

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, February 11, 2005**  
**TWENTY-FOURTH SESSION DAY**  
**SIXTY-EIGHTH 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  
Friday, February 11, 2005

The Assembly met at 6:30 a.m.

Hon. Betty Karnette, Assembly Member, 54th 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—58:

Aghazarian	Daucher	Klehs	Negrete McLeod
Arambula	DeVore	Koretz	Niello
Baca	Dymally	La Suer	Plescia
Bass	Evans	Laird	Richman
Benoit	Frommer	Leno	Runner
Berg	Garcia	Leslie	Saldaña
Bermúdez	Goldberg	Lieber	Salinas
Blakeslee	Harman	Liu	Strickland
Bogh	Haynes	Matthews	Tran
Calderon	Horton, Shirley	Maze	Vargas
Canciamilla	Houston	McCarthy	Walters
Chavez	Huff	Montañez	Wolk
Chu	Jones	Mountjoy	Wyland
Cohn	Karnette	Mullin	
Coto	Keene	Nakanishi	

Quorum present.

**At 10:43 a.m., Hon. Audra Strickland, 37th 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 Chan, Cogdill, Emerson, Jerome E. Horton, La Malfa, Nation, Oropeza, Parra, Pavley, Ridley-Thomas, Ruskin, Spitzer, Torrico, Umberg, Villines, and Yee.*

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

*On personal business, and waiving per diem: Assembly Members De La Torre, Gordon, Levine, Nava, and Núñez.*

**EXPLANATIONS OF ABSENCE**

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

February 7, 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 Friday, February 11, 2005 due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

February 10, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from check in session on Friday, February 11, 2005. I will be in my district on legislative business. In the event that session is called, I can be in Sacramento well within the designated period of time.

Thank you for your consideration of this request. If you have any questions, please contact me at 319-2025.

Sincerely,

DAVE COGDILL, Assembly Member  
Twenty-fifth District

February 7, 2005

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

Dear Mr. Speaker: The purpose of this letter is to respectfully request an excuse from session on Friday, February 11, 2005 due to legislative business in my district.

If you have any questions, please contact Teresa Trujillo at 319-2063. Thank you for your prompt attention to this matter.

Sincerely,

BILL EMMERSON, Assembly Member  
Sixty-third District

February 3, 2005

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Assembly Floor Session on Friday, February 11, 2005, due to legislative business. As Chair of the Assembly Governmental Organization Committee, I will be meeting with Indian Gaming Tribes in the San Diego area on compact issues. I will be returning to Sacramento on Tuesday, February 15, 2005, in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

January 3, 2005

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

Dear Mr. Speaker,

I am respectfully requesting permission to be excused from check-in session on Friday, February 11, 2005. I will be in my district attending to legislative business.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

DOUG LAMALFA, Assembly Member  
Second District

February 3, 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 on Friday, February 11, 2005 due to legislative meetings that have been scheduled in my district office.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

February 2, 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 Session, Friday, February 11, 2005, due to legislative business in my district.

Thank you for your consideration of this request. Please contact Mercedes Flores, in my office, if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member  
Fifty-fifth District

February 8, 2005

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

Dear Speaker Núñez: I am writing this letter to respectfully request to be excused from Check In session on Friday, February 11, 2005. I will be traveling on legislative business to attend the Setting the Wheels in Motion Advancing Asset Building Policies for California Seminar in Los Angeles.

Thank you in advance for your consideration to this important request. Should you have any questions, please feel free to call Jennifer Magdaleno at 319-2030.

Sincerely,

NICOLE M. PARRA, Assembly Member  
Thirtieth District

February 10, 2005

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

Dear Speaker Núñez: This letter is to request absence from Check-in Session on Friday, February 11, 2005. I will be in my District attending to legislative business.

Thank you for your consideration of this request.

Sincerely,

FRAN PAVLEY, Assembly Member  
Forty-first District

February 10, 2005

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

Dear Mr. Speaker: I write to request permission to be excused from Check-in Session on Friday, February 11. I have Legislative commitments in my District.

Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Lourdes Machado, at (916) 319-2048.

With hope,

MARK RIDLEY-THOMAS, Assembly Member  
 Forty-eighth District

February 1, 2005

*The Honorable Fabian Núñez*  
*Speaker of the Assembly*  
*State Capitol, Room 3016*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from session on February 11, 2005 due to Legislative Business in my district.

If your staff should have any additional questions please feel free to contact Traci Holt at 916-319-2021.

Respectfully,

IRA RUSKIN, Assembly Member  
 Twenty-first District

February 10, 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 Friday, February 11, 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 11, 2005

*Office of Assembly Speaker Fabian Núñez*

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Please excuse me from check-in session today, Friday, February 11, 2005. I will be conducting legislative business in my district.

Thank you,

ALBERTO TORRICO, Assembly Member  
 Twentieth District

February 10, 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 Friday, February 11 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

January 31, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from Session February 11, 2005 for legislative meetings in my district.

If you have any questions, please contact Julianna Thomas in my office at 319-2029. Thank you for your consideration of this request.

Sincerely,

MICHAEL N. VILLINES, Assembly Member  
Twenty-ninth District

February 10, 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 Friday, February 11. 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 Hancock on this day on legislative business, and waiving per diem pursuant to the Assembly Rules, see Assembly Daily Journal for February 9, 2005.)

### SPECIAL COMMITTEE MEETINGS

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

Select Committee on the Los Angeles County Health Care Crisis, on Friday, February 25, 2005 and April 1, 2005, in Los Angeles;

Health, on Tuesday, February 22, 2005, at 1:30 p.m., in Room 4202;

Veterans Affairs to convene jointly with the Senate Select Committee on the Defense and Aerospace Industry, on Tuesday, March 1, 2005, at 9:30 a.m.;

Health Committee to convene jointly with the Senate Health Committee and the Senate Subcommittee on Stem Cell Research Oversight, on Wednesday, March 2, 2005, in Room 4203;

Water, Parks and Wildlife to convene jointly with the Budget Subcommittee No. 3 on Resources, on Wednesday, March 9, 2005.

### COMMUNICATIONS

#### 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 7, 2005, transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Section 9007, Elections Code:

#### **Economic Development Banks.**

#### **Initiative Constitutional Amendment. SA 2004RF0035**

Referred by the Speaker to the Committee on Banking and Finance.

### REPORTS

The following reports were presented by the Chief Clerk:

#### **2004 Progress Report**

#### **on Securing Supplemental Sources of Water to Augment Existing Supplies During Dry Years**

#### **(Pursuant to Assembly Bill 1823, Chapter 841, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Michael P. Carlin, Planning Director, San Francisco Public Utilities Commission, dated January 31, 2005, referred by the Speaker to the Committee on Local Government.

#### **2003–04 Annual Report on Vendor Service Data**

#### **(Pursuant to Assembly Bill 2100, Chapter 831, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated February 1, 2005, referred by the Speaker to the Committee on Human Services.

#### **2003–04 Vocational Education Carryover Funds Report**

#### **(Pursuant to Budget Act 2004)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 2, 2005, referred by the Speaker to the Committee on Budget.



**State Superintendent of Public Instruction Report on  
the Actions of the Solano County Superintendent of Schools with Regard to  
Vallejo United School District  
(Pursuant to Education Code Section 41326(k))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 2, 2005, referred by the Speaker to the Committee on Education.

**2004 California Physical Fitness Testing Report  
(Pursuant to Senate Bill 896, Chapter 1066, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 2, 2005, referred by the Speaker to the Committee on Education.

**Design-Build: An Alternative Construction System  
(Pursuant to Assembly Bill 2296, Chapter 594  
Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated February 3, 2005, referred by the Speaker to the Committee on Local Government.

