

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 1, 2005
THIRTY-THIRD SESSION DAY
EIGHTY-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
Tuesday, March 1, 2005

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th 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—77:

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

Quorum present.

At 12:09 p.m., Hon. Patty Berg, 1st 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 Koretz and Walters.

Because of illness: Assembly Member Gordon.

EXPLANATIONS OF ABSENCE

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

March 1, 2005

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

Dear Speaker Núñez: I respectfully ask permission to be excused from check in session on March 1, 2005 due to legislative business. If you have any questions or concerns please contact Leticia Klein in my office at 916-319-2042.

Sincerely,

PAUL KORETZ, Assembly Member
Forty-second District

January 31, 2005

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

Dear Speaker Núñez: I respectfully request to be excused from session on March 1, 2005 due to legislative business in the district.

Thank you for your consideration of this request. If you need any additional information, please contact me at (916) 319-2073.

Sincerely,

MIMI WALTERS, Assembly Member
Seventy-third District

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 28, 2005

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

Dear Dotson: This is to advise you that I have appointed Assemblymember John Benoit to replace Assemblymember Tom Harman on the Assembly Judiciary Committee for the Tuesday, March 1 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 1, 2005

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have removed Assemblymember Mark Ridley-Thomas from the Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee, reducing the size of the committee to 10 members.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 1, 2005

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have appointed Assemblymember Jerome Horton to Assembly Banking and Finance Committee, increasing the size of the committee to 9 members.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 1, 2005

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: Please be advised that I have appointed Assemblymember Mark Ridley-Thomas to the Assembly Health Committee, increasing the size of the committee to 14 members.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 1, 2005

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have appointed Assemblymember Patty Berg to the Assembly Water, Parks and Wildlife Committee, increasing the size of the committee to 14 members.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 1, 2005

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have created the following Assembly Select Committees for the 2005–06 Regular Session and appointed the respective Chairs:

Select Committee on Adult Education with Assemblymember Carol Liu as Chair.

Select Committee on Aerospace with Assemblymember Mike Gordon as Chair.

Select Committee on Air and Water Quality with Assemblymember Fran Pavley as Chair.

Select Committee on the Alameda Corridor East with Assemblymember Gloria Negrete McLeod as Chair.

Select Committee on Bioethics, Medicine and Technology with Assemblymember Lori Saldaña as Chair.

Select Committee on Biotechnology with Assemblymember Gene Mullin as Chair.

Select Committee on the California Horseracing Industry with Assemblymember Jerome Horton as Chair.

Select Committee on California Latin American Affairs with Assemblymember Juan Vargas as Chair.

Select Committee on Children's Physical and Mental Well Being in Diverse California Communities with Assemblymember Leland Yee as Chair.

Select Committee on Critical Issues with Assemblymember Mervyn Dymally as Chair.

Select Committee on Development of a 10th University of California, Merced Campus with Assemblymember Barbara Matthews as Chair.

Select Committee on Environmental Justice with Assemblymember Cindy Montañez as Chair.

Select Committee on Growth and Infrastructure with Assemblymember Joe Canciamilla as Chair.

Select Committee on Gun Violence with Assemblymember Paul Koretz as Chair.

Select Committee on Hate Crimes with Assemblymember Judy Chu as Chair.

Select Committee on Mobilehomes with Assemblymember Sally Lieber as Chair.

Select Committee on Nanotechnology and Emerging Technologies with Assemblymember Ira Ruskin as Chair.

Select Committee on Perchlorate Contamination with Assemblymember Joe Baca as Chair.

Select Committee on Ports with Assemblymember Betty Karnette as Chair.

Select Committee on Prison Construction and Operations with Assemblymember Rudy Bermúdez as Chair.

Select Committee on Runaway Production with Assemblymember Dario Frommer as Chair.

Select Committee on Rural Economic Development with Assemblymember Simón Salinas as Chair.

Select Committee on Sustainability with Assemblymember Patty Berg as Chair.

Select Committee on Title IX with Assemblymember Jenny Oropeza as Chair.

