

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 28, 2005
THIRTY-SECOND SESSION DAY
EIGHTY-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
Monday, February 28, 2005

The Assembly met at 12 p.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Cogdill moved a quorum call of the Assembly.
At 12:01 p.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 12:03 p.m., Speaker pro Tempore Yee declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—78:

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

PRAYER

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

Lord, You are all we have and You give us all we need . . . our future is in Your hands. We praise You, Lord, because You guide us and in the still moments of our life, our heart warns us to stay on the right path. So we are thankful and glad and we feel completely secure knowing that You protect us even from the power of death. You will show us the path that leads to life; Your presence fills us with joy and brings us pleasure forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Salinas 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 Frommer, 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:

Because of illness: Assembly Member Gordon.

Due to travel delays: Assembly Member Oropeza.

COMMUNICATIONS

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

February 24, 2005

*Mr. E. Dotson Wilson
Chief Clerk, California State Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Patricia A. Dixon
to Curriculum Development and Supplemental Materials Commission

Dear Mr. Wilson: Please be advised I have appointed Ms. Patricia A. Dixon to the Curriculum Development and Supplemental Materials Commission. This is a term appointment starting February 24, 2005 and the expiration date is February 24, 2009.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

PROPOSED INITIATIVES

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated February 23, 2005, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Public Service Contracts with Private Parties.
Initiative Constitutional Amendment. SA 2005RF0001**

Referred by the Speaker to the Committee on Labor and Employment.

**State Government Reorganization Plans. Legislative Vote Requirement.
Initiative Statute. SA 2005RF0002**

Referred by the Speaker to the Committee on Rules.

REPORTS

The following reports were presented by the Chief Clerk:

**2003–2004 Consulting Services Contract Report
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Mary-Ann Warmerdam, Director, Department of Pesticide Regulation, dated October 7, 2004, referred by the Speaker to the Committee on Business and Professions.

**2004 Status Report
on the California Case Management System (CCMS) and
the Court Accounting and Reporting System (CARS)
(Pursuant to Government Code Section 68511.8(a))**

Above transmitted report, together with letter of transmittal from Patricia M. Yerian, Director, Information Services Division, Administrative Office of the Courts, Judicial Council of California, dated January 21, 2005, referred by the Speaker to the Committee on Judiciary.

**Annual Report of Special Funds Expenditures for
Fiscal Year 2003–2004
(Pursuant to Government Code Section 77209 (i))**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated February 4, 2005, referred by the Speaker to the Committee on Judiciary.

**Taxpayer's Bill of Rights—Annual Certification
(Pursuant to Revenue and Taxation Code Section 21008)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated February 24, 2005, referred by the Speaker to the Committee on Revenue and Taxation.

**Investment Holdings
in Companies That May Owe Compensation
to Victims of Slave or Forced Labor During World War II
(Pursuant to Senate Bill 1245, Chapter 216, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Mark Anson, Chief Investment Officer, California Public Employees' Retirement System, dated February 14, 2005, referred by the Speaker to the Committee on Judiciary.

**Annual Report on Investments Regarding
Domestic and International Corporations Operating in Northern Ireland
(Pursuant to Government Code Section 7513.5)**

Above transmitted report, together with letter of transmittal from Mark Anson, Chief Investment Officer, California Public Employees' Retirement System, dated February 14, 2005, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Unpaid Holocaust-Era Insurance Claims Status Report
July 2004 through December 2004
(Pursuant to Insurance Code Section 12967(e))**

Above transmitted report, together with letter of transmittal from John Garamendi, Insurance Commissioner, Department of Insurance, dated February 23, 2005, referred by the Speaker to the Committee on Insurance.

**Metropolitan State Hospital's
Second and Third Quarterly Reports to the Legislature on Key Measures
(Pursuant to Senate Bill 1103, Chapter 228, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated February 25, 2005, referred by the Speaker to the Committee on Health.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 28, 2005

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

Assembly Bill No. 4

Assembly Bill No. 105

Assembly Bill No. 9

Assembly Bill No. 158

Assembly Bill No. 20

Assembly Bill No. 179

Assembly Bill No. 35

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 28, 2005

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

Assembly Concurrent Resolution No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

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>
254	Ed.
339	B. & F. and Jud.
341	B. & P. and Jud.
500	L. Gov.
502	B. & F.
503	Hum. S.
504	L. Gov.
505	Pub. S.
509	Trans.
510	L. & E.
511	P.E.,R. & S.S.
517	H. & C.D.
519	Jud.
520	Agri.
522	Health and B. & P.
523	Higher Ed.
525	Health
526	Ins.
529	Higher Ed.
530	Health
531	G.O.
537	L. & E.
538	P.E.,R. & S.S.
539	Ed.
540	Trans.
541	Jud.
542	Pub. S.
543	Pub. S.
544	Ins.
545	Pub. S.
547	Health
548	Rev. & Tax.
550	Pub. S.
551	L. & E.
553	L. & E.
554	Pub. S.
556	Trans.
557	Pub. S.
562	Health
563	Ed.
564	Ed.
566	B. & P.
567	E.S. & T.M.
572	Ed.
573	Jud.
574	B. & P.
575	Nat. Res. and E.S. & T.M.
577	W.,P. & W.
578	Trans.

584	-----	G.O.
586	-----	Health
588	-----	B. & P.
589	-----	Higher Ed.
591	-----	Health
592	-----	B. & P.
593	-----	B. & P. and Higher Ed.
596	-----	L. & E.
599	-----	Health
601	-----	W.,P. & W.
603	-----	Pub. S.
604	-----	L. & E.
605	-----	Ed.
607	-----	Ed.
609	-----	Jud.
610	-----	U. & C.
611	-----	G.O.
613	-----	Ins.
615	-----	Health
618	-----	Pub. S.
620	-----	Pub. S.
621	-----	Agri.
624	-----	Health
626	-----	Health
627	-----	Pub. S.
630	-----	Jud.
631	-----	Health
633	-----	Hum. S.
634	-----	Jud.
635	-----	G.O.
638	-----	L. Gov.
639	-----	E.S. & T.M.
640	-----	L. & E.
641	-----	B. & P.
642	-----	Ins.
643	-----	P.E.,R. & S.S.
648	-----	Nat. Res.
649	-----	Agri.
650	-----	U. & C.
651	-----	Health
656	-----	Ed.
658	-----	Pub. S.
659	-----	Ed.
662	-----	Jud.
663	-----	Pub. S.
665	-----	B. & P.
666	-----	Rev. & Tax.
667	-----	Jud.
668	-----	W.,P. & W.
669	-----	Health
670	-----	Ed.
675	-----	Rev. & Tax.
677	-----	Pub. S.
678	-----	L. & E.

679 ----- Trans.
 680 ----- Ed.
 681 ----- Ins.
 682 ----- Ed.
 684 ----- Pub. S.
 685 ----- Pub. S.
 686 ----- Health
 687 ----- Ins.
 688 ----- Health
 690 ----- V.A.
 692 ----- Ed.
 693 ----- Ed.
 694 ----- Trans.
 695 ----- B. & P.
 698 ----- Pub. S.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
20 -----	Trans.
21 -----	Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
7 -----	L. Gov.

House

<i>Resolution No.</i>	<i>Committee</i>
7 -----	Rls.

**CONSIDERATION OF DAILY FILE
 THIRD READING OF ASSEMBLY BILLS**

ASSEMBLY CONCURRENT RESOLUTION NO. 14 (DeVore)—Relative to the recent election in Ukraine.

Resolution read.

**Members Made Coauthors of
 Assembly Concurrent Resolution No. 14**

Assembly Member DeVore was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 14.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Arambula, Baca, Bass, Berg, Bermúdez, Calderon, Canciamilla, Chan, Chavez, Chu, Cohn, Coto, De La Torre, Dymally, Evans, Frommer, Hancock, Jerome Horton, Koretz, Laird, Levine, Lieber, Liu, Montañez, Nation, Núñez, Parra, Pavley, Richman, Ridley-Thomas, Saldaña, Salinas, Torrico, Umberg, Vargas, Wolk, and Yee.

Request for Unanimous Consent

Assembly Member DeVore was granted unanimous consent to take up Assembly Concurrent Resolution No. 14, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 14, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 14—Relative to the recent election in Ukraine.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

THIRD READING OF SENATE BILLS

SENATE CONCURRENT RESOLUTION NO. 2 (Scott)—Relative to Arts Education Month.

Resolution read, and presented by Assembly Member Leno.

Members Made Coauthors of Senate Concurrent Resolution No. 2

Assembly Member Leno was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Concurrent Resolution No. 2.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Leno was granted unanimous consent to take up Senate Concurrent Resolution No. 2, as amended, without reference to print or file.

Consideration of Senate Concurrent Resolution No. 2, as Amended

SENATE CONCURRENT RESOLUTION NO. 2—Relative to Arts Education Month.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ANNOUNCEMENT

Speaker pro Tempore Yee announced that tomorrow is the deadline for Members to file Form 700, Statement of Economic Interests. Statements are to be filed with Pam Cavileer in the Chief Clerk's Office by 5 p.m.

At 12:16 p.m., Assistant Speaker pro Tempore Sally Lieber, 22nd District, presiding

ADJOURN IN MEMORY

Assembly Members Yee, Mullin, and Huff were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Professor John Tsu, of Millbrae.

(Assembly Rule 45.5 suspended.)

