

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 11, 2006**

**ONE HUNDRED TWENTY-SIXTH SESSION DAY  
FOUR HUNDRED SECOND 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, January 11, 2006

The Assembly met at 7 a.m.

Hon. Simón Salinas, Assembly Member, 28th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Elizabeth Potter reading.

#### ROLL CALL

The following were placed upon the morning roll call—71:

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

Quorum present.

**At 1:19 p.m., Hon. Greg Aghazarian, 26th 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, Chavez, Jerome E. Horton, Shirley Horton, Montañez, Plescia, and Yee.*

*On personal business, and waiving per diem: Assembly Members Frommer and Harman.*

**EXPLANATIONS OF ABSENCE**

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

January 10, 2006

*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, January 11, 2006 due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

January 6, 2006

*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, January 11, 2006. 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

January 9, 2006

*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 Check-In Session on Wednesday, January 11, 2006. I will be participating on a panel discussion at the CNIGA—Western Indian Gaming Conference and Trade Show in Palm Springs, CA. I will be returning to Sacramento on Thursday, January 12, 2006, 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.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

January 9, 2006

*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 check in session on Wednesday, January 11, 2006 in order to travel to my district for legislative business.

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

January 11, 2006

*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, January 11, 2006. I was in Sacramento on Legislative business, but was unable to check-in.

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

January 11, 2006

*Hon. Fabian Núñez  
Speaker of the Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from session January 11, 2006. I have legislative business in my district.

If you have any questions regarding this request, please feel free to contact Beth Helmsin in my office at 319-2075.

Sincerely,

GEORGE A. PLESCIA, Assembly Member  
Seventy-fifth District

January 9, 2006

*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, January 11. I will be in my district attending to legislative business.

Sincerely,

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

**COMMUNICATIONS**  
**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 January 3, 2006, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Transportation Funding.**

**Initiative Constitutional Amendment and Statute. SA 2005RF0121**

Referred by the Speaker to the Committees on Budget and Transportation.

**Transportation Funding.**

**Initiative Constitutional Amendment and Statute. SA 2005RF0122**

Referred by the Speaker to the Committees on Budget and Transportation.

**Transportation Funding.**

**Initiative Constitutional Amendment and Statute. SA 2005RF0123**

Referred by the Speaker to the Committees on Budget and Transportation.

**Transportation Funding.**

**Initiative Constitutional Amendment and Statute. SA 2005RF0124**

Referred by the Speaker to the Committees on Budget and Transportation.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Complaints Alleging Violations of  
Business and Professions Code Sections 6175–6176  
Regarding Requirements for the Sale of Financial Products  
by Attorneys to Clients in 2005  
(Pursuant to Assembly Bill 2107, Chapter 442, Statutes of 2000**

Above transmitted report, together with letter of transmittal from Larry Doyle, Chief Legislative Counsel, State Bar of California, Office of Governmental Affairs, dated January 3, 2006, referred by the Speaker to the Committee on Judiciary.

**2003–04 California Sexual Predator Program  
(Pursuant to Senate Bill X1 12, Chapter 6, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated December 22, 2005, referred by the Speaker to the Committee on Public Safety.

**Evaluation of “Please Don’t Drink and Drive” Victims Memorial Sign  
Program Report  
(Pursuant to Assembly Bill 965, Chapter 864, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Division Chief, Division of Legislative and Local Government Affairs, Department of Transportation, dated January 6, 2006, referred by the Speaker to the Committee on Transportation.

**Public Utilities Commission Report on Desalination  
(Pursuant to Assembly Bill 2918, Chapter 648, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, Public Utilities Commission, dated December 30, 2005, referred by the Speaker to the Committee on Utilities and Commerce.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1840—Jerome Horton.** An act to add Division 1.7 (commencing with Section 1190) to the Health and Safety Code, and to add Chapter 17 (commencing with Section 12694) to Part 6.2 of Division 2 of the Insurance Code, relating to health care coverage.

**ASSEMBLY BILL NO. 1841—Bogh (Principal coauthor: Senator Battin) (Coauthor: Emmerson).** An act to amend Section 6601 of the Welfare and Institutions Code, relating to sexually violent predators.

**ASSEMBLY BILL NO. 1842—Coto.** An act to amend Section 124040 of the Health and Safety Code, relating to child health assessments.

**ASSEMBLY BILL NO. 1843—Leslie.** An act to amend Section 179 of the Military and Veterans Code, relating to military, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1844—Chavez.** An act to add Section 1182.12 to the Labor Code, relating to the minimum wage.

