

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 15, 2005**

**FORTY-FIRST SESSION DAY**

**ONE HUNDREDTH 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 15, 2005

The Assembly met at 4:41 p.m.  
Hon. Fabian Núñez, Speaker 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 Bass moved a quorum call of the Assembly.  
Motion carried.

At 4:42 p.m., Speaker Núñez placed a quorum call upon the Assembly.

The Speaker directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 4:51 p.m., Speaker Núñez declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—71:

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

**PRAYER**

Upon invitation of Speaker Núñez, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

*Lord, Without a word and with no speech, each day announces Your glory. Your law is perfect, it gives us strength and understanding. Since none of us can see our own errors easily, Lord, deliver us from hidden faults. When we show reverence for You, You bless us forever. For Your judgements are just and always fair, and they are more desirable than gold.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Núñez, Assembly Member Laird 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 Cohn, 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 Members Jerome E. Horton, Shirley Horton, Houston, Leslie, and Umberg.*

*On legislative business, per diem waived for the 2005–2006 Session (See Assembly Journal, page 63): Assembly Member Wolk.*

*On personal business, and waiving per diem: Assembly Member Leno. Because of illness: Assembly Members Gordon and Oropeza.*

**EXPLANATIONS OF ABSENCE**

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

March 15, 2005

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Assembly Floor Session today, March 15, 2005, due to legislative business in my district. I will be returning tomorrow, March 16, 2005, in time for Assembly Check-In Session.

I want to thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

March 15, 2005

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

Dear Speaker Núñez: This letter is a request to be excused from regular session on Tuesday, March 15, 2005 in order to travel to my district for legislative business. I will be available for check in session on Wednesday, March 16, 2005.

Please feel free to contact me at 319-2078 with any questions or concerns. Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY A. HORTON, Assembly Member  
Seventy-eighth District

March 10, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from the State of the Judiciary Session on Tuesday, March 15, 2005 due to a district event.

If you have any questions, please contact Anne Volz in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member  
Fifteenth District

March 15, 2005

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

Dear Mr. Speaker: This letter is to address my absence from floor session on the evening of March 15, 2005.

I attended a wide range of meetings at the Capitol on the 15th, including Republican Caucus lunch and the meeting of the Assembly Higher Education Committee.

I was informed directly by one of the Assembly sergeants as I entered the room for Caucus lunch that my presence constituted "checking in" for floor session. I was not able to attend the "State of the Judiciary" speech floor session later in the day for personal reasons, but believed that I had complied with the requirements for checking in, and I request your understanding in this matter.

If you have any questions regarding this letter, do not hesitate to contact me.

Sincerely,

TIM LESLIE, Assembly Member  
Fourth District

March 1, 2005

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

Dear Speaker Núñez,

I respectfully request to be excused from session on the evening of Tuesday, March 15th so that I may be in my district on legislative business.

If you have any questions or concerns about this request, please contact Diane Pugh of my staff at (916) 319-2069. Thank you in advance for your consideration of this request.

Sincerely,

TOM UMBERG, Assembly Member  
Sixty-ninth District

March 15, 2005

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

Dear Speaker Núñez: I respectfully request to be excused from Check-in Session today, March 15, 2005, due to legislative business in my district.

If you have any questions or concerns, please contact Jenn Short, my scheduler, at 319-2008.

Sincerely,

LOIS WOLK, Assembly Member  
Eighth District

**COMMUNICATIONS**

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

March 14, 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 Hector De La Torre to replace Assemblymember Mike Gordon on the Assembly Health Committee for the Tuesday, March 15th hearing only.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

March 15, 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 Loni Hancock to replace Assemblymember Ira Ruskin on the Assembly Public Safety Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

#### REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2004-116  
March 15, 2005

*The Honorable Speaker of the Assembly*  
*The Honorable Members of the Assembly*  
*of the Legislature of California*  
*State Capitol, Room 3196*  
*Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning our review of California's workforce development programs and the provision of employment services to white-collar job seekers. Based on information from the U.S. Department of Labor, white-collar jobs are those occupations that are considered professional, technical, executive, managerial, administrative or administrative support, and sales.

