

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, June 28, 2005

NINETY-SIXTH SESSION DAY

TWO HUNDRED 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
Tuesday, June 28, 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 Neva Parker reading.

ROLL CALL

The following were placed upon the morning roll call—76:

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

Quorum present.

At 1:41 p.m., Hon. Juan Arambula, 31st 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 Member Bogh.

Because of illness: Assembly Member Cohn.

Because of illness in his family: Assembly Member Frommer.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

June 20, 2005

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

Dear Assembly Speaker Núñez,

This letter serves as a request to be excused from Check-In on Tuesday, June 28, 2005 and for travel to the 65th district for Legislative business.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member
Sixty-fifth District

COMMUNICATIONS

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

June 27, 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 Joe Coto to replace Assemblymember Dario Frommer on the Assembly Business and Professions Committee for the Tuesday, June 28 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 27, 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 John Laird to replace Assemblymember Gloria Negrete McLeod on the Assembly Health Committee for the Tuesday, June 28 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 28, 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 Gene Mullin to replace Assemblymember Lori Saldaña on the Assembly Veterans Affairs Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 27, 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 Tom Harman to replace Assemblymember Russ Bogh on the Assembly Insurance Committee for the Wednesday, June 29 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 28, 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 Gene Mullin to fill the vacancy on the Assembly Appropriations Committee for the Wednesday, June 29 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 28, 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 Audra Strickland to replace Assemblymember Bob Huff on the Assembly Education Committee for the Wednesday, June 29 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 28, 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 Dennis Mountjoy to replace Assemblymember Guy Houston on the Assembly Local Government Committee for the Wednesday, June 29 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit Committee, on Wednesday, August 24, 2005, at 1:30 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 28, 2005

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Constitutional Amendment No. 18
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 75—Oropeza. Relative to California Chronic Kidney Disease Education Week.

AUTHOR'S AMENDMENTS

Committee on Elections and Redistricting

June 28, 2005

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports: Senate Bill No. 1016
With author's amendments with the recommendation: Amend, and re-refer to the committee.

UMBERG, Chair

SENATE BILL NO. 1016—An act to amend Sections 2150, 2157, 2160, 2188, 2194, 2202, and 18109 of, to add Sections 2157.1, 2157.2, 2188.1, 9607, 9608, 9609, and 9610 to, the Elections Code, and to amend Section 6254.4 of the Government Code, relating to voter information.

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 Natural Resources

June 28, 2005

Mr. Speaker: The Chair of your Committee on Natural Resources reports: Senate Bill No. 648
With author's amendments with the recommendation: Amend, and re-refer to the committee.

HANCOCK, Chair

SENATE BILL NO. 648—An act to amend Section 21165 of the Public Resources Code, relating to environmental quality.

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 28, 2005

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

Senate Bill No. 144
Senate Bill No. 840

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

CHAN, Chair

SENATE BILL NO. 144—An act to repeal and add Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code, relating to retail food.

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. 840—An act to add Division 112 (commencing with Section 140000) to the Health and Safety 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.

AUTHOR'S AMENDMENTS
Committee on Judiciary

June 28, 2005

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

Assembly Constitutional Amendment No. 6
Assembly Constitutional Amendment No. 20

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

JONES, Chair

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 26 to Article XX thereof, relating to public benefits.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XXXVI thereto, relating to immigration enforcement.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Judiciary

June 28, 2005

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

Senate Bill No. 550

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

JONES, Chair

SENATE BILL NO. 550—An act to amend Section 1798.84 of, and to add Title 1.805 (commencing with Section 1798.79) to Part 4 of Division 3 of, the Civil Code, relating to personal information.

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

June 28, 2005

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

Senate Bill No. 874

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

JONES, Chair

SENATE BILL NO. 874—An act to add Section 10295.7 to the Public Contract Code, relating to contracts.

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 Natural Resources

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 109

Senate Bill No. 760

Senate Bill No. 674

Senate Bill No. 1106

Senate Bill No. 695

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

HANCOCK, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 502

With the recommendation: Do pass.

HANCOCK, Chair

Above bill ordered to second reading.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1056

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

HANCOCK, Chair

Above bill re-referred to the Committee on Agriculture.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1084

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

HANCOCK, Chair

Above bill re-referred to the Committee on Governmental Organization.

Committee on Revenue and Taxation

Date of Hearing: June 27, 2005

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

Senate Bill No. 501
 Senate Bill No. 555
 Senate Bill No. 599

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

KLEHS, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 27, 2005

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

Senate Bill No. 610

With the recommendation: Do pass.

KLEHS, Chair

Above bill ordered to second reading.