**ASSEMBLY BILL NO. 1845—Chavez.** An act to amend Sections 51222 and 51241, as amended by Section 2 of Chapter 459 of the Statutes of 2003, of, and to repeal Section 51241, as added by Section 3 of Chapter 459 of the Statutes of 2003, of, the Education Code, relating to physical education.

**ASSEMBLY BILL NO. 1846—Berg.** An act to add Article 10.8 (commencing with Section 17077.60) to Chapter 12.5 of Part 10 of the Education Code, relating to school facilities, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1847—Leslie.** An act to amend Sections 17053.42 and 23642 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 104—Chavez.** Relative to Officer Kenneth Wrede Memorial Highway.

**ASSEMBLY CONCURRENT RESOLUTION NO. 105—Chavez.** Relative to State Highway Route 210.

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

January 11, 2006

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

Assembly Bill No. 326

Assembly Bill No. 1302

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

CHU, Chair

**ASSEMBLY BILL NO. 326—**An act to amend Sections 270 and 275 of the Public Utilities Code, relating to telecommunications.

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. 1302**—An act to amend Sections 11340, 11340.1, 11346.5, 11346.9, 11349, and 11349.1 of the Government Code, relating to agency regulations.

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**

January 11, 2006

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 959

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

CHU, Chair

**ASSEMBLY BILL NO. 959**—An act to amend Section 14105.96 of the Welfare and Institutions Code, relating to Medi-Cal.

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**

January 11, 2006

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 158

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

CHU, Chair

**ASSEMBLY BILL NO. 158**—An act to add and repeal Section 7711.5 of the Public Utilities Code, relating to railroads.

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: January 10, 2006

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 213	Assembly Bill No. 1111
Assembly Bill No. 470	Assembly Bill No. 1226
Assembly Bill No. 699	Assembly Bill No. 1476
Assembly Bill No. 959	Assembly Bill No. 1591
Assembly Bill No. 1085	Assembly Bill No. 1689

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.

Date of Hearing: January 10, 2006

Mr. Speaker: Your Committee on Health reports:  
Assembly Bill No. 469

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

CHAN, Chair

Above bill re-referred to the Committee on Education.

**Committee on Human Services**

Date of Hearing: January 10, 2006

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1478

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

EVANS, Chair

Above bill ordered to second reading.

**Committee on Elections and Redistricting**

Date of Hearing: January 10, 2006

Mr. Speaker: Your Committee on Elections and Redistricting reports:

Assembly Bill No. 1207

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

UMBERG, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Insurance**

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 925

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

VARGAS, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 687

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.

VARGAS, Chair

Above bill ordered to second reading.

**Committee on Health**

Date of Hearing: January 10, 2006

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1744

With the recommendation: Do pass, as amended.

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 Public Employees, Retirement and Social Security**

Date of Hearing: January 11, 2006

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

Assembly Bill No. 1568

With the recommendation: Do pass.

TORRICO, Chair

Above bill ordered to second reading.



Date of Hearing: January 11, 2006

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

Assembly Bill No. 1708

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.

**Committee on Education**

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 58

Assembly Bill No. 1482

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

GOLDBERG, Chair

Above bills re-referred to the Committee on Higher Education.

**Committee on Public Safety**

Date of Hearing: January 10, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 50

Assembly Bill No. 1147

Assembly Bill No. 96

Assembly Bill No. 1159

Assembly Bill No. 1121

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.

Date of Hearing: January 10, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 105

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: January 10, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 120

Assembly Bill No. 618

Assembly Bill No. 828

With the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: January 10, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1015

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

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: January 10, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 308

Assembly Bill No. 1688

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 bills be placed on the Consent Calendar.

LENO, Chair

Above bills ordered to second reading.

#### **Committee on Agriculture**

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 1598

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.

MATTHEWS, Chair

Above bill ordered to second reading.

#### **Committee on Housing and Community Development**

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 389

Assembly Bill No. 773

Assembly Bill No. 1469

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

MULLIN, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 782

With the recommendation: Do pass.

MULLIN, Chair

Above bill ordered to second reading.

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 1203

With the recommendation: Do pass, as amended.

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.

MULLIN, Chair

Above bill ordered to second reading.

#### **Committee on Local Government**

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1450

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

SALINAS, Chair

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

Date of Hearing: January 11, 2006

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1020

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

SALINAS, Chair

Above bill re-referred to the Committee on Appropriations.

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

**ASSEMBLY BILL NO. 1324**—An act to amend Section 45452 of the Education Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1550**—An act to amend Section 14504 of the Government Code, relating to transportation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1112**—An act to amend Sections 22511.5 and 22511.11 of, and to add Sections 22651.07 and 22651.08 to, the Vehicle Code, relating to vehