

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 10, 2005
TWENTY-THIRD SESSION DAY
SIXTY-SEVENTH 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, February 10, 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 Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—72:

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

Quorum present.

At 10:26 a.m., Hon. Mark Wyland, 74th 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 Chavez, Houston, Spitzer, Torrico, and Umberg.

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

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

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:

February 8, 2005

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

Dear Speaker Núñez: I respectfully request permission to be excused from check-in session on Thursday, February 10, 2005. The purpose is to tend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member
Fifty-seventh District

February 7, 2005

The Honorable Fabian Núñez
Speaker, California State Assembly
State Capitol, Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Thursday, February 10, 2005 due to constituent meetings in my district.

If you have any questions, please contact Anne Volz in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

February 4, 2005

Speaker Fabian Núñez
State Capitol, Room 219
Sacramento, California

Mr. Speaker: This letter is to request permission to be excused on legislative business in my district on Thursday, February 10, 2005.

Subsequently, I would like to ask to be excused from Check-In Session on Thursday, February 10, 2005.

Thank you for your consideration of my request.

Sincerely,

ALBERTO TORRICO, Assembly Member
Twentieth 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 Thursday, February 10 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

(NOTE: For letter explaining the absence of Assembly Member Hancock on this day on legislative business, and waiving per diem, pursuant to the Assembly Rules, see Assembly Daily Journal for February 9, 2005; 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 February 9, 2005.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 10, 2005

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

Assembly Bill No. 16

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 310—Umberg. An act to add Section 21354.2 to the Government Code, relating to public employees' retirement.

ASSEMBLY BILL NO. 311—Baca. An act relating to transportation, and making an appropriation therefor.

ASSEMBLY BILL NO. 312—Ruskin. An act to add Section 1985.8 to the Code of Civil Procedure, relating to medical records.

ASSEMBLY BILL NO. 313—Ruskin. An act to amend Section 14681.5 of the Government Code, relating to parole.

ASSEMBLY BILL NO. 314—Parra. An act to add Sections 1768.01, 1768.02, 1768.03, 1768.04, 1768.05, 1768.06, 1768.07, and 1768.08 to the Welfare and Institutions Code, relating to the Department of the Youth Authority.

ASSEMBLY BILL NO. 315—Hancock. An act to add Section 17077.36 to the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 316—Nakanishi. An act to amend Section 7005 of the Business and Professions Code, relating to contractors.

ASSEMBLY BILL NO. 317—Dymally. An act to amend Section 84752 of the Education Code, relating to community college finance.

ASSEMBLY BILL NO. 318—Dymally. An act to add Section 84754.5 to the Education Code, relating to community colleges.

ASSEMBLY BILL NO. 319—Chan. An act to add Chapter 11 (commencing with Section 108935) and Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

ASSEMBLY BILL NO. 320—Maze. An act to amend Section 11215 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 321—Maze. An act to amend Section 5890 of the Welfare and Institutions Code, relating to mental health.

ASSEMBLY BILL NO. 322—Oropeza. An act to add Article 10 (commencing with Section 270) to Chapter 2 of Part 1 of the Education Code, relating to education equity.

ASSEMBLY BILL NO. 323—Gordon. An act to add Section 365.5 to the Code of Civil Procedure, relating to professional negligence.

ASSEMBLY BILL NO. 324—Mountjoy (Principal coauthor: Goldberg). An act to add Section 10007 to the Penal Code, relating to inmates.

ASSEMBLY BILL NO. 325—Aghazarian. An act to amend Section 49423 of the Education Code, relating to pupil health.

ASSEMBLY BILL NO. 326—Blakeslee. An act to amend Section 270 of the Public Utilities Code, relating to telecommunications.

ASSEMBLY BILL NO. 327—De La Torre. An act to add Section 2435.2 to the Business and Professions Code, relating to physicians and surgeons, and making an appropriation therefor.

ASSEMBLY BILL NO. 328—DeVore and McCarthy (Coauthors: Cogdill, Keene, Tran, Walters, and Wyland). An act to add Section 5017 to the Public Resources Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 329—DeVore and McCarthy (Coauthors: Cogdill, Keene, Tran, Walters, and Wyland). An act to add Section 5017 to the Public Resources Code, relating to state parks, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 330—Gordon. An act to amend Section 1265 of, and to add Sections 1265.3 and 1265.4 to, the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 331—Bogh. An act to add Section 11034 to the Government Code, relating to state government travel.

ASSEMBLY BILL NO. 332—Bogh. An act to add Section 834.5 to the Penal Code, relating to arrests.

