

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 24, 2005
THIRTY-FIRST SESSION DAY
EIGHTY-FIRST 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 24, 2005

The Assembly met at 9:31 a.m.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly, presiding.

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Neva Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Walters moved a quorum call of the Assembly.

At 9:32 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 9:34 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—75:

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

PRAYER

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

O God in Heaven, Since You love mercy and justice, anyone who takes care to do mercy and justice draws near to You. Teach us to obey You in everything and always do what is right. Help us to keep our words true and sincere and not slander others or spread rumors about our neighbors. For Your mercy, O Lord, endures forever and Your law is peace.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Chan 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 Cohn, 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 Jerome E. Horton, Laird, and Ruskin.

Because of illness: Assembly Members Gordon and Oropeza.

EXPLANATIONS OF ABSENCE

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

February 22, 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 Thursday, February 24, 2005, due to legislative business in my district. I will be returning to Sacramento on Monday, February 28, 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

February 18, 2005

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

Dear Speaker Núñez: This letter is to request permission to be excused from Floor Session on Thursday, February 24, 2005 due to legislative business in my district.

Thank you for your consideration of this request. Should you have any questions, please feel free to call me at 916-319-2027.

Sincerely,

JOHN LAIRD, Assembly Member
Twenty-seventh District

February 22, 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 24, 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

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 18, 2005 transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Section 9007, Elections Code:

**Car Dealers. Buyer's Right to Cancel Purchase. Seller Disclosures.
Initiative Statute. SA 2004RF0038**

Referred by the Speaker to the Committee on Business and Professions.

REPORTS

The following reports were presented by the Chief Clerk:

**Special Repair Projects
(Pursuant to Supplemental Report of the 2000 Budget Act
Item 5240-001-0001)**

Above transmitted report, together with letter of transmittal from J. S. Woodford, Director, Department of Corrections, dated January 25, 2005, referred by the Speaker to the Committee on Public Safety.

**Audit Report on the Public Utilities Transportation Rate Fund
for the Fiscal Year 2003-04**

(Pursuant to Assembly Bill 1658, Chapter 1005, Statutes of 1999)

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, Public Utilities Commission, dated February 15, 2005, referred by the Speaker to the Committee on Utilities and Commerce.

**Early Intervention Program Report 2003
(Pursuant to Senate Bill 1360, Chapter 415, Statutes of 1995)**

Above transmitted report, together with letter of transmittal from Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Health Services, dated February 18, 2005, referred by the Speaker to the Committee on Health.

**Environmental Health
Conditions in California's Portable Classrooms
(Pursuant to Assembly Bill 2872, Chapter 144, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Catherine Witherspoon, Executive Officer, Air Resources Board and Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated February 8, 2005, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**California Urban Waterfront Area Restoration Financing Authority
2004 Annual Report of Activities
(Pursuant to Public Resources Code, Section 32065)**

Above transmitted report, together with letter of transmittal from Michael Roth, Executive Director, California Urban Waterfront Area Restoration Financing Authority, dated February 17, 2005, referred by the Speaker to the Committee on Natural Resources.

**California Alternative Energy and
Advanced Transportation Financing Authority
2004 Annual Report of Activities
(Pursuant to Public Resources Code, Section 26017)**

Above transmitted report, together with letter of transmittal from Mark Paxson, Counsel, California Alternative Energy and Advanced Transportation Financing Authority, dated February 17, 2005, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Report on the Effectiveness of Bureau of Field Enforcement
(Pursuant to Labor Code, Section 90.5(d))**

Above transmitted report, together with letter of transmittal from Michael Pro시오, Assistant Secretary, Department of Industrial Relations, dated February 14, 2005, referred by the Speaker to the Committee on Labor and Employment.

**2004 Discrimination Complaint Report
(Pursuant to Labor Code, Section 98.75)**

Above transmitted report, together with letter of transmittal from Michael Pro시오, Assistant Secretary, Department of Industrial Relations, dated February 14, 2005, referred by the Speaker to the Committee on Labor and Employment.

**Hazard Evaluation System and Information Services (HESIS)
(Pursuant to Labor Code, Section 147.2)**

Above transmitted report, together with letter of transmittal from Michael Pro시오, Assistant Secretary, Department of Industrial Relations, dated February 14, 2005, referred by the Speaker to the Committee on Health.

Disabled Veterans Business Enterprise Report 2003–04

Above transmitted report, from David W. Brown, Chief, Fiscal and Information Services, California State Lands Commission, referred by the Speaker to the Committee on Veterans Affairs.

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>
9	Ed.
262	Jud.
275	Pub. S.
277	G.O. and P.E.,R. & S.S.
278	B. & P. and Jud.
304	H. & C.D.
319	Health
334	Ed.
338	Trans.
350	L. Gov.
365	Agri. and Nat. Res.
366	B. & P.
377	Rev. & Tax.
391	Ins.
392	Health
396	H. & C.D.
398	Rev. & Tax.
399	Nat. Res.
404	Pub. S.
407	G.O.
413	G.O.
414	L. & E.
415	Jud.
416	Ed. and Jud.
418	Pub. S.
419	A.,E.,S.,T. & I.M. and Jud.
420	Ed.
421	Pub. S.
425	Jud.
426	Trans.
427	Ins.
430	Ed.
434	B. & F.
435	Trans.
436	Health
437	Pub. S.
438	Pub. S.
439	Pub. S.

440	-----	Pub. S.
445	-----	Health
446	-----	B. & P.
447	-----	Jud.
448	-----	Pub. S.
449	-----	G.O.
453	-----	Trans.
455	-----	Ed.
456	-----	P.E.,R. & S.S. and Pub. S.
460	-----	Agri.
461	-----	Trans.
463	-----	L. Gov.
466	-----	W.,P. & W.
469	-----	Health
473	-----	Higher Ed.
474	-----	L. & E.
475	-----	Rev. & Tax.
476	-----	Ed.
478	-----	Pub. S.
479	-----	W.,P. & W.
480	-----	G.O.
481	-----	B. & P.
482	-----	Ed.
483	-----	Rev. & Tax.
485	-----	B. & P.
489	-----	Trans.
490	-----	Ed.
491	-----	Ed.
492	-----	E.S. & T.M.
493	-----	Health
496	-----	Jud.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
15	----- Rls.
16	----- Trans.
17	----- Rls.
18	----- Rls.
19	----- Rls.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 24, 2005

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

- Assembly Bill No. 17
- Assembly Bill No. 18
- Assembly Bill No. 164

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 24, 2005

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

- Assembly Concurrent Resolution No. 22

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

REQUEST FOR PHOTOGRAPHER

Assembly Members Aghazarian and Wolk were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RECESS

By unanimous consent, at 9:37 a.m., Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Aghazarian introduced and presented a resolution to Douglass Wilhoit, Executive Director of the Greater Stockton Chamber of Commerce, Florence Low, Program Manager for the City of Stockton, and Peggy Massey, Vice President of Economic Development, Downtown Stockton Alliance, commending the City of Stockton for being named an All America City by the National Civic League.

Assembly Member Wolk introduced and presented a resolution to Dr. William Morgan Jackson for his historical contributions as a scientist and professor at the University of California, Davis.

RECONVENED

At 9:40 a.m., the Assembly reconvened.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly, presiding.

ANNOUNCEMENT

Speaker pro Tempore Yee announced that Tuesday, March 1 is the deadline for Members to file Form 700, Statement of Economic Interests. Statements may be filed by 5 p.m., March 1 in the Chief Clerk's Office. Please see Pam Cavileer if additional forms are needed.

ADJOURN IN MEMORY

Assembly Members Goldberg and Ridley-Thomas were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harry Handler, of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Torrico was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard Palma, of Union City.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Bogh was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donna Baldi, of Cherry Valley.

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 Salvatore P. Domino, Francis Beveridge Dubois, Glenn N. Harper, Tex E. Swisher, and Dorothy Ursula Winberg, of Davis; Clara Mae Williamson, of Fairfield; Marie May Aragon, of Vacaville; Wilma Bowlin, Selina De La Fuente Jimenez, and Josephine Jaime Matta, of Woodland.

MOTION TO ADJOURN

At 9:49 a.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Member Maze 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 9:51 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. 1734—Committee on Insurance (Vargas (Chair), Calderon, Frommer, Karnette, Nava, and Umberg). An act to amend Section 1281 of the Unemployment Insurance Code, relating to unemployment insurance.

ASSEMBLY BILL NO. 1735—Committee on Utilities and Commerce (Levine (Chair), Baca, Cohn, De La Torre, Jerome Horton, Montanez, and Ridley-Thomas). An act to amend Section 2881 of the Public Utilities Code, relating to telecommunications.

