

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, June 8, 2005

EIGHTY-FIFTH SESSION DAY

ONE HUNDRED EIGHTY-FIFTH 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.

(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, June 8, 2005

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—74:

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

Quorum present.

At 1:31 p.m., Hon. Bill Emmerson, 63rd 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 Chan, Koretz, Montañez, Pavley, and Spitzer.

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:

June 7, 2005

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

Dear Speaker Núñez: I am requesting to be excused from Check-In Session on Wednesday, June 8, 2005 due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

May 31, 2005

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

Dear Speaker Núñez: I respectfully ask permission to travel to my district and be excused from check-in session on Wednesday, June 8, 2005 due to legislative business. If you have any questions or concerns please contact Jeanette Garcia in my office at 319-2042.

Sincerely,

PAUL KORETZ, Assembly Member
Forty-second District

June 8, 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, June 8, 2005. I will be in my district on legislative business.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2039.

Sincerely,

CINDY MONTAÑEZ, Assembly Member
Thirty-ninth District

May 26, 2005

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-In Session on June 8, 2005 due to legislative business in my district. I will return for Session on June 9.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

FRAN PAVLEY, Assembly Member
Forty-first District

April 18, 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, June 8, 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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 8, 2005

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

Assembly Bill No. 1275

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 14—Vargas. Relative to Terrorism Risk Insurance.

AUTHOR'S AMENDMENTS

Committee on Environmental Safety and Toxic Materials

June 8, 2005

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 646

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

RUSKIN, Chair

SENATE BILL NO. 646—An act to amend Sections 13269, 13301, and 13304 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.

AUTHOR'S AMENDMENTS
Committee on Banking and Finance

June 8, 2005

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:
Senate Bill No. 408

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

CALDERON, Chair

SENATE BILL NO. 408—An act to amend Section 17207 of the Financial Code, relating to escrow agents.

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

June 8, 2005

Mr. Speaker: The Chair of your Committee on Health reports:
Senate Bill No. 224
Senate Bill No. 258

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

CHAN, Chair

SENATE BILL NO. 224—An act to amend Sections 129875.1 and 129885 of the Health and Safety Code, relating to health facilities.

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.

SENATE BILL NO. 258—An act to add Section 5338 to the Welfare and Institutions Code, relating to mental health.

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

June 8, 2005

Mr. Speaker: The Chair of your Committee on Health reports:
Senate Bill No. 630

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

CHAN, Chair

SENATE BILL NO. 630—An act to amend Sections 7155.7 and 7184.5 of the Health and Safety Code, relating to anatomical gifts.

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 Health**

Date of Hearing: June 7, 2005

Mr. Speaker: Your Committee on Health reports:

Assembly Joint Resolution No. 24

With the recommendation: Be adopted.

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.

CHAN, Chair

Above resolution ordered to the Consent Calendar.

Date of Hearing: June 7, 2005

Mr. Speaker: Your Committee on Health reports:

Senate Concurrent Resolution No. 43

With the recommendation: Be adopted.

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.

CHAN, Chair

Above resolution ordered to the Consent Calendar.

Date of Hearing: June 7, 2005

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 614

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

CHAN, Chair

Above bill re-referred to the Committee on Business and Professions.

Date of Hearing: June 7, 2005

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 573

With the recommendation: Do pass.

CHAN, Chair

Above bill ordered to second reading.

Date of Hearing: June 7, 2005

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 1062

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

CHAN, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 7, 2005

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 257

With the recommendation: Do pass.

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

CHAN, Chair

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: June 7, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 40

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Housing and Community Development.

JONES, Chair

Above bill ordered to second reading.

