

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 9, 2005
TWENTY-SECOND SESSION DAY
SIXTY-SIXTH 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
Wednesday, February 9, 2005

The Assembly met at 7 a.m.

Hon. Dennis Mountjoy, Assembly Member, 59th 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	Dymally	La Suer	Parra
Arambula	Emmerson	Laird	Pavley
Baca	Evans	Leno	Plescia
Bass	Frommer	Leslie	Richman
Benoit	Garcia	Levine	Ridley-Thomas
Berg	Goldberg	Lieber	Runner
Bermúdez	Gordon	Liu	Ruskin
Blakeslee	Harman	Matthews	Saldaña
Bogh	Haynes	Maze	Salinas
Calderon	Horton, Jerome	McCarthy	Strickland
Canciamilla	Horton, Shirley	Montañez	Torrico
Chan	Houston	Mountjoy	Tran
Chavez	Huff	Mullin	Vargas
Chu	Jones	Nakanishi	Villines
Cogdill	Karnette	Nation	Walters
Coto	Keene	Nava	Wolk
Daucher	Klehs	Negrete McLeod	Wyland
De La Torre	Koretz	Niello	Yee
DeVore	La Malfa	Oropeza	Mr. Speaker

Quorum present.

At 1:49 p.m., Hon. Jerome E. Horton, 51st 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 Spitzer and Umberg.

On legislative business, and waiving per diem: Assembly Member Hancock.

Because of illness: Assembly Member Cohn.

EXPLANATIONS OF ABSENCE

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

January 5, 2005

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

Dear Mr. Speaker: I respectfully request an excused absence, on legislative business, waiving per diem, from Check-in Sessions on February 9 and 10, and Session on February 11, 2005. I have been invited to participate in a conference in Racine, Wisconsin: the "New Cities Project," sponsored by the Center on Wisconsin Strategy and The Johnson Foundation. The conference is to improve the leadership of progressive mayors in the United States in the areas of housing and transportation, economic and workforce development, partnerships with business, and federal fiscal policy.

This will be a small group of progressive mayors from across the country, and I would be happy to report back to the Caucus on the findings and future plans coming from the conference.

Sincerely,

LONI HANCOCK, Assembly Member
 Fourteenth District

February 3, 2005

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

Dear Mr. Speaker: I would like to be excused from session on Wednesday and Thursday, February 9 and 10, 2005 for legislative business in my district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member
 Seventy-first District

February 3, 2005

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

Dear Speaker Núñez,

I respectfully request to be excused from session on Wednesday, February 9 so that I may be in my district on legislative business.

If you have any questions or concerns about this request, please contact Diane Pugh of my staff at (916) 319-2069. Thank you in advance for your consideration of this request.

Sincerely,

TOM UMBERG, Assembly Member
 Sixty-ninth District

COMMUNICATIONS

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

February 10, 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 Gene Mullin to replace Assemblymember Joe Coto on the Assembly Rules Committee for the Friday, February 11 hearing only.

Sincerely,

FABIAN NUÑEZ
 Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 9, 2005

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

Assembly Bill No. 84

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Banking and Finance, on Tuesday, February 22, 2005, at 1:30 p.m., in Room 127.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 272—Matthews. An act to amend Section 830.1 of the Penal Code, relating to peace officers.

ASSEMBLY BILL NO. 273—Baca. An act to add Section 25621 to the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 274—Baca. An act to add Section 19991.12 to the Government Code, relating to public employees.

ASSEMBLY BILL NO. 275—Baca. An act to amend Section 11703 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 276—Baca. An act to amend Section 19775.18 of the Government Code, relating to state employees.

ASSEMBLY BILL NO. 277—Mountjoy. An act to amend and repeal Section 11126 of the Government Code, relating to open meetings.

ASSEMBLY BILL NO. 278—Bogh. An act to amend Sections 17538.5 and 22780 of the Business and Professions Code, relating to commercial mail receiving agencies.

ASSEMBLY BILL NO. 279—Calderon. An act to amend Section 16430 of the Government Code, relating to state investments.

ASSEMBLY BILL NO. 280—Oropeza. An act to amend Sections 171.5 and 602 of the Penal Code, relating to harbors.

ASSEMBLY BILL NO. 281—Liu. An act to amend Section 311.11 of the Penal Code, relating to child pornography.

ASSEMBLY BILL NO. 282—Benoit. An act to add Section 313.6 to the Penal Code, relating to crime.

ASSEMBLY BILL NO. 283—Koretz (Coauthor: Maze) (Coauthor: Senator Margett). An act to add Section 11100.01 to the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 284—Bermudez. An act to add Sections 19826.2 and 19827.4 to the Government Code, relating to state employees.

ASSEMBLY BILL NO. 285—Haynes. An act relating to economic development.

ASSEMBLY BILL NO. 286—Matthews. An act to add Section 21100.7 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 287—Negrete McLeod. An act to add Chapter 4.5 (commencing with Section 4350) to Part 2 of Division 4 of the Public Resources Code, relating to disaster response.

ASSEMBLY BILL NO. 288—Mountjoy. An act to amend Section 4076 of the Business and Professions Code, relating to pharmacies.

ASSEMBLY BILL NO. 289—Chan. An act to add Section 57013 to the Health and Safety Code, relating to hazardous chemicals.

ASSEMBLY BILL NO. 290—Leslie. An act to amend Section 116550 of the Health and Safety Code, relating to public water systems.

ASSEMBLY BILL NO. 291—Koretz. An act to add Section 123256 to the Health and Safety Code, relating to maternal health.

ASSEMBLY BILL NO. 292—Maze. An act to amend Section 17021.6 of the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 293—Maze. An act to amend Section 7195 of the Business and Professions Code, relating to home inspections.

ASSEMBLY BILL NO. 294—Blakeslee and DeVore. An act to add Section 343 to the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

ASSEMBLY BILL NO. 295—Chavez. An act to add Section 10382 to the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 296—Negrete McLeod. An act to amend Section 122415 of the Health and Safety Code, relating to hepatitis C.

ASSEMBLY BILL NO. 297—Yee. An act to amend Sections 19583.5 and 19583.51 of the Government Code, relating to state employees.

ASSEMBLY BILL NO. 298—Berg. An act to amend Section 17053.80 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 299—Maze. An act to amend Section 11165.9 of the Penal Code, and to amend Section 827 of the Welfare and Institutions Code, relating to juveniles.

ASSEMBLY BILL NO. 300—Walters. An act to amend Section 1569.3 of the Health and Safety Code, relating to residential care facilities.

ASSEMBLY BILL NO. 301—Committee on Business and Professions (Negrete McLeod (Chair), Shirley Horton (Vice Chair), Bass, Koretz, Maze, Nation, Tran, Vargas, and Yee). An act to amend Section 11011.15 of the Government Code, relating to state property.

ASSEMBLY BILL NO. 302—Committee on Business and Professions (Negrete McLeod (Chair), Shirley Horton (Vice Chair), Bass, Koretz, Maze, Nation, Tran, Vargas, and Yee). An act to add Section 10290.4 to the Public Contract Code, relating to state surplus personal property sales.

ASSEMBLY BILL NO. 303—Committee on Business and Professions (Negrete McLeod (Chair), Shirley Horton (Vice Chair), Bass, Koretz, Maze, Nation, Tran, Vargas, and Yee). An act to amend Sections 313 and 313.5 of the Business and Professions Code, relating to consumer affairs.

ASSEMBLY BILL NO. 304—Hancock. An act to add Section 19162.5 to the Health and Safety Code, relating to building standards.

ASSEMBLY BILL NO. 305—Mountjoy (Coauthors: Benoit, Haynes, Huff, La Suer, Maze, and Spitzer). An act to amend Sections 2800.1, 2800.2, 2800.3, and 40000.7 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 306—Baca. An act relating to prescription drugs.

ASSEMBLY BILL NO. 307—Chavez. An act to amend Section 52262 of the Education Code, relating to technology grants.

ASSEMBLY BILL NO. 308—Jerome Horton. An act to amend Section 594 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 309—Walters. An act relating to teacher credentialing.

AUTHOR'S AMENDMENTS

Committee on Elections and Redistricting

February 9, 2005

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:

Assembly Bill No. 16

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

UMBERG, Chair

ASSEMBLY BILL NO. 16—An act to add Section 85305.5 to the Government Code, relating to the Political Reform Act of 1974.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 3:55 p.m., the Assembly adjourned until 7 a.m., Thursday, February 10, 2005.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 9, 2005**

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

AB RN

16 0508380

Daily Total: 1

Cumulative Total: 10

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