Based on the results of our survey of 225 state entities, this report concludes that 15 state entities administer or otherwise have significant involvement in one or more of 15 workforce development programs for adults. We also identified two other workforce development programs operating in the State that are federally administered. Given the breadth of occupations covered by the definition of a white-collar worker, it is virtually assured that all 17 programs we identified provide services to at least some white-collar job seekers. However, four of these programs seem more likely than the others to provide services to white-collar job seekers: the Workforce Investment Act of 1998 (WIA), the Economic and Workforce Development program, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Employment Training Panel program.

Our survey also yielded other results. Namely, despite the lack of specific information related to white-collar job seekers, we cannot conclude that state entities should amend their existing practices. Our analysis shows that white-collar job seekers can and do in fact receive services from California's workforce development system.

Specifically, white-collar job seekers constituted at least 54 percent of the enrollees for services under WIA. Moreover, white-collar jobs made up nearly 60 percent of the job openings listed on the State’s labor exchange system.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Jobs, Economic Development and the Economy.

**SPECIAL COMMITTEE MEETINGS**

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

Agriculture, to hold an informational hearing on Wednesday, April 13, 2005, upon adjournment of the regular scheduled hearing in Room 4202.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 15, 2005

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 25  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, March 15, 2005

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 35  
Assembly Joint Resolution No. 6  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, March 15, 2005

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 258  
Assembly Bill No. 260  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 15, 2005

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 167  
Assembly Bill No. 172  
Assembly Bill No. 267  
Assembly Bill No. 268  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR**

Assembly Member Cohn was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests at the Rostrum and in the Assembly Chamber.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Cohn was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**RECESS**

By unanimous consent, at 4:54 p.m., Speaker Fabian Núñez declared the Regular Session of the Assembly recessed.

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**IN JOINT CONVENTION**

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At 4:55 p.m., the Senate and Assembly met in Joint Convention. Hon. Fabian Núñez, Speaker of the Assembly, presiding.

**APPOINTMENT OF JOINT COMMITTEE ON ESCORT**

Speaker Núñez appointed Assembly Members Jones, Harman, Cohn, La Suer, and Senators Dunn, Morrow, Alquist, and Poochigian as a Joint Committee on Escort to escort the Honorable Ronald M. George, Chief Justice of California, to the Rostrum.

**INTRODUCTION OF SPECIAL GUESTS**

Speaker Núñez introduced the Members of the Judicial Council of California and Mr. William Vickrey, Administrative Director of the Courts.

Speaker Núñez then introduced Mrs. Barbara George, wife of Chief Justice Ronald M. George and Carol Chin, wife of Associate Justice Ming Chin.

**PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE**

Speaker Núñez then presented the Honorable Don Perata, President pro Tempore of the Senate, whereupon the following Associate Justices of the Supreme Court were introduced: Hon. Joyce L. Kennard, Hon. Marvin R. Baxter, Hon. Kathryn Werdeger, Hon. Ming W. Chin, and Hon. Carlos R. Moreno.

Associate Justice Janice R. Brown was unable to attend today's proceedings.

**PRESENTATION OF THE HONORABLE RONALD M. GEORGE**

President pro Tempore Perata then presented the Honorable Ronald M. George, Chief Justice of California, to the Joint Convention.

**ADDRESS BY THE HONORABLE RONALD M. GEORGE**

Chief Justice Ronald M. George then delivered the "State of the Judiciary" address to the Joint Convention.

**ADJOURNMENT OF JOINT CONVENTION**

At 5:30 p.m., there being no further business, Speaker Núñez declared the Joint Convention adjourned, *sine die*.



