

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 7, 2005

THIRTY-SIXTH SESSION DAY

NINETY-SECOND 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, March 7, 2005

The Assembly met at 12:01 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 Ruskin moved a quorum call of the Assembly.
Motion carried.
At 12:02 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—74:

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

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Member John Benoit:

Father, As we begin this week we place ourselves in Your hands. Whatever may come our way during the course of these days let it be the result of diligent work, serious concern, and abiding charity. Then be it painful or be it joyful, it will be Your will and our will, and consequently, it will bring its peace and harmony. With this, we ask Your blessing on this House, all its Members and our work here together in Your name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Keene 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:

On legislative business: Assembly Member Nation.

On personal business, and waiving per diem: Assembly Member Mountjoy.

Because of illness: Assembly Members Gordon, Jerome E. Horton, and Oropeza.

Due to travel delays: Assembly Member Chavez.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

March 1, 2005

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

Dear Mr. Speaker: This letter is to request permission to travel to Washington, D.C. from March 6, 2005 through March 8, 2005 to attend several legislative meetings scheduled regarding healthcare. I am also requesting to be excused from Legislative Floor Session on Monday, March 7, 2005 and check in session Tuesday, March 8, 2005.

Thank you for your consideration.

Sincerely,

JOE NATION, Assembly Member
Sixth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 7, 2005

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

Assembly Bill No. 18
Assembly Bill No. 109

Assembly Bill No. 188
Assembly Bill No. 190

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

Governor’s Office, Sacramento
March 4, 2005

To the Assembly of the State of California:

I have received notice that Secretary of State Kevin Shelley has tendered a written resignation from office effective March 4, 2005. Under applicable law, this resignation creates an immediate vacancy in the office of the Secretary of State on the date stated.

Having received such notice, and pursuant to the powers vested in me by Article V of the California Constitution and Section 1775 of the California Government Code, I hereby nominate the following person to fill the vacancy for the balance of the unexpired term:

Bruce Alexander McPherson
Santa Cruz, California 95060

Former Member of the California State Senate

Pursuant to the Constitution and laws of this state, said nomination shall be effective on the date of the incumbent’s resignation. As stated in Section 1775 of the Government Code, the chief deputy to the Secretary of State shall discharge the duties of that office prior to the time the vacancy is filled pursuant to Article V of the California Constitution.

Sincerely,

ARNOLD SCHWARZENEGGER

March 4, 2005

Received from the Governor’s Office, on March 4, 2005, at 5:04 p.m., a letter nominating a name for confirmation on Governor’s Appointments.

E. DOTSON WILSON
Chief Clerk of the Assembly

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

Bill No.

Committee

- 327 ----- B. & P.
- 343 ----- Rev. & Tax.
- 372 ----- Trans. and L. Gov.
- 375 ----- Nat. Res.
- 406 ----- Jud.
- 429 ----- Jud.

454	-----	G.O. and Pub. S.
654	-----	Jud. and Pub. S.
655	-----	A.,E.,S.,T., & I.M.
657	-----	Health and B. & P.
689	-----	Ed.
697	-----	Trans.
734	-----	W.,P. & W.
750	-----	Jud.
804	-----	Ins. and P.E.,R. & S.S.
846	-----	Trans.
847	-----	Aging & L.T.C. and Health
852	-----	Trans.
880	-----	Hum. S.
896	-----	B. & P. and Health
902	-----	P.E.,R. & S.S.
903	-----	U. & C.
904	-----	L. & E.
906	-----	Rev. & Tax.
909	-----	Health
911	-----	Rev. & Tax.
912	-----	Rev. & Tax.
915	-----	Jud.
918	-----	Higher Ed.
922	-----	V.A.
926	-----	Health
927	-----	Hum. S.
928	-----	Jud.
929	-----	Health
933	-----	Higher Ed.
935	-----	Ins.
937	-----	G.O.
940	-----	Pub. S.
941	-----	Jud.
942	-----	Nat. Res.
944	-----	Pub. S.
945	-----	B. & P.
946	-----	Pub. S.
947	-----	Higher Ed.
949	-----	Ed.
950	-----	Ed.
951	-----	Ed.
952	-----	Ed.
954	-----	H. & C.D.
956	-----	Ed.
957	-----	J., E.D. & E. and Rev. & Tax.
958	-----	Higher Ed.
961	-----	Higher Ed.
963	-----	Trans.
966	-----	Health
969	-----	Trans.
971	-----	Pub. S.
972	-----	A.,E.,S.,T., & I.M. and Jud.
976	-----	Health
977	-----	Health

