 3 on Resources and Senate Committees on Environmental Quality and Natural Resources and Senate Budget and Fiscal Review Subcommittee No. 2 on Resources, Environmental Protection and Energy, on Wednesday, March 2, 2005.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 8, 2005

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

Assembly Bill No. 26

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, February 8, 2005

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

Assembly Concurrent Resolution No. 10

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 247—Walters. An act to add Section 17053.51 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 248—Tran. An act to amend Sections 3439.08 and 3439.09 of the Civil Code, relating to fraudulent transfers, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 249—DeVore and Walters. An act to amend Section 19582.5 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 250—Matthews. An act to relating to counties, and making an appropriation therefor.

ASSEMBLY BILL NO. 251—Haynes. An act to add Chapter 12.9 (commencing with Section 7090) to Division 7 of Title 2 of the Government Code, and to amend Sections 17039 and 23036 of, to add Sections 17052.77 and 23677 to, and to add and repeal Sections 17053.93 and 23693 of, the Revenue and Taxation Code, relating to economic development.

ASSEMBLY BILL NO. 252—Chavez. An act to amend Section 8778 of the Government Code, relating to arts.

ASSEMBLY BILL NO. 253—Aghazarian. An act to amend Section 273a of the Penal Code, relating to crime.

ASSEMBLY BILL NO. 254—Nakanishi (Coauthor: Salinas). An act to amend Section 1797.196 of the Health and Safety Code, relating to emergency medical services.

ASSEMBLY BILL NO. 255—Chavez. An act to add Article 4 (commencing with Section 343) to Chapter 5 of Part 1 of Division 2 of the Military and Veterans Code, relating to military benefits, and making an appropriation therefor.

ASSEMBLY BILL NO. 256—De La Torre. An act relating to public employees' health care.

ASSEMBLY BILL NO. 257—Matthews. An act to add Section 14043.375 to the Welfare and Institutions Code, relating to MediCal.

ASSEMBLY BILL NO. 258—Matthews. An act to add Section 14105.485 to the Welfare and Institutions Code, relating to MediCal.

ASSEMBLY BILL NO. 259—Hancock. An act to add Section 25847 to the Government Code, relating to solid waste collection liens.

ASSEMBLY BILL NO. 260—Bermudez. An act to amend Section 13110.5 of the Health and Safety Code, relating to fire protection.

ASSEMBLY BILL NO. 261—Koretz. An act relating to economic development.

ASSEMBLY BILL NO. 262—Berg. An act to add Section 70324 to the Government Code, relating to courts.

ASSEMBLY BILL NO. 263—Chan. An act to amend Section 108921 of, and to add Section 108921.5 to, the Health and Safety Code, relating to toxic chemicals.

ASSEMBLY BILL NO. 264—Chan. An act to add Sections 49413.5 and 49416 to the Education Code, relating to pupil health.

ASSEMBLY BILL NO. 265—Haynes. An act to add Section 3047 to the Family Code, relating to child custody.

ASSEMBLY BILL NO. 266—DeVore (Coauthors: Blakeslee and Walters). An act to amend Section 1597.46 of the Health and Safety Code, relating to child day care.

ASSEMBLY BILL NO. 267—Daucher. An act to amend Section 14529.17 of the Government Code, relating to transportation.

ASSEMBLY BILL NO. 268—Matthews. An act to amend Section 810 of the Business and Professions Code, relating to healing arts.

ASSEMBLY BILL NO. 269—Haynes. An act to repeal Section 11327.4 of, and to repeal and add Section 11327.5 of, the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 270—Leslie. An act to amend Section 66907.7 of the Government Code, relating to the California Tahoe Conservancy.

ASSEMBLY BILL NO. 271—Blakeslee. An act to add Section 19060 to the Government Code, relating to state employees.

REPORTS OF STANDING COMMITTEES

Committee on Health

Date of Hearing: February 8, 2005

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 29

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

CHAN, Chair

Above bill re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 9, 2005.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk