

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 18, 2005**

**SEVENTY-THIRD SESSION DAY**

**ONE HUNDRED SIXTY-FOURTH 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to  
Sue Parker, Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, May 18, 2005

The Assembly met at 7 a.m.

Hon. Michael Villines, Assembly Member, 29th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert 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	Matthews	Saldaña
Berg	Hancock	Maze	Salinas
Bermúdez	Harman	McCarthy	Strickland
Blakeslee	Haynes	Montañez	Torrigo
Bogh	Horton, Jerome	Mountjoy	Tran
Calderon	Horton, Shirley	Mullin	Umberg
Canciamilla	Huff	Nakanishi	Vargas
Chan	Jones	Nation	Villines
Chu	Karnette	Nava	Walters
Cogdill	Keene	Negrete McLeod	Wolk
Coto	Klehs	Niello	Wyland
Daucher	Koretz	Oropeza	Yee
De La Torre	La Malfa	Parra	Mr. Speaker
DeVore	La Suer	Pavley	
Dymally	Laird	Plescia	

Quorum present.

**At 12:19 p.m., Hon. Dennis Mountjoy, 59th 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 Chavez, Cohn, Houston, and Spitzer.*

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

*Because of illness: Assembly Member Gordon.*

**EXPLANATIONS OF ABSENCE**

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

May 5, 2005

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

Dear Speaker Núñez: I respectfully request permission to be excused from check-in session on Wednesday, May 18, 2005. The purpose is to tend to legislative business in my district.

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

16 May, 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 Check-in Session on Wednesday, May 18, 2005 due to meetings in the district.

Cordially yours,

REBECCA COHN, Assembly Member  
Twenty-fourth District

May 17, 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 May 18, 2005 due to district meetings.

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

April 25, 2005

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

Dear Mr. Speaker: I would like to be excused from check-in session on Wednesday, May 18, 2005 for legislative business in my district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member  
Seventy-first District

#### **COMMUNICATIONS**

##### **Proposed Initiatives**

The following communication was presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated May 12, 2005, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

##### **State Court Orders and Judgments.**

##### **Publication of Appellate Decisions.**

##### **Initiative Constitutional Amendment. SA 2005RF0071**

Referred by the Speaker to the Committee on Judiciary.

#### **REPORTS**

The following reports were presented by the Chief Clerk:

##### **California Lottery Small Businesses**

##### **Socially and Economically Disadvantaged Businesses (SB/DBE)**

##### **Contracts Awarded for Fiscal Year 2003-04**

##### **(Pursuant to the Lottery Act, Section 8880.56(b)(4))**

Above transmitted report, together with letter of transmittal from Tina Miranda, Business and Community Relations Office, California Lottery, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

##### **Sampling for Pesticide Residues in California Well Water**

##### **(For Sampling Results Reported from July 1, 2003 through June 30, 2004)**

##### **(Pursuant to Food and Agricultural Code Section 13152)**

Above transmitted report, together with letter of transmittal from Mary-Ann Wamerdam, Director, Department of Pesticide Regulation, dated January 5, 2005, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

##### **2005 Annual Report on the Juvenile Justice Crime Prevention Act**

##### **Entitled Spotlight on County Success**

##### **(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Karen L. Stoll, Acting Executive Director, Board of Corrections, dated May 4, 2005, referred by the Speaker to the Committee on Public Safety.

**Report on the Findings from an Audit of the San Francisco  
Regional Water System (SFRWS) Program of Maintenance and  
a Field Investigation of the (SFRWS) Major Facilities  
(Pursuant to Assembly Bill 1823, Chapter 841, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from David P. Spath, Ph.D., P.E., Chief, Division of Drinking Water and Environmental Management, Department of Health Services, dated May 5, 2005, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Quarterly Hazardous Waste Fee Revenue Report  
January 1, 2005 through March 31, 2005  
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated May 10, 2005, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 18, 2005

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

Assembly Bill No. 371

Assembly Bill No. 1140

Assembly Bill No. 652

Assembly Bill No. 1377

Assembly Bill No. 757

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 18, 2005

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

Assembly Bill No. 54

Assembly Bill No. 1446

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 18, 2005

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

Assembly Concurrent Resolution No. 3

Assembly Concurrent Resolution No. 18

Assembly Concurrent Resolution No. 54

And reports the same correctly enrolled, and presented to the Secretary of State on the 18th day of May, 2005, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

May 18, 2005

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

Assembly Bill No. 820

Assembly Bill No. 1551

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

CHU, Chair

**ASSEMBLY BILL NO. 820**—An act to amend Sections 2117, 2125, 2150, 2150.4, and 2150.5 of, and to add Sections 2157, 2193, and 2195 to, the Fish and Game Code, relating to captive wild animals.

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. 1551**—An act to amend Sections 209, 667.61, and 667.71 of 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.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

May 18, 2005

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

Assembly Bill No. 1136

Assembly Bill No. 1459

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

CHU, Chair

**ASSEMBLY BILL NO. 1136**—An act to amend Sections 37253, 41505, 41506, 42239, and 52890 of, and to repeal Sections 41505.5, 42239, 42239.15, and 52891 of, the Education Code, relating to instruction, 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. 1459**—An act to amend Sections 116.240 and 116.940 of, and to add Sections 116.221, 116.222, 116.223, and 116.232 to, the Code of Civil Procedure, relating to small claims court.

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 Water, Parks and Wildlife**

May 10, 2005

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1290

WOLK, Chair

Above bill ordered filed with the Chief Clerk.

**CONSIDERATION OF DAILY FILE**  
**ASSEMBLY BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 54 and 1446**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 910**—An act to add Section 13984 to the Government Code, relating to life sciences.

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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, May 19, 2005.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 18, 2005**

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

<b>AB</b>	<b>RN</b>	
820	0513887	
910	0513745	
1136	0514119	
1459	0513921	
1551	0513941	
<b>Daily Total:</b>		<b>5</b>
<b>Cumulative Total:</b>		<b>1609</b>

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