ASSEMBLY BILL NO. 1736—Committee on Utilities and Commerce (Levine (Chair), Bogh (Vice Chair), Baca, Cohn, De La Torre, Jerome Horton, Montanez, and Ridley-Thomas). An act to amend Section 399.12 of the Public Utilities Code, relating to renewable energy.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 27—La Malfa. Relative to National Engineers Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 28—Coto (Coauthor: Goldberg). Relative to Read Across America Day.

**AUTHOR'S AMENDMENTS
Committee on Public Safety**

February 24, 2005

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 4

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

LENO, Chair

ASSEMBLY BILL NO. 4—An act to amend Sections 13352, 23546, 23550, 23550.5, and 23566 of the Vehicle Code, relating to vehicles.

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 Judiciary

February 24, 2005

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Assembly Bill No. 20

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

JONES, Chair

ASSEMBLY BILL NO. 20—An act to amend Section 54.3 of the Civil Code, relating to disabled persons.

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 Human Services

February 24, 2005

Mr. Speaker: The Chair of your Committee on Human Services reports:
Assembly Bill No. 179

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

EVANS, Chair

ASSEMBLY BILL NO. 179—An act to add Section 1569.39 to the Health and Safety Code, relating to residential care facilities for the elderly.

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 Health

February 24, 2005

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 105

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

CHAN, Chair

ASSEMBLY BILL NO. 105—An act to add Article 2.5 (commencing with Section 110387.10) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food labeling.

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 Elections and Redistricting

February 24, 2005

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:
Assembly Bill No. 158

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

UMBERG, Chair

ASSEMBLY BILL NO. 158—An act to amend Sections 2035, 2102, 2107, 2119, 2154, 2155, and 2187 of the Elections Code, relating to voter registration.

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 Education

February 24, 2005

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

Assembly Bill No. 9

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

GOLDBERG, Chair

ASSEMBLY BILL NO. 9—An act relating to education.

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 Safety

February 24, 2005

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 35

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

LENO, Chair

ASSEMBLY BILL NO. 35—An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

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.

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: February 24, 2005

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 14

With the recommendation: Be adopted.

MONTAÑEZ, Chair

Above resolution ordered to third reading.

Date of Hearing: February 24, 2005

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 2

With the recommendation: Be adopted.

MONTAÑEZ, Chair

Above resolution ordered to third reading.

MESSAGES FROM THE SENATE

Senate Chamber, February 24, 2005

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

Senate Concurrent Resolution No. 13
Senate Concurrent Resolution No. 14
Senate Concurrent Resolution No. 16

Senate Concurrent Resolution No. 21
Senate Concurrent Resolution No. 23

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

FIRST READING OF SENATE BILLS

The following resolutions were read:

SENATE CONCURRENT RESOLUTION NO. 13—Relative to Child Abuse Prevention Month.

SENATE CONCURRENT RESOLUTION NO. 14—Relative to California Space Day.

SENATE CONCURRENT RESOLUTION NO. 16—Relative to Motorcycle Awareness Month.

SENATE CONCURRENT RESOLUTION NO. 21—Relative to nonprofit and philanthropic organizations.

SENATE CONCURRENT RESOLUTION NO. 23—Relative to Lyme Disease Awareness Week.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 24, 2005

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

Assembly Concurrent Resolution No. 13

And reports the same correctly enrolled, and presented to the Secretary of State on the 24th day of February, 2005, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3:31 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 12 noon, Monday, February 28, 2005, out of respect to the memory of Harry Handler, on motion of Assembly Members Goldberg and Ridley-Thomas; out of respect to the memory of Richard Palma, on motion of Assembly Member Torrico; out of respect to the memory of Donna Baldi, on motion of Assembly Member Bogh; and out of respect to the memory of Salvatore P. Domino, Francis Beveridge Dubois, Glenn N. Harper, Tex E. Swisher, Dorothy Ursula Winberg, Clara Mae Williamson, Marie May Aragon, Wilma Bowlin, Selina De La Fuente Jimenez, and Josephine Jaime Matta, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 24, 2005**

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

AB	RN	
4	0508284	
9	0508769	
20	0501639	
35	0508835	
105	0508600	
158	0508755	
179	0508316	
	Daily Total:	7
	Cumulative Total:	28

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