

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, March 2, 2005**  
**THIRTY-FOURTH SESSION DAY**  
**EIGHTY-SEVENTH 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  
Wednesday, March 2, 2005

The Assembly met at 7 a.m.

Hon. Bill Maze, Assembly Member, 34th 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—75:

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

Quorum present.

**At 1:05 p.m., Hon. Ira Ruskin, 21st 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, Daucher, Lieber, and Spitzer.*

*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:

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 Wednesday, March 2, 2005. The purpose is to attend a legislative event 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 24, 2005

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

Dear Speaker Núñez: I respectfully request that I be excused from checkin session on Wednesday, March 2, 2005 in order that I can return to my District on legislative business on Tuesday afternoon, March 1 and returning to Sacramento before session on Thursday, March 3.

Please contact me at 319-2072 with any questions. Thank you.

Sincerely,

LYNN DAUCHER, Assembly Member  
Seventy-second District

March 1, 2005

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

Dear Speaker Núñez: I would like to be excused from check-in session on March 2, 2005 due to legislative business in my district.

If you have any questions, please contact my Chief of Staff, Cory Jasperson, at 319-2022.

Sincerely,

SALLY J. LIEBER, Assembly Member  
Twenty-second District

February 22, 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 check-in session on Wednesday, March 2, 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

### **SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Judiciary to convene jointly with the Senate Committee on Judiciary, on Thursday, March 17, 2005, upon adjournment of Floor Session, in Room 3191.

### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 2, 2005

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

Assembly Bill No. 6  
Assembly Bill No. 88  
Assembly Bill No. 193

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 2, 2005

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

Assembly Bill No. 69  
Assembly Bill No. 99  
Assembly Bill No. 104

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

### **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1738—Committee on Local Government (Salinas Chair), Emmerson (Vice Chair), De La Torre, Houston, Lieber, Nation, and Wolk).** An act to amend Section 27395 of the Government Code, relating to local government.

**ASSEMBLY BILL NO. 1739—Committee on Judiciary (Jones Chair), Evans, Laird, Levine, Lieber, and Montanez).** An act to add Section 68511.4 to the Government Code, relating to access to legal services.

**ASSEMBLY BILL NO. 1740—Committee on Judiciary (Jones Chair), Evans, Laird, Levine, Lieber, and Montanez).** An act to add Section 410.44 to the Code of Civil Procedure, relating to civil procedure.

**ASSEMBLY BILL NO. 1741—Committee on Judiciary (Jones Chair), Evans, Laird, Levine, Lieber, and Montanez).** An act relating to jury waivers.

**ASSEMBLY BILL NO. 1742—Committee on Judiciary (Jones (Chair), Evans, Laird, Levine, Lieber, and Montanez).** An act to amend Sections 116.330, 116.340, 116.780, 396b, and 998 of, and to repeal and add Section 116.725 of, the Code of Civil Procedure, to amend Sections 811.9, 905, 910.4, and 69926.5 of, and to add Section 905.7 to, the Government Code, and to amend Section 213.5 of the Welfare and Institutions Code, relating to courts.

**ASSEMBLY BILL NO. 1743—Committee on Judiciary (Jones (Chair), Evans, Laird, Levine, Lieber, and Montanez).** An act to amend Section 17552 of the Family Code, relating to child support.

**ASSEMBLY BILL NO. 1744—Committee on Health (Chan (Chair), Aghazarian (Vice Chair), Berg, Cohn, Frommer, Gordon, Jones, Montanez, Ridley-Thomas, and Strickland).** An act to amend Section 1345 of the Health and Safety Code, relating to health care service plans.

**ASSEMBLY BILL NO. 1745—Committee on Health (Chan (Chair), Aghazarian (Vice Chair), Berg, Cohn, Frommer, Gordon, Jones, Montanez, Negrete McLeod, Ridley-Thomas, and Strickland).** An act to amend Section 14100.5 of the Welfare and Institutions Code, relating to Medi-Cal.

### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 32—Arambula.** Relative to West Nile Virus and Mosquito and Vector Control Awareness Week.

### AUTHOR'S AMENDMENTS

#### Committee on Higher Education

March 2, 2005

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

Assembly Bill No. 23

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

LIU, Chair

**ASSEMBLY BILL NO. 23—**An act to amend Section 66010.4 of, to amend and repeal Sections 84750 and 84751 of, and to add Article 1 (commencing with Section 84700) to Chapter 5 of Part 50 of, the Education Code, relating to community college finance.

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 Business and Professions

March 2, 2005

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Assembly Bill No. 180

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

NEGRETE McLEOD, Chair

**ASSEMBLY BILL NO. 180—**An act to amend Sections 6738 and 8729 of the Business and Professions Code, and to amend Sections 16101, 16956, and 16959 of the Corporations Code, relating to limited liability partnerships.

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:

Assembly Bill No. 18

Assembly Bill No. 190

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

KLEHS, Chair

Above bills ordered to second reading.

**Committee on Public Safety**

Date of Hearing: March 1, 2005

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 161

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

LENO, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 1, 2005

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 182

With the recommendation: Do pass.

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.

LENO, Chair

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**  
**ASSEMBLY BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 99 and 104**, ordered to third reading;

**Assembly Bill No. 69**, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 42**—An act to amend Section 12174 of the Government Code, relating to museums, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Arts, Entertainment, Sports, Tourism, and Internet Media read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ADJOURNMENT**

At 3:45 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 3, 2005.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 2, 2005**

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

<b>AB</b>	<b>RN</b>	
23	0508771	
42	0509006	
42	0509004	
42	0509005	
180	0508960	
<b>Daily Total:</b>		<b>3</b>
<b>Cumulative Total:</b>		<b>39</b>

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