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**IN ASSEMBLY**

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At 5:31 p.m., the Assembly reconvened.

Hon. Fabian Núñez, Speaker of the Assembly, presiding.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Speaker Núñez was granted unanimous consent that the “State of the Judiciary” address by Chief Justice Ronald M. George be printed as a separate appendix to the Assembly Journal.

**ADJOURN IN MEMORY**

Assembly Member Baca was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Raul Chacon and Manuel Quevedo, of San Bernardino.

Assembly Member Hancock was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eva Alexis Bansner, of Berkeley.

Assembly Members Spitzer and Walters were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Benjamin M. Bendat, of Laguna Hills.

**MOTION TO ADJOURN**

At 5:32 p.m., Assembly Member Cohn moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 5:32 p.m., Speaker Núñez declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1755—Committee on Elections and Redistricting (Umberg (Chair), Klehs, Leno, and Levine).** An act to amend Sections 82048.7, 84203, 84204, 87205, 87500, and 91007 of, and to repeal Sections 84200.3 and 84200.4 of, the Government Code, relating to the Political Reform Act of 1974.

**ASSEMBLY BILL NO. 1756—Committee on Elections and Redistricting (Umberg (Chair), Klehs, Leno, and Levine).** An act to amend Section 36801 of the Government Code, relating to city government.

**ASSEMBLY BILL NO. 1757—Committee on Elections and Redistricting (Umberg (Chair), Klehs, Leno, and Levine).** An act to amend Sections 12015, 12016, 12107, and 12108 of, and to add Section 12015.5 to, the Elections Code, relating to elections.

**ASSEMBLY BILL NO. 1758—Committee on Elections and Redistricting (Umberg (Chair), Klehs, Leno, and Levine).** An act to amend Section 10510 of the Elections Code, relating to special district elections.

**ASSEMBLY BILL NO. 1759—Committee on Elections and Redistricting (Umberg (Chair), Klehs, Leno, and Levine).** An act to amend Sections 11320 and 11325 of the Elections Code, relating to recall elections.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 40—Lieber and Leno.** Relative to the 85th Anniversary of the League of Women Voters.

**ASSEMBLY JOINT RESOLUTION NO. 10—Chu.** Relative to foster care services.

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

March 15, 2005

Mr. Speaker: The Chair of your Committee on Local Government reports:  
 Assembly Bill No. 159

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

SALINAS, Chair

**ASSEMBLY BILL NO. 159**—An act to amend Section 21100 of the Water Code, relating to water.

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 Banking and Finance**

Date of Hearing: March 14, 2005

Mr. Speaker: Your Committee on Banking and Finance reports:  
 Assembly Concurrent Resolution No. 31

With the recommendation: Be adopted, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

CALDERON, Chair

Above resolution ordered on file.

**Committee on Jobs, Economic Development, and the Economy**

Date of Hearing: March 15, 2005

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Bill No. 199

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

ARAMBULA, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 15, 2005

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Concurrent Resolution No. 7

With the recommendation: Be adopted.

ARAMBULA, Chair

Above resolution ordered to third reading.

**Committee on Revenue and Taxation**

Date of Hearing: March 14, 2005

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

Assembly Bill No. 168

Assembly Bill No. 249

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

KLEHS, Chair

Above bills re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 5:32 p.m., pursuant to the motion by Assembly Member Cohn, the Assembly adjourned until 7 a.m., Wednesday, March 16, 2005, out of respect to the memory of Raul Chacon and Manuel Quevedo, on motion of Assembly Member Baca; out of respect to the memory of Eva Alexis Bansner, on motion of Assembly Member Hancock; and out of respect to the memory of Dr. Benjamin M. Bendat, on motion of Assembly Members Spitzer and Walters.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 15, 2005**

The following measure was amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
159	0509244	
<b>Daily Total:</b>		<b>1</b>
<b>Cumulative Total:</b>		<b>86</b>

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