At 12:17 p.m., Speaker pro Tempore Leland Y. Yee, 12th District, presiding

ADJOURN IN MEMORY

Assembly Member Negrete McLeod was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joan Elizabeth Downing, of Sacramento.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Chu, Núñez, and Jones were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Wing Kai Fat, of Sacramento. On behalf of the Assembly, condolences were extended to Mr. Fat's family, Chee Fat, Jerry Fat, Jean Lai, Collin Fat, Weyland Fat, Corrine Fat, Lina, J.C., and Shareen who were present during today's Floor Session.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jef Raskin, of Pacifica.

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 John H. Madison, of Davis; Bettye Ruth Larson, of Dixon; Claudette Brown, Marion Rosanna Damboise, Hope Carter Floyd, Edith A. Gilmore, and Robert R. Reublin, of Fairfield; Helen M. Callison and George William Flack, of Vacaville; John A. Alksnis and Bruce Wilmer Hornbostel, of Woodland.

CAUCUS ANNOUNCEMENTS

Assembly Member Bogh announced that the Republican Caucus would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

ADJOURN IN HONOR

Assembly Member McCarthy was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of Brayden Holthaus born to Pastor Brandon and Amanda Holthaus, of Bakersfield.

MOTION TO ADJOURN

At 12:26 p.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:27 p.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. 1737—Committee on Insurance (Vargas (Chair), Benoit, (Vice Chair), Calderon, Frommer, Karnette, Nava, and Umberg). An act to amend Sections 62.5, 4062.3, 5307.1, and 6434 of the Labor Code, relating to workers' compensation.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 14—DeVore. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (b) of Section 14 of Article II thereof, by amending subdivision (l) of Section 8 of Article III thereof, by amending subdivision (b) of Section 18 of Article IV thereof, by amending subdivision (b) of Section 5 of, and by amending subdivision (f) of Section 14 of, Article V thereof, by amending subdivision (a) of Section 10 of Article VII thereof, by amending subdivision (j) of Section 3 of, by amending subdivision (g) of Section 11 of, by amending Sections 17, 18, and 19 of, by amending subdivision (h) of Section 28 of, and by adding Section 17.5 to, Article XIII thereof, by amending the ninth paragraph of subdivision (d) of Section 22 of Article XX thereof, and by amending the heading of, and by amending Section 1 of, Article XXI thereof, relating to taxation.

AUTHOR'S AMENDMENTS**Committee on Arts, Entertainment, Sports, Tourism, and Internet Media**

February 28, 2005

Mr. Speaker: The Chair of your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports:

Assembly Bill No. 42

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

CHAVEZ, Chair

ASSEMBLY BILL NO. 42—An act to repeal Section 12174 of the Government Code, relating to the California History Center, and declaring the urgency thereof, to take effect immediately,

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 28, 2005

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 80

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

KLEHS, Chair

ASSEMBLY BILL NO. 80—An act to add Section 6377 to 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.

REPORTS OF STANDING COMMITTEES**Committee on Public Safety**

Date of Hearing: February 15, 2005

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 88

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

LENO, Chair

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: February 22, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 99

Assembly Bill No. 104

With amendments with the recommendation: Amend, and do pass, as amended.

JONES, Chair

Above bills ordered to second reading.

Date of Hearing: February 22, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 69

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

JONES, Chair

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, February 28, 2005

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

Senate Bill No. 29

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

INTRODUCTION OF GUESTS

On behalf of Assembly Member Karnette, of the 54th Assembly District, Speaker pro Tempore Yee introduced National Conference of State Legislatures Executive committee members and staff, John Hurson, President, Leticia Van de Putte, Vice President, William Pound, Executive Director, Carl Kurtz, Director of State Services, and Sheri Steisel, Federal Affairs Counsel.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 7 a.m., Tuesday, March 1, 2005, out of respect to the memory of Professor John Tsu, on motion of Assembly Members Yee, Mullin, and Huff; out of respect to the memory of Joan Elizabeth Downing, on motion of Assembly Member Negrete McLeod; out of respect to the memory of Wing Kai Fat, on motion of Assembly Members Chu, Núñez, and Jones; out of respect to the memory of Jef Raskin, on motion of Assembly Member Mullin; out of respect to the memory of John H. Madison, Bettye Ruth Larson, Claudette Brown, Marion Rosanna Damboise, Hope Carter Floyd, Edith A. Gilmore, Robert R. Reublin, Helen M. Callison, George William Flack, John A. Alksnis, and Bruce Wilmer Hornbostel, on motion of Assembly Member Wolk; and in honor of the birth of Brayden Holthaus, on motion of Assembly Member McCarthy.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 28, 2005**

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

AB	RN	
42	0508930	
80	0508566	
Daily Total:		2
Cumulative Total:		30

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