**Drinking Water Treatment and Research Fund Report  
(Pursuant to Health and Safety Code Section 116367(e))**

Above transmitted report, together with letter of transmittal from Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated January 27, 2005, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Supplemental Report on Independent Contractor Withholding  
(Pursuant to Budget Act 2004, Item 1730-001-0001)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated February 1, 2005, referred by the Speaker to the Committee on Revenue and Taxation.

**Report on Regulations to Control  
Greenhouse Gas Emissions from Motor Vehicles  
(Pursuant to Assembly Bill 1493, Chapter 200, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Catherine Witherspoon, Executive Officer, Air Resources Board, dated February 4, 2005, referred by the Speaker to the Committee on Transportation.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 11, 2005

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

Assembly Bill No. 1

Assembly Bill No. 62

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 357—Shirley Horton (Principal coauthor: Senator Chesbro).** An act to amend Section 1048 of, and to add Section 1051 to, the Military and Veterans Code, and to add and repeal Article 11.5 (commencing with Section 18825) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to veterans.

**ASSEMBLY BILL NO. 358—Liu.** An act to amend Section 69435 of, and to add Section 69432.3 to, the Education Code, relating to student financial aid.

**ASSEMBLY BILL NO. 359—Gordon.** An act to add Section 5006.9 to the Public Resources Code, relating to parks.

**ASSEMBLY BILL NO. 360—Frommer.** An act to amend Sections 1324.20 and 1324.27 of the Health and Safety Code, and to amend Section 14126.02 of the Welfare and Institutions Code, relating to skilled nursing facilities.

**ASSEMBLY BILL NO. 361—Sharon Runner.** An act to add Section 8214.7 to the Government Code, relating to notaries public.

**ASSEMBLY BILL NO. 362—Aghazarian.** An act to amend Section 13292 of the Water Code, relating to water quality control agencies.

**ASSEMBLY BILL NO. 363—Chu.** An act to amend Section 10601.2 of the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 364—Cogdill.** An act to amend Section 63036 of the Government Code, and to amend Section 1720 of the Labor Code, relating to public works, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 365—Salinas.** An act to amend Section 51201 of the Government Code, relating to agricultural lands.

**ASSEMBLY BILL NO. 366—Maze.** An act to amend Section 809.2 of the Business and Professions Code, relating to professions and vocations.

**ASSEMBLY BILL NO. 367—Nakanishi.** An act to amend Section 2083 of the Business and Professions Code, relating to physicians and surgeons.

**ASSEMBLY BILL NO. 368—Evans.** An act to add Section 10545 to the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 369—Benoit.** An act to amend Section 19250 of the Elections Code, relating to voting systems.

**ASSEMBLY BILL NO. 370—Aghazarian.** An act to add Section 3137 to the Business and Professions Code, relating to optometry.

**ASSEMBLY BILL NO. 371—Goldberg.** An act to amend Sections 5410 and 5415 of the Health and Safety Code, and to amend Sections 13260 and 13523 of, and to add Sections 13552.1, 13552.5, and 13557 to, the Water Code, relating to water.

**ASSEMBLY BILL NO. 372—Nation.** An act to amend Section 105032 of the Public Utilities Code, relating to transportation.

**ASSEMBLY BILL NO. 373—Bermudez.** An act to add Section 13015 to the Penal Code, relating to officer safety, and making an appropriation therefor.

**ASSEMBLY BILL NO. 374—Bermudez.** An act to amend Section 60327.1 of the Water Code, relating to water.

**ASSEMBLY BILL NO. 375—Cogdill.** An act to amend Section 21080 of the Public Resources Code, relating to environmental quality.

**ASSEMBLY BILL NO. 376—Mountjoy.** An act to add Section 148.8 to the Penal Code, relating to false reports.

**ASSEMBLY BILL NO. 377—Maze.** An act to amend Section 6357.1 of the Revenue and Taxation Code, relating to tax.

**ASSEMBLY BILL NO. 378—Chu.** An act to amend Section 338 of the Code of Civil Procedure, relating to protected classes.