981	-----	L. Gov.
982	-----	Higher Ed.
983	-----	H. & C.D.
985	-----	L. & E.
987	-----	Jud.
988	-----	Pub. S.
991	-----	L. Gov.
992	-----	Pub. S.
994	-----	Pub. S.
995	-----	Rev. & Tax.
999	-----	Pub. S.
1001	-----	Trans.
1003	-----	W.,P. & W.
1004	-----	J., E.D. & E.
1005	-----	G.O.
1008	-----	P.E.,R. & S.S.
1010	-----	Trans.
1015	-----	Pub. S.
1019	-----	P.E.,R. & S.S.
1022	-----	Pub. S.
1023	-----	Pub. S.
1024	-----	B. & P.
1025	-----	Trans.
1028	-----	Rev. & Tax.
1029	-----	Rev. & Tax. and G.O.
1032	-----	Hum. S.
1033	-----	L. Gov.
1034	-----	Pub. S.
1038	-----	Jud.
1041	-----	A.,E.,S.,T., & I.M.
1042	-----	Jud.
1043	-----	Ins.
1046	-----	Health
1047	-----	Health and Appr.
1048	-----	Trans.
1049	-----	Nat. Res.
1050	-----	Health

House

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

SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit Committee, on Wednesday, March 30, 2005, at 9 a.m., in Room 444;

Utilities and Commerce, on Tuesday, March 29, 2005, at 2 p.m.

REQUEST FOR PHOTOGRAPHER

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

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Frommer was granted unanimous consent that the following Legislative Counsel Opinion be printed in the Journal:

Office of Legislative Counsel
State Capitol, Suite 3021
Sacramento, California
March 3, 2005

The Honorable E. Dotson Wilson
3196 State Capitol

CONSTITUTIONAL OFFICE: VACANCY AND APPOINTMENT—#0508852

Dear Mr. Wilson: You have asked whether, if a constitutional officer designated in Section 5 of Article V of the California Constitution submits to the Governor a letter of resignation from that office, specifying that the resignation is to be effective on a date a short time subsequent to the date of the letter, that office is vacant as of the date of the letter or, instead, as of the subsequent date mentioned in the letter. You have further asked whether, if the constitutional office is vacant as of the subsequent date mentioned in the letter and, prior to that date, the Governor delivers to the Senate and Assembly a writing that nominates a person to take office to fill the vacancy, the 90-day period specified by subdivision (b) of Section 5 of Article V of the California Constitution commences as of the date of that delivery.

Section 5 of Article V of the California Constitution provides as follows:

“SEC. 5. (a) Unless the law otherwise provides, the Governor may fill a vacancy in office by appointment until a successor qualifies.

“(b) Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.”

A vacancy in a constitutional office designated in Section 5 of Article V of the California Constitution means a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, or a member of the State Board of Equalization (subd. (b), Sec. 5, Art. V, Cal. Const.). A vacancy in a constitutional office may be precipitated by a variety of

events, including resignation (subd. (c), Sec. 1770, Gov. C.¹). It is “the settled law of this state that a resignation takes effect immediately upon the date mentioned in the written resignation, filed as provided by law by the officer tendering his [or her] resignation. No acceptance is required” (*Meeker v. Reed* (1924) 70 Cal.App. 119, 123; see also *Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, 205–207; *People v. Porter* (1856) 6 Cal. 26, 28; *In re Advisory Opinion to the Governor* (1934) 117 Fla. 773, 777). “It is also the settled law of this state that if an officer, after tendering his [or her] resignation continues to discharge the duties thereof, he [or she] does so as a *de facto* officer, and is not a mere usurper. This ruling is founded upon public necessity and to prevent an hiatus in government.” (*Meeker v. Reed*, supra, at p. 123).

Thus, is our opinion that if a constitutional officer designated in Section 5 of Article V of the California Constitution submits to the Governor a letter of resignation from that office, specifying that the resignation is to be effective on a date a short time subsequent to the date of the letter, that office is vacant as of the subsequent date mentioned in the letter.

We now consider whether, if prior to the subsequent date mentioned in the letter the Governor delivers to the Senate and the Assembly a writing that nominates a person to take office to fill the vacancy, the 90-day period specified by subdivision (b) of Section 5 of Article V of the California Constitution commences as of the date of that delivery.

Subdivision (b) of Section 5 of Article V of the California Constitution, as quoted above, authorizes the Governor to nominate a person to fill a vacancy in a constitutional office identified by that constitutional provision “[w]henver there is a vacancy” in the constitutional office.

