

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 8, 2005**  
**THIRTY-SEVENTH SESSION DAY**  
**NINETY-THIRD 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  
Tuesday, March 8, 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 Neva Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	DeVore	Laird	Richman
Arambula	Dymally	Leno	Ridley-Thomas
Baca	Emmerson	Leslie	Runner
Bass	Evans	Levine	Ruskin
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	Houston	Mountjoy	Umberg
Chan	Huff	Mullin	Vargas
Chavez	Jones	Nakanishi	Villines
Chu	Karnette	Nava	Walters
Cogdill	Keene	Negrete McLeod	Wolk
Cohn	Klehs	Niello	Wyland
Coto	Koretz	Parra	Yee
Daucher	La Malfa	Pavley	Mr. Speaker
De La Torre	La Suer	Plescia	

Quorum present.

**At 12:55 p.m., Hon. Joe Canciamilla, 11th 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 Member Nation.*

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

*Because of jury duty: Assembly Member Shirley Horton.*

(NOTE: For letter explaining the absence of Assembly Member Nation on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for March 7, 2005.)

**COMMUNICATIONS**

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

March 8, 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 Greg Aghazarian to replace Assemblymember Shirley Horton on the Assembly Business and Professions Committee for today's hearing only.

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 28, 2005, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Prohibition on Defined Benefit Public Pensions.  
Alternative Plans.**

**Initiative Constitutional Amendment and Statute. SA 2005RF0007**

Referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Mental Health Services Act. Repeal.  
Initiative Statute. SA 2005RF0008**

Referred by the Speaker to the Committees on Health and Revenue and Taxation.

**Public Employee Union Dues.  
Required Employee Consent for Political Contributions.  
Initiative Statute. SA 2005RF0009**

Referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**District Reapportionment.  
Initiative Constitutional Amendment. SA 2005RF0016**

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

**REPORTS**

The following reports were presented by the Chief Clerk:

**2003-04 Annual Consulting Services Report  
(Pursuant to Public Contract Code Section 10359(c))**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated February 28, 2005, referred by the Speaker to the Committee on Business and Professions.

**Non-compliance with  
State and Federal Child Nutrition Program Requirements  
(Pursuant to Budget Act 2004  
Item 6110-001-0890, Provision 27, Chapter 208, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 28, 2005, referred by the Speaker to the Committee on Education.

**Final Audit Report on the Renewable Resource Trust Fund  
for the Fiscal Year Ended June 30, 2004  
(Pursuant to Public Resources Code Section 25751 (g))**

Above transmitted report, together with letter of transmittal from Samuel E. Hull, Chief, Office of State Audits and Evaluations, Department of Finance, dated March 1, 2005, referred by the Speaker to the Committee on Utilities and Commerce.

**2003-04 Performance Data Report  
(Pursuant to Welfare and Institutions Code, Section 19106)**

Above transmitted report, together with letter of transmittal from Catherine Campisi, Ph.D., Director, Department of Rehabilitation, dated March 2, 2005, referred by the Speaker to the Committee on Human Services.

**Report on Organized Automobile Fraud Activity Interdiction Program  
for Fiscal Years 2000-2004  
(Pursuant to Insurance Code Section 1874.8)**

Above transmitted report, together with letter of transmittal from John Garamendi, Insurance Commissioner, Department of Insurance, dated March 1, 2005, referred by the Speaker to the Committee on Insurance.

**Red Flashing Signal Lights and Stop Signal Arm Stopping System  
on School Buses—  
Effectiveness in Reducing Accidents, Injuries, and Deaths  
(Pursuant to Assembly Bill 1573, Chapter 647, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from M. L. Brown, Commissioner, Department of California Highway Patrol, dated March 7, 2005, referred by the Speaker to the Committee on Transportation.

**California's Access to Visitation Grant Program  
for Enhancing Responsibility and Opportunity for Nonresidential Parents  
Report for Fiscal Years 2003-2004 and 2004-2005  
(Pursuant to Assembly Bill 673, Chapter 1004, Statutes of 1999)**

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 8, 2005

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

Assembly Bill No. 173

Assembly Bill No. 219

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 8, 2005

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

- Assembly Concurrent Resolution No. 7
- Assembly Concurrent Resolution No. 19
- Assembly Joint Resolution No. 8

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, March 8, 2005

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

- Assembly Concurrent Resolution No. 27

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

March 8, 2005

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

Assembly Bill No. 218

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

KLEHS, Chair

**ASSEMBLY BILL NO. 218**—An act to add and repeal Section 17053.19 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 8, 2005

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

Assembly Bill No. 24

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

WOLK, Chair

**ASSEMBLY BILL NO. 24**—An act to add Section 4810 to the Fish and Game Code, relating to mountain lions.

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**

March 8, 2005

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

Assembly Bill No. 164

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

KLEHS, Chair

**ASSEMBLY BILL NO. 164**—An act to amend Section 8686 of the Government Code, and to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.92, 195.93, and 195.94 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, 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 Elections and Redistricting**

March 8, 2005

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:  
Assembly Bill No. 187

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

UMBERG, Chair

**ASSEMBLY BILL NO. 187**—An act to amend, repeal, and add Sections 3307 and 3311 of the Elections Code, relating to overseas voters.

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 Transportation**

March 8, 2005

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Assembly Concurrent Resolution No. 5

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

OROPEZA, Chair

**ASSEMBLY CONCURRENT RESOLUTION NO. 5**—Relative to the Abiel Barron Memorial Highway.

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 Public Safety**

March 8, 2005

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Assembly Bill No. 46  
Assembly Bill No. 114  
Assembly Bill No. 221

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

LENO, Chair

**ASSEMBLY BILL NO. 46**—An act to amend Sections 11054 and 11056 of the Health and Safety Code, relating to controlled substances.

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.

**ASSEMBLY BILL NO. 114**—An act to amend Section 1109 of the Evidence Code, relating to admissibility of evidence.

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.

**ASSEMBLY BILL NO. 221**—An act to add Section 2933.7 to the Penal Code, relating to crimes.

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.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 156**—An act relating to the Budget Act of 2005.

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

**ASSEMBLY BILL NO. 33**—An act to amend Section 272 of the Penal Code, relating to crime.

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. 106**—An act to add Section 1465.9 to the Penal Code, relating to battery.

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. 183**—An act to add Section 6203.5 to the Penal Code, relating to conservation camps, and declaring the urgency thereof, to take effect immediately.

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.

#### **SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 50**—An act to amend Section 24357 of, and to add Section 17206 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

#### **ADJOURNMENT**

At 4:25 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 9, 2005.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 8, 2005**

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

**AB RN**

24	0509037
33	0509029
46	0509163
106	0509023
114	0508919
156	0509003
164	0509090
183	0509022
187	0509089
218	0508860
221	0508535

**ACR RN**

5	0509261
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<b>Daily Total:</b>	<b>12</b>
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<b>Cumulative Total:</b>	<b>60</b>
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