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

SENATE BILL NO. 130—An act to amend Section 3262 of the Civil Code, relating to works of improvement.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 373—An act to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1108— An act to amend Sections 1658, 6704.1, 8764, 8776.4, 19641.2, 24045.3, 24045.5, 24045.9, 24045.15, and 25658 of the Business and Professions Code, to amend Sections 798.25, 799.1.5, 1365.2.5, 1747.08, 1798.81.5, 1798.83, and 1936 of the Civil Code, to amend Sections 995.640, 1985.6, 2025.480, 2030.050, 2031.300, and 2033.220 of the Code of Civil Procedure, to amend Section 31109.1 of the Corporations Code, to amend Sections 1240, 17212.2, 17592.70, 17592.72, 17592.73, 22115, 22200, 33126, 41020.5, 41326.1, 41328, 41530, 44830.3, 48853, 49341, 49414.5, 51226.1, 51430, 52059, 52124, 56366, 56366.1, 56366.11, 56505, 59052, 66739.5, 71093, 89539.2, 94742.3, 94931, and 99235 of, and to amend and renumber Section 17463.6 of, the Education Code, to amend Section 9042 of the Elections Code, to amend Sections 299.3, 420, 2024.6, 3111, and 6341 of the Family Code, to amend Section 14252 of the Financial Code, to amend Sections 1053, 1363.5, and 8494 of the Fish and Game Code, to amend Sections 77253 and 77265 of the Food and Agricultural Code, to amend Sections 3309.5, 6254, 7072, 7076.2, 7099, 7110, 7113.5, 8592.4, 8875.10, 12599, 12715, 17555, 20281.5, 20610, 21224, 22860, 27393, 30061, 31492.1, 31725.65, 31755, 31781.2, 31831.2, 31874.6, 51283.4, 53080, 53635, 54954.5, 56700, 65053.5, 65351, 65460.1, 66907.7, 68085, 68115, 68927, 69927, 70367, 71622, 82036, 84602, and 90004 of, and to add the heading of Chapter 5 (commencing with Section 14557) to Part 5.3 of Division 3 of Title 2 of, the Government Code, to amend Sections 1179.2, 1351.2, 1596.792, 11571.1, 18070, 25395.110, 25395.65, 25395.67, 25395.93, 25395.96, 25404, 25404.3, 44297, 100425, 101317, 101850, 113995, 118275, 120440, 125001 of, and to amend and renumber the heading of Article 45 (commencing with Section 123620) of Chapter 2 of Part 2 of Division 106 of, the Health and Safety Code, to amend Section 1215.2 of the Insurance Code, to amend Sections 98.2, 98.6, 2699.5, 3099.3, 3600.1, and 4658.5 of the Labor Code, to amend Sections 179, 972.1, and 985 of the Military and Veterans Code, to amend Sections 502.01, 679.05, 1203.4a, 11055, 12081, and 12553 of the Penal Code, to amend Sections 6106.5, 6108, and 10411 of the Public Contract Code, to amend Sections 5018.1, 14530.1, 14539, 14551, 21159.24, 30310, 40507, 42648.6 of, to amend and renumber Section 21061.5 of, and to amend and renumber the heading of Chapter 4 (commencing with Section 71069) of Part 2 of Division 34 of, the Public Resources Code, to amend Sections 353.2, 379.6, 394.25, 2827.10, 2828, 21661.5, 90300, 130054.1, 130630, and 170042 of the Public Utilities Code, to amend Sections 69.4, 214, 217, 2508, 3811, 7105, 17041, 17052.6, 18648, 18706, 19164, and 20583 of the Revenue and Taxation Code, to amend Sections 527, 36705, 36733, and 36737 of the Streets and Highways Code, to amend Section 1052 of the Unemployment Insurance Code, to amend Sections 4000.1, 4466, 5205.5, 9400.1, 12509, 13352, 15250, 15275, 23575, 23593, and 27362 of the Vehicle Code, to amend Sections 521, 525, 527, 1013, 12997, 13305, 13387, and 35539.13 of the Water Code, to amend Sections 294, 366.21, 387, 636, 740, 827, 4637.5, 4688.5, 7200.06, 11404, 11462, 14016.5, 14016.51, 14087.6, 14123.25, and 16206 of the Welfare and Institutions Code, to amend Section 15 of Chapter 656 of the Statutes of 2003, and to amend Sections 4 and 5 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the maintenance of the codes.

Bill read second time, and ordered to Consent Calendar.

ADJOURNMENT

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

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

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

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

SB	RN	
224	0515165	
258	0515146	
408	0514859	
630	0515156	
646	0515161	
Daily Total:		5
Cumulative Total:		1918

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