In determining the meaning of a constitutional provision, consideration must be given to the words used, giving every word, clause, and sentence their natural and ordinary meaning (see *City and County of San Francisco v. County of San Mateo* (1995) 10 Cal.4th 554, 562; *Mutual Life Ins. Co. v. City of Los Angeles* (1990) 50 Cal.3d 402, 407). Thus, we must give consideration to the words used in subdivision (b) of Section 5 of Article V that “[w]henver there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy” and apply their natural and ordinary meaning.

The natural and ordinary meaning of the term “vacancy” as set forth in the dictionary is “3a: a vacating of an office, post or piece of property; b: the state of such when vacated or vacant” (Webster’s Third New International Dictionary (2002), at p. 2527). In turn, the meaning of the term “vacant” is “1: not filled or occupied by an incumbent, possessor or officer” (*Ibid.*).

The authority of the Governor to nominate a person to fill a vacancy pursuant to subdivision (b) of Section 5 of Article V of the California Constitution has, as a prerequisite, a requirement that there be a vacancy in the enumerated elected state office to be filled since that

¹ All further section references are to the Government Code, unless otherwise indicated.

constitutional provision applies “[w]henver there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization.” As discussed in Analysis No. 1, inasmuch as it is the settled law in the state that a resignation from public office takes effect immediately upon the date mentioned in the written resignation (*Meeker v. Reed*, supra, at p. 123), it would follow that a public office does not become vacant until a resignation submitted by a public officer takes effect, which would be the date mentioned in the letter of resignation.

The courts have held, however, that the Governor is empowered to make an appointment to fill an impending vacancy in a judicial office, provided he or she is still in office at the time the vacancy occurs and the commission becomes effective (*Morrison v. Michael* (1979) 98 Cal.App.3d 507, 514). In reaching its conclusion in *Morrison v. Michael*, supra, the court quoted the Florida case of *Tappy v. State* (Fla. 1955) 82 So.2d, 161, 166, which explained the following:

“A prospective appointment is valid if the governor who makes the appointment *is still in office at the time the vacancy occurs and the commission becomes effective*. As the general rule is stated by an eminent text writer: ‘A prospective appointment to fill an anticipated vacancy in a public office, made by a person or body which, *as then constituted*, is empowered to fill the vacancy when it arises, is, in the absence of express law forbidding it, a legal appointment and vests title to the office in the appointee. Thus where a public officer resigns his office to take effect at a future day, and his resignation is accepted, the appointing power being, as then organized, authorized to fill the vacancy when it shall occur, may appoint a successor, the appointment to take effect when the resignation becomes operative.’ Mechem on Public Offices and Officers, pp. 66, 67, Section 133.” (Italics in original; emphasis by underscore is added; footnote omitted; *Morrison v. Michael*, supra, at pp. 511–512).

We think that a court would apply the rationale of *Morrison v. Michael*, supra, with respect to prospective appointments to the appointment of constitutional officers generally. Thus, it is our opinion that a letter signed by the Governor nominating a person to fill a position prior to that position being vacated is in the nature of a prospective nomination, with that person not being nominated until the position becomes vacant upon the date the resignation takes effect. Thus, the 90-day period that the Senate and the Assembly have to confirm or refuse to confirm a nominee does not, in our view, commence on the date the Governor delivers the letter of nomination, if that letter is delivered prior to the effective date of the resignation of that position. In that instance, it is our opinion that the 90-day period instead commences on the date the office is vacated, which would be the date mentioned in the letter of resignation.

In conclusion, it is our opinion that if a constitutional officer designated in Section 5 of Article V of the California Constitution submits to the governor a letter of resignation from that office,

specifying that the resignation is to be effective on a date a short time subsequent to the date of the letter, that office is vacant as of the subsequent date mentioned in the letter. We further conclude that if a constitutional office is vacant as of the subsequent date mentioned in the letter, and, prior to that date, the Governor delivers to the Senate and the Assembly a writing that nominates a person to take office to fill the vacancy, the 90-day period specified by subdivision (b) of Section 5 of Article V of the California Constitution would not commence as of the date of that delivery, but would instead commence as of the subsequent date mentioned in the letter of resignation.

Very truly yours,

DIANE F. BOYER-VINE
Legislative Counsel

By

DIANA G. LIM
Deputy Legislative Counsel

RECESS

By unanimous consent, at 12:09 p.m., Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Chu introduced and then presented a resolution to Bruce Roberts, Acting Executive Director, CA Council on Problem Gambling, Inc., Sherry Ellis, Office of Problem Gambling, Chon Gutierrez, Director, CA State Lottery, Susan Jensen, Director of Communications, CA Nations Indian Gaming Assoc., Allison Harvey, Executive Director, CA Tribal Business Alliance, Paul Osaki, Commissioner, Asian Pacific Islander Problem Gambling Task Force, and Susan Ross, CA Horse Racing Board.

