

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 16, 2005

FORTY-SECOND SESSION DAY

ONE HUNDRED FIRST 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 16, 2005

The Assembly met at 7 a.m.

Hon. Ira Ruskin, Assembly Member, 21st 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—74:

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

Quorum present.

At 11:37 a.m., Hon. Paul Koretz, 42nd 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 Calderon, Chavez, Houston, and Yee.

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 16, 2005

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

Dear Mr. Speaker: I am writing today to request to be excused from Check-in Session on Wednesday, March 16, 2005 due to legislative business. If you have any questions please contact Cynthia Gonzalez at (916) 319-2058.

Sincerely,

RONALD S. CALDERON, Assembly Member
Fifty-eighth District

March 16, 2005

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

Dear Speaker Núñez: While I was here in my capitol office this morning, I neglected to check-in. I respectfully ask that I be excused from check-in session today, March 16, 2005 for the purpose of legislative business.

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

March 9, 2005

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Wednesday, March 16, 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 16, 2005

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

Dear Speaker Núñez: I respectfully request that I be excused from the Assembly Check-In Session on Wednesday March 16. I will be in my district during that time attending to legislative business.

Sincerely,

LELAND Y. YEE, PH.D.
Speaker pro Tempore

COMMUNICATIONS

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

March 16, 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 the following members to the Select Committee on Water, Infrastructure and the Economy:

Assemblymember Juan Arambula
Assemblymember Ron Calderon
Assemblymember Dave Cogdill
Assemblymember Doug La Malfa
Assemblymember Bill Maze
Assemblymember Barbara Matthews
Assemblymember Lois Wolk
Assemblymember Michael Villines

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 March 3, 2005, March 4, 2005, March 7, 2005, and March 10, 2005, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Political Activities of Public Employee Unions. Funding.
Initiative Statute. SA 2005RF0024**

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

**Same Percent Vote Requirement for Ballot Measures.
Initiative Constitutional Amendment. SA 2005RF0015, Amdt. #1-S**

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

**Ballot Measures. Same Percent Vote Requirement.
Initiative Constitutional Amendment. SA 2005RF0026**

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

**Public Schools Teachers. Waiting Period for Placement Status. Dismissal.
Initiative Statute. SA 2005RF019**

Referred by the Speaker to the Committee on Education.

**Minimum Wage. Increases and Future Adjustments.
Initiative Statute. SA 2005RF0027**

Referred by the Speaker to the Committee on Labor and Employment.

**Reapportioning Election Districts. Congressional Exception.
Initiative Constitutional Amendment. SA 2005RF0035**

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

**Voter Identification Requirement.
Initiative Statute. SA 2005RF0036**

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

REPORTS

The following reports were presented by the Chief Clerk:

**2004–2005 Annual Law Revision Commission Reports
(Pursuant to Government Code Sections 8291 and 9795)**

Above transmitted report, together with letter of transmittal from Nathaniel Sterling, Executive Secretary, California Law Revision Commission, dated March 7, 2005, referred by the Speaker to the Committee on Judiciary.

**California Law Revision Recommendation—Financial Privacy
(Pursuant to Assembly Concurrent Resolution 125
Chapter 167, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Nathaniel Sterling, Executive Secretary, California Law Revision Commission, dated March 7, 2005, referred by the Speaker to the Committee on Judiciary.

**2003–2004 Annual Report on Court Reporter Fees Collected and
Expenditures for Court Reporter Services in
Superior Court Civil Proceedings
(Pursuant to Government Code Section 68086(c))**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated February 18, 2005, referred by the Speaker to the Committee on Judiciary.

**Adjusted Interest Rate
for Period July 1, 2005 through December 31, 2005
(Pursuant to Revenue and Taxation Code Section 19521)**

Above transmitted report, together with letter of transmittal from George Ramsey, Manager, Statistical Research Section, Franchise Tax Board—Economic and Statistical Research Bureau, dated March 3, 2005, referred by the Speaker to the Committee on Revenue and Taxation.

**AB 615, Categorical Education Program Flexibility Pilot Program
(Pursuant to Assembly Bill 615, Chapter 369, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated March 4, 2005, referred by the Speaker to the Committee on Education.

**Use of Motor Vehicle Fuel Account (Boating) and
The Harbors and Watercraft Revolving Fund for Fiscal Year 2003–04
(Pursuant to Harbors and Navigation Code Section 85.2 (b)(2))**

Above transmitted report, together with letter of transmittal from Ruth Coleman, Director, Department of Parks and Recreation, dated March 4, 2005, referred by the Speaker to the Committee on Budget.

