

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 9, 2005
THIRTY-EIGHTH SESSION DAY
NINETY-FOURTH 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
Wednesday, March 9, 2005

The Assembly met at 7 a.m.

Hon. Simón Salinas, Assembly Member, 28th 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—71:

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

Quorum present.

At 1:38 p.m., Hon. Roger Niello, 5th 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 Cohn, Frommer, Haynes, Nation, and Núñez.

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

Because of illness: Assembly Members Calderon, Gordon, and Oropeza.

EXPLANATIONS OF ABSENCE

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

March 9, 2005

*The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 317
Sacramento, California*

Dear Mr. Speaker: While I was at the Capitol today on State related business I inadvertently forgot to Check-In.

I apologize for any inconvenience that this oversight may have caused and appreciate your understanding.

Sincerely,

REBECCA COHN, Assembly Member
Twenty-fourth District

March 8, 2005

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

Dear Mr. Speaker: I respectfully request an excuse for Check-In Session on March 9, 2005, to attend legislative meetings in my District Office.

Thank you for your attention to this request. If you have any questions, please telephone my Chief of Staff, Dan Reeves, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member
Forty-third District

March 2, 2005

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

Dear Mr. Speaker: Please excuse me from Assembly Check-in Session on Wednesday, March 9, and Assembly Floor Session, Thursday, March 10, 2005, due to legislative business.

Sincerely,

RAY HAYNES, Assembly Member
Sixty-sixth District

March 1, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from check in session on Wednesday, March 9, 2005 due to legislative meetings scheduled in my district office.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

March 9, 2005

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

Dear Dotson: This is to advise you that I will be out of town on legislative business today, March 9, 2005.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

COMMUNICATIONS

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

March 9, 2005

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

RE: Appointment of Loni Hancock
to State Coastal Conservancy

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Loni Hancock to the State Coastal Conservancy. This is a pleasure appointment starting March 9, 2005.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 9, 2005

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

RE: Appointment of Lois Wolk
to Wildlife Conservation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Lois Wolk to the Wildlife Conservation Board. This is a pleasure appointment starting March 9, 2005.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

**Seventh Biennial Report
(Pursuant to Government Code Section 14051)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated March 4, 2005, referred by the Speaker to the Committee on Transportation.

**Report on Incompetent to Stand Trial Commitments
Exceeding the 10-Day Limit
(Pursuant to Senate Bill 391, Chapter 294, Statutes of 1997)**

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

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Development of a 10th University of California, Merced Campus to convene jointly with the Higher Education Committee, on Tuesday, March 15, 2005, at 1:30 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 9, 2005

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

Assembly Bill No. 156

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, March 9, 2005

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

Assembly Bill No. 24
 Assembly Bill No. 33
 Assembly Bill No. 46
 Assembly Bill No. 106
 Assembly Bill No. 114

Assembly Bill No. 164
 Assembly Bill No. 183
 Assembly Bill No. 187
 Assembly Bill No. 218
 Assembly Bill No. 221

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 9, 2005

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

Assembly Concurrent Resolution No. 5

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1749—Committee on Governmental Organization (Jerome Horton (Chair), Plescia (Vice Chair), Aghazarian, Bermudez, Calderon, Chavez, Garcia, Levine, Liu, Torrico, and Yee). An act to amend Sections 22978.4, 22978.7, 22979.2, and 22979.7 of the Business and Professions Code, and to add Section 30361.5 to the Revenue and Taxation Code, relating to cigarettes and tobacco products.

ASSEMBLY BILL NO. 1750—Committee on Governmental Organization (Jerome Horton (Chair), Plescia (Vice Chair), Aghazarian, Bermudez, Calderon, Chavez, Coto, Garcia, La Suer, Levine, Liu, Torrico, and Yee). An act to amend Sections 12012.90, 12712, and 12717 of the Government Code, relating to gaming.

ASSEMBLY BILL NO. 1751—Committee on Governmental Organization (Jerome Horton (Chair), Plescia (Vice Chair), Aghazarian, Bermudez, Calderon, Chavez, Coto, Levine, Liu, Torrico, and Yee). An act to amend Section 19606.1 of the Business and Professions Code, relating to horse racing revenues.

ASSEMBLY BILL NO. 1752—Committee on Governmental Organization (Jerome Horton (Chair), Plescia (Vice Chair), Aghazarian, Bermudez, Calderon, Chavez, Levine, Torrico, and Yee). An act to amend Section 23357 of the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 1753—Committee on Governmental Organization (Jerome Horton (Chair), Plescia (Vice Chair), Aghazarian, Bermudez, Calderon, Chavez, Coto, Levine, Liu, Torrico, and Yee). An act to amend Sections 19854 and 19984 of the Business and Professions Code, and to amend Sections 330.9, 332, 337a, 337d, 337j, and 337z of the Penal Code, relating to gambling.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 37—Berg (Coauthors: Chan, Daucher, Leno, and Mullin). Relative to public broadcasting.

AUTHOR'S AMENDMENTS Committee on Judiciary

March 9, 2005

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

Assembly Bill No. 118

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

JONES, Chair

ASSEMBLY BILL NO. 118—An act to amend Section 6320 of the Family Code, relating to protective orders.

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 Education**

March 9, 2005

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

Assembly Bill No. 93

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

GOLDBERG, Chair

ASSEMBLY BILL NO. 93—An act to amend Sections 60510 and 60511 of the Education Code, relating to instructional materials.

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 Public Employees, Retirement and Social Security**

March 9, 2005

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 55

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

TORRICO, Chair

ASSEMBLY BILL NO. 55—An act to add Section 22955.1 to, and to repeal and add Section 22954.1 of, the Education Code, relating to state teachers’ retirement, 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 Health**

March 9, 2005

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

Assembly Bill No. 44

Assembly Bill No. 89

Assembly Bill No. 47

Assembly Bill No. 116

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

CHAN, Chair

ASSEMBLY BILL NO. 44—An act to add and repeal Section 129771 of the Health and Safety Code, relating to health facilities, 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.

ASSEMBLY BILL NO. 47—An act to amend Section 104900 of the Health and Safety Code, relating to pneumonia vaccines.

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. 89—An act to add Division 1.7 (commencing with Section 1190) to the Health and Safety Code, and to add Chapter 17 (commencing with Section 12694) to Part 6.2 of Division 2 of the Insurance Code, relating to health care coverage.

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. 116—An act to amend Section 124030 of the Health and Safety Code, relating to child health and disability prevention.

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 Human Services

March 9, 2005

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 179

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

EVANS, Chair

ASSEMBLY BILL NO. 179—An act to add Sections 1259.6 and 1569.39 to the Health and Safety Code, relating to long-term care.

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
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 156, ordered to third reading.

ADJOURNMENT

At 4:30 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 10, 2005.

LELAND Y. YEE, Speaker pro Tempore

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 9, 2005**

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

AB	RN	
44	0509033	
47	0509146	
55	0509151	
89	0509051	
93	0509242	
116	0509239	
118	0509258	
179	0509014	
Daily Total:		8
Cumulative Total:		68

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