Date of Hearing: June 27, 2005

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

Senate Bill No. 157
 Senate Bill No. 203
 Senate Bill No. 703

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.

Committee on Transportation

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 578
 Senate Bill No. 959

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

OROPEZA, Chair

Above bills ordered to second reading.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 975

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

OROPEZA, Chair

Above bill ordered to second reading.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 60
 Senate Bill No. 225
 Senate Bill No. 680

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

OROPEZA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 612
Senate Bill No. 731

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

OROPEZA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 250
Senate Bill No. 691

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

OROPEZA, Chair

Above bills re-referred to the Committee on Natural Resources.

Committee on Education

Date of Hearing: June 22, 2005

Mr. Speaker: Your Committee on Education reports:
Senate Bill No. 414

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

GOLDBERG, Chair

Above bill ordered to second reading.

Committee on Aging and Long-Term Care

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Aging and Long-Term Care reports:
Senate Bill No. 1018

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

BERG, Chair

Above bill re-referred to the Committee on Judiciary.

Committee on Utilities and Commerce

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Utilities and Commerce reports:
Senate Bill No. 204

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

LEVINE, Chair

Above bill re-referred to the Committee on Elections and Redistricting.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Utilities and Commerce reports:
Senate Bill No. 1037

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

LEVINE, Chair

Above bill re-referred to the Committee on Natural Resources.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 580

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

LEVINE, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 27, 2005

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Concurrent Resolution No. 40

With the recommendation: Be adopted.

LEVINE, Chair

Above resolution ordered to third reading.

Committee on Higher Education

Date of Hearing: June 21, 2005

Mr. Speaker: Your Committee on Higher Education reports:

Senate Bill No. 672

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

LIU, Chair

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 234

Senate Bill No. 302

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

JONES, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 116

Senate Bill No. 565

Senate Bill No. 670

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

JONES, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 119

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.

JONES, Chair

Above bill ordered to second reading.

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 802

With the recommendation: Do pass.

JONES, Chair

Above bill ordered to second reading.

Committee on Water, Parks and Wildlife

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 376

Senate Bill No. 557

With the recommendation: Do pass.

WOLK, Chair

Above bills ordered to second reading.

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 543

Senate Bill No. 826

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

WOLK, Chair

Above bills re-referred to the Committee on Judiciary.

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 820

Senate Bill No. 857

Senate Bill No. 1028

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

WOLK, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 28, 2005

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 1087

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

WOLK, Chair

Above bill re-referred to the Committee on Housing and Community Development.

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

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

Senate Bill No. 1092, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 506—An act to amend Section 2194 of, and to add Section 2166.7 to, the Elections Code, and to amend Section 6254.24 of the Government Code, relating to public officials.

Bill read second time; amendments proposed by the Committee on Elections and Redistricting read and adopted, bill ordered reprinted and to be re-referred to the Committee on Governmental Organization.

SENATE BILL NO. 191—An act to add Chapter 4.3 (commencing with Section 66230) to Part 40 of the Education Code, relating to voter registration.

Bill read second time; amendments proposed by the Committee on Elections and Redistricting read and adopted, bill ordered reprinted and to be re-referred to the Committee on Higher Education.

SENATE BILL NO. 919—An act to amend Section 11126 of the Government Code, relating to open meetings.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 175—An act to add Section 19858.5 to the Business and Professions Code, relating to gaming.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 536—An act to amend Sections 6066 and 6226 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 801—An act to amend Sections 6476 and 6701 of, and to add Sections 6452.2 and 6471.1 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 538—An act to amend Sections 4616 and 4616.7 of, and to add Section 4616.8 to, the Labor Code, relating to workers' compensation.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 1088—An act to amend Section 1818 of, and to add Section 216 to, the Family Code, relating to family law.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 247—An act to repeal Sections 18602 and 18613 of the Business and Professions Code, relating to the State Athletic Commission.

Bill read second time; amendments proposed by the Committee on Arts, Entertainment, Sports, Tourism, and Internet Media read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 650—An act to repeal and add Chapter 7 (commencing with Section 104322) of Part 1 of Division 103 of the Health and Safety Code, relating to prostate cancer.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 869—An act to amend Sections 123485 and 123490 of, and to add Sections 123491 and 123516 to, the Health and Safety Code, relating to perinatal services, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 29, 2005 or upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 28, 2005**

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

ACA RN

6 0501779
20 0515845

SB RN

144 0516214
175 0516092
191 0516365
247 0516297
506 0516263
536 0516285
538 0516379
550 0516509
648 0516571
650 0516270
801 0516276
840 0516234
869 0516268
874 0515866
919 0516437
1016 0516073
1088 0516442

Daily Total: 19
Cumulative Total: 2207

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