**ASSEMBLY BILL NO. 379—Evans.** An act to amend Section 11322.8 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

**ASSEMBLY BILL NO. 380—Nunez.** An act to add Section 380 to the Public Utilities Code, relating to electricity.

**ASSEMBLY BILL NO. 381—Montanez.** An act to amend Section 6752 of the Family Code, relating to minors.

**ASSEMBLY BILL NO. 382—Chan.** An act to repeal Section 91521.3 of the Government Code, relating to industrial development financing.

**ASSEMBLY BILL NO. 383—Montanez.** An act to amend Section 44062.1 of the Health and Safety Code, relating to air pollution.

**ASSEMBLY BILL NO. 384—Nation.** An act to add and repeal Section 52087 of the Education Code, relating to class size.

**ASSEMBLY BILL NO. 385—Lieber.** An act to amend Section 19507 of the Welfare and Institutions Code, relating to blind persons.

**ASSEMBLY BILL NO. 386—Lieber.** An act to add Section 4474.2 to the Welfare and Institutions Code, relating to developmental services.

**ASSEMBLY BILL NO. 387—Arambula.** An act to amend Section 1240 of the Education Code, relating to textbooks.

**ASSEMBLY BILL NO. 388—Canciamilla.** An act to amend Sections 60119, 60200, and 60223 of, and to add Section 60120 to, the Education Code, relating to instructional materials.

**ASSEMBLY BILL NO. 389—Arambula (Coauthor: Parra).** An act relating to housing.

**ASSEMBLY BILL NO. 390—Canciamilla.** An act to amend Sections 51204.5 and 60040 of the Education Code, relating to pupil instruction.

**ASSEMBLY BILL NO. 391—Koretz (Principal coauthor: Senator Florez).** An act to amend Section 1262 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

**ASSEMBLY BILL NO. 392—Chan.** An act to amend Sections 18986.86 and 18986.87 of, and to repeal Section 18986.88 of, the Welfare and Institutions Code, relating to county integrated health and human services.

**ASSEMBLY BILL NO. 393—Frommer.** An act to amend Section 67055 of the Food and Agricultural Code, relating to agriculture.

**ASSEMBLY BILL NO. 394—Niello (Coauthors: Houston, Jones, and Nakanishi) (Coauthor: Senator Cox).** An act to add Section 12956.2 to the Government Code, relating to housing.

**ASSEMBLY BILL NO. 395—Canciamilla.** An act to add Section 9029.7 to the Government Code, relating to the Legislature.

**ASSEMBLY BILL NO. 396—Lieber.** An act to amend Section 65863.7 of the Government Code, relating to land use.

**ASSEMBLY BILL NO. 397—Chavez.** An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

## RESOLUTIONS

The following resolution was offered:

**HOUSE RESOLUTION NO. 6—Canciamilla.** Relative to the Standing Rules of the Assembly for the 2005–06 Regular Session.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

February 11, 2005

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

Assembly Bill No. 71

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

CHAN, Chair

**ASSEMBLY BILL NO. 71**—An act to add Article 7 (commencing with Section 111657) to Chapter 6 of Part 5 of Division 104 of the Health and Safety Code, relating to pharmaceuticals.

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 Public Employees, Retirement and Social Security**

February 11, 2005

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 30

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

TORRICO, Chair

**ASSEMBLY BILL NO. 30**—An act to amend Sections 20069, 20282, 20303, 20305, 20822, 20894, 20896, 21023, 21024, 21027, 21029, 21117, and 31649 of, and to add Sections 20772.5, 20823, 20935, 20992, and 21029.5 to, the Government Code, and to amend Sections 215, 228, and 256 of the Military and Veterans Code, relating to public employees' retirement, and making an appropriation therefor.

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 p.m., the Assembly adjourned until 12 noon, Tuesday, February 15, 2005.

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SALLY LIEBER, Assistant Speaker pro Tempore

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 11, 2005**

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

**AB RN**

30 0505878

71 0504102

**Daily Total: 2**

**Cumulative Total: 14**

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