ASSEMBLY BILL NO. 333—Harman. An act to amend Section 2025.330 of the Code of Civil Procedure, relating to production of evidence.

ASSEMBLY BILL NO. 334—Chan. An act to add Section 9005 to the Education Code, relating to school nutrition.

ASSEMBLY BILL NO. 335—Walters. An act to amend Section 1275 of, and to add Section 1275.05 to, the Penal Code, relating to crime.

ASSEMBLY BILL NO. 336—Huff. An act to amend Section 11366.8 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 337—Harman. An act to amend Section 8261 of the Government Code, relating to uniform state laws.

ASSEMBLY BILL NO. 338—Levine (Principal coauthor: Maze) (Coauthors: DeVore, Karnette, and Yee) (Coauthors: Senators Chesbro, Ducheny, and Figueroa). An act to add Section 42703 to the Public Resources Code, relating to recycling.

ASSEMBLY BILL NO. 339—Harman. An act to amend Section 17900 of the Business and Professions Code, to amend Sections 1113, 1152, and 1157 of, to add Chapter 1 (commencing with Section 15900) to, and to add and repeal Sections 15534 and 15724 of, the Corporations Code, relating to limited partnerships.

ASSEMBLY BILL NO. 340—Parra. An act to amend Section 116361 of the Health and Safety Code, relating to public water systems.

ASSEMBLY BILL NO. 341—Huff. An act to amend Section 7108.5 of the Business and Professions Code, to amend Sections 3260 and 3260.1 of the Civil Code, and to amend Sections 7107 and 10262.5 of the Public Contract Code, relating to works of improvement.

ASSEMBLY BILL NO. 342—Baca. An act relating to hazardous waste.

ASSEMBLY BILL NO. 343—Huff. An act to add Section 7284.5 to the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 344—Villines. An act relating to taxation.

ASSEMBLY BILL NO. 345—La Malfa. An act to amend Section 5956 of the Government Code, relating to infrastructure financing.

ASSEMBLY BILL NO. 346—Chu. An act relating to state claims.

ASSEMBLY BILL NO. 347—Huff. An act to amend Section 91000 of the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 348—Arambula. An act to amend Sections 14839 and 14839.1 of the Government Code, relating to small business programs.

ASSEMBLY BILL NO. 349—Mountjoy. An act to add Article 7 (commencing with Section 51560) to Chapter 4 of Part 28 of the Education Code, relating to instruction.

ASSEMBLY BILL NO. 350—Matthews. An act to amend Section 65891.8 of, to add Chapter 2.6 (commencing with Section 53369) to Part 1 of Division 2 of Title 5 of, and to add Article 5.5 (commencing with Section 63047.50) to Chapter 2 of Title 6.7 of, the Government Code, relating to jobs-housing opportunity zones.

ASSEMBLY BILL No. 351—Chu. An act relating to state claims.

ASSEMBLY BILL NO. 352—Koretz. An act to amend Sections 12126 and 12130 of the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 353—La Malfa. An act relating to public resources.

ASSEMBLY BILL NO. 354—Cogdill. An act to amend Section 2290.5 of the Business and Professions Code, relating to healing arts.

ASSEMBLY BILL NO. 355—Tran. An act to add Section 1433 to the Civil Code, relating to joint or several obligations.

ASSEMBLY BILL NO. 356—Chan. An act to add Section 1368.3 to the Health and Safety Code, and to add Section 10113.9 to the Insurance Code, relating to health care coverage.

AUTHOR'S AMENDMENTS **Committee on Education**

February 10, 2005

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 1

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

GOLDBERG, Chair

ASSEMBLY BILL NO. 1—An act to amend Section 51008 of the Education Code, relating to instruction.

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.

AUTHOR'S AMENDMENTS
Committee on Revenue and Taxation

February 10, 2005

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 62

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

KLEHS, Chair

ASSEMBLY BILL NO. 62—An act to amend Section 218 of the Revenue and Taxation Code relating to taxation, to take effect immediately, tax levy.

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.

MESSAGES FROM THE SENATE

Senate Chamber, February 10, 2005

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 9

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

Senate Chamber, February 10, 2005

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

Senate Bill No. 22

Senate Bill No. 50

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 22—An act relating to DNA identification, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 50—An act to amend Section 24357 of, and to add Section 17206 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 6:30 a.m., Friday, February 11, 2005.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 10, 2005**

The following measures were amended in the Assembly on this day:

AB RN

1 0508251

62 0502435

Daily Total: 2

Cumulative Total: 12

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