**Annual Report on the Healthy Families Program
(Pursuant to Assembly Bill 1126, Chapter 623, Statutes of 1997)**

Above transmitted report, together with letter of transmittal from Lesley Cummings, Executive Director, California Managed Risk Medical Insurance Board, dated March 4, 2005, referred by the Speaker to the Committee on Health.

**Implementation of the Workforce Investment Act (WIA) Title II
2004–05 End of Year Progress Report
(Pursuant to Budget Act 2004, Item 6110-156-0890 Provision 3)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated March 7, 2005, referred by the Speaker to the Committee on Education.

**2003–04 Proof of Legal Presence Report—
The Costs of Verifying the Citizenship or Legal Residency of
Applicants for an Original Driver License and/or Identification Card
(Pursuant to Senate Bill 976, Chapter 820, Statutes of 1993)**

Above transmitted report, together with letter of transmittal from Joan M. Borucki, Director, Department of Motor Vehicles, dated March 11, 2005, referred by the Speaker to the Committee on Transportation.

SPECIAL COMMITTEE MEETINGS

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

Arts, Entertainment, Sports, Tourism, and Internet Media, on Wednesday, March 23, 2005, at the Baldwin Park City Hall;

Select Committee on Water, Infrastructure and the Economy, on Friday, April 1, 2005, in Fresno.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 16, 2005

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

Assembly Bill No. 159

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1760—Committee on Insurance (Vargas (Chair), Calderon, Karnette, Lieber, Nava, and Umberg). An act to amend Sections 10234.6, 10089.79, 11691, 11692, 11692.5, 11693, and 11694 of, to add Section 11694.5 to, and to repeal Section 1660 of the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 1761—Committee on Insurance (Vargas (Chair), Calderon, Karnette, Lieber, Nava, and Umberg). An act to add Section 1033.5 to the Insurance Code, relating to insolvency.

The following resolution was introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15—Nation. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding and repealing Section 23 of Article IV, and by adding and repealing Section 8.5 of Article V thereof, relating to gaming.

AUTHOR'S AMENDMENTS**Committee on Veterans Affairs**

March 16, 2005

Mr. Speaker: The Chair of your Committee on Veterans Affairs reports:

Assembly Bill No. 294

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

GORDON, Chair

ASSEMBLY BILL NO. 294—An act to add Section 343 to the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

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 Safety**

March 16, 2005

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 253

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

LENO, Chair

ASSEMBLY BILL NO. 253—An act to amend Section 273a of the Penal Code, relating to crime.

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 16, 2005

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 319

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

CHAN, Chair

ASSEMBLY BILL NO. 319—An act to add Chapter 11 (commencing with Section 108935) and Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

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 Judiciary

March 16, 2005

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Assembly Bill No. 12

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

JONES, Chair

ASSEMBLY BILL NO. 12—An act to amend Section 5000 of, and to add Part 6 (commencing with Section 5800) to Division 5 of, the Probate Code, relating to nonprobate transfers.

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 Housing and Community Development

March 16, 2005

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 304

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

MULLIN, Chair

ASSEMBLY BILL NO. 304—An act to add Section 19162.5 to the Health and Safety Code, relating to building standards.

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 Public Safety

Date of Hearing: March 15, 2005

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 125

Assembly Bill No. 314

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

LENO, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing: March 15, 2005

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 65

Assembly Bill No. 109

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

CHAN, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing: March 15, 2005

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 296

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

LENO, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 15, 2005

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 220

With the recommendation: Do pass, and be re-referred to the Committee on Judiciary with recommendation: To Consent Calendar.

LENO, Chair

Above bill re-referred to the Committee on Judiciary.

Date of Hearing: March 15, 2005

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 275

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

LENO, Chair

Above bill ordered to second reading.

Committee on Health

Date of Hearing: March 15, 2005

Mr. Speaker: Your Committee on Health reports:

Assembly Concurrent Resolution No. 1

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

CHAN, Chair

Above resolution ordered to second reading.

Committee on Public Employees, Retirement and Social Security

Date of Hearing: March 16, 2005

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 55

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

TORRICO, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 16, 2005

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 124

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

TORRICO, Chair

Above bill re-referred to the Committee on Appropriations.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 31—Relative to Financial Empowerment Month.

Resolution read; amendments proposed by the Committee on Banking and Finance read and adopted; resolution ordered reprinted and to be placed upon Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 17, 2005.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 16, 2005**

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

AB RN

12 0508932
253 0509233
294 0509183
304 0509580
319 0509302

ACR RN

31 0509487

Daily Total: 6

Cumulative Total: 92

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