Select Committee on Urban Education in California with Assemblymember Joe Coto as Chair.

Select Committee on Water, Infrastructure and the Economy with Assemblymember Nicole Parra as Chair.

Select Committee on Wine with Assemblymember Noreen Evans as Chair.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

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 25, 2005, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

District Boundary Changes.

Initiative Constitutional Amendment. SA 2005RF0003

Referred by the Speaker to the Committee on Elections and Redistricting.

Changing District Boundaries.

Initiative Constitutional Amendment. SA 2005RF0004

Referred by the Speaker to the Committee on Elections and Redistricting.

Reapportioning District Boundaries.

Initiative Constitutional Amendment. SA 2005RF0005

Referred by the Speaker to the Committee on Elections and Redistricting.

Reapportionment of Districts.

Initiative Constitutional Amendment. SA 2005RF0006

Referred by the Speaker to the Committee on Elections and Redistricting.

REPORTS

The following report was presented by the Chief Clerk:

San Francisco Toll Bridge Report for Fiscal Year 2004–2005 (Pursuant to Senate Bill 916, Chapter 715, Statutes of 2003)

Above transmitted report, together with letter of transmittal from Steve Heminger, Executive Director, Bay Area Toll Authority, dated February 24, 2005, referred by the Speaker to the Committee on Transportation.

SPECIAL COMMITTEE MEETINGS

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

Health, to convene jointly with Aging and Long-Term Care, Senate Committee on Health, and Senate Subcommittee on Aging and Long-Term Care, on Wednesday, March 16, 2005, in Room 4203.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 1, 2005

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

Assembly Bill No. 42

Assembly Bill No. 80

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 29—Leslie. Relative to Access Awareness Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 30—McCarthy. Relative to the civic mission of schools.

ASSEMBLY CONCURRENT RESOLUTION NO. 31—Coto. Relative to Financial Empowerment Month.

HOUSE RESOLUTION NO. 9—Frommer (Coauthors: Benoit, Bermudez, Daucher, Dymally, Shirley Horton, Huff, Jones, Koretz, Maze, Mullin, Niello, Pavley, and Salinas). Relative to Colorectal Cancer Awareness Month.

AUTHOR’S AMENDMENTS

Committee on Revenue and Taxation

March 1, 2005

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

Assembly Bill No. 6

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

KLEHS, Chair

ASSEMBLY BILL NO. 6—An act to amend Sections 17041 and 17062 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.

AUTHOR’S AMENDMENTS

Committee on Water, Parks and Wildlife

March 1, 2005

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 193

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

WOLK, Chair

ASSEMBLY BILL NO. 193—An act relating to fish and game.

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 Revenue and Taxation**

Date of Hearing: February 28, 2005

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Senate Bill No. 50

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

KLEHS, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Arts, Entertainment, Sports, Tourism, and Internet Media

Date of Hearing: March 1, 2005

Mr. Speaker: Your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports:

Assembly Bill No. 42

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

CHAVEZ, Chair

Above bill ordered to second reading.

Committee on Natural Resources

Date of Hearing: February 28, 2005

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 32

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

HANCOCK, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: February 28, 2005

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 17

With the recommendation: Do pass, and be re-referred to the Committee on Governmental Organization.

HANCOCK, Chair

Above bill re-referred to the Committee on Governmental Organization.

Committee on Judiciary

Date of Hearing: March 1, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 68

Assembly Bill No. 195

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

JONES, Chair

Above bills re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS****ASSEMBLY BILL NO. 88**—An act to amend Section 12280 of the Penal Code, relating to assault weapons.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 99—An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 104—An act to add Section 6347 to the Family Code, relating to protective orders.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 69—An act to amend Sections 5301, 5303, and 5401 of the Probate Code, relating to multiple-party accounts.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 2, 2005.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 1, 2005

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

AB	RN	
6	0508559	
69	0508873	
88	0508674	
99	0508875	
104	0508871	
193	0508939	
Daily Total:		6
Cumulative Total:		36

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