RECONVENED

At 12:10 p.m., the Assembly reconvened.

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

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

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

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—72

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—72

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

NOES—None

Bill ordered transmitted to the Senate.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Bill

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

Bill read third time, and passed by the following vote:

AYES—73

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

NOES—None

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Chu announced that the Committee on Appropriations would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 12:14 p.m., Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Levine introduced and then presented a resolution to Jolene Koester, President of California State University, Northridge.

RECONVENED

At 12:15 p.m., the Assembly reconvened.

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

ADJOURN IN MEMORY

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tom Henderson, of San Francisco.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Leslie was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dennis Machida, of South Lake Tahoe.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 Evelyn Young McAlister, of Wilton.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Blanche Harpham, of Eureka, and Lee Torr III, of Monte Rio.

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 Jane M. Ronning, of Davis; Suzanne Mattson, Delilah Jean O'Connell, Erna Offermann, and Loretta Therese Tirey, of Fairfield; WH Butch' Rodgers and Myrtle Coburn Wilson, of Vacaville; Anita L. Neil, of Winters; and Marcia Wilder-Lutz, of Woodland.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Assembly Bill No. 42 and Urgency: Shirley Horton, Leno, and Montañez—Aye.

Consent Calendar: Shirley Horton, La Suer, and Leno—Aye.

MOTION TO ADJOURN

At 12:24 p.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members De La Torre, Bogh, Laird, and Wyland 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 12:31 p.m., Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1748—Committee on Transportation (Oropeza (Chair), Huff (Vice Chair), Chan, Shirley Horton, Karnette, Liu, Pavley, Ridley-Thomas, Salinas, and Torrico). An act to amend Section 12804.9 of the Vehicle Code, relating to vehicles.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 35—Hancock. Relative to youth organizations.

ASSEMBLY CONCURRENT RESOLUTION NO. 36—Berg. Relative to Breast Cancer Awareness and Prevention Month.

AUTHOR'S AMENDMENTS
Committee on Rules

March 7, 2005

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

Assembly Concurrent Resolution No. 19

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

MONTAÑEZ, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 19—Relative to Irish-American Heritage Month.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Jobs, Economic Development, and the Economy

March 7, 2005

Mr. Speaker: The Chair of your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Concurrent Resolution No. 7

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

ARAMBULA, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 7—Relative to space travel.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Environmental Safety and Toxic Materials

March 7, 2005

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Joint Resolution No. 8

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

RUSKIN, Chair

ASSEMBLY JOINT RESOLUTION NO. 8—Relative to marine pollution.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Judiciary

March 7, 2005

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

Assembly Bill No. 173

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

JONES, Chair

ASSEMBLY BILL NO. 173—An act to add Section 1714.4 to the Civil Code, relating to liability.

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 7, 2005

Mr. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 219

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

NEGRETE McLEOD, Chair

ASSEMBLY BILL NO. 219—An act to add Section 12812 to the Government Code, relating to state agencies.

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: March 7, 2005

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 27
House Resolution No. 7

With the recommendation: Be adopted.

MONTAÑEZ, Chair

Above resolutions ordered to third reading.

Committee on Appropriations

Date of Hearing: March 7, 2005

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 156

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

CHU, Chair

Above bill ordered to second reading.

Date of Hearing: March 7, 2005

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 50

With the recommendation: Do pass.

CHU, Chair

Above bill 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. 33
Assembly Bill No. 106
Assembly Bill No. 183

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

LENO, Chair

Above bills ordered to second reading.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 7 a.m., Tuesday, March 8, 2005, out of respect to the memory of Tom Henderson, on motion of Assembly Member Leno; out of respect to the memory of Dennis Machida, on motion of Assembly Member Leslie; out of respect to the memory of Evelyn Young McAlister, on motion of Assembly Member Wolk; out of respect to the memory of Blanche Harpham and Lee Torr III, on motion of Assembly Member Berg; and out of respect to the memory of Jane M. Ronning, Suzanne Mattson, Delilah Jean O'Connell, Erna Offermann, Loretta Therese Tirey, WH Butch' Rodgers, Myrtle Coburn Wilson, Anita L. Neil, and Marcia Wilder-Lutz, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 7, 2005**

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

AB RN

173 0508982

219 0508980

ACR RN

7 0508661

19 0508661

AJR RN

8 0508983

Daily Total: 5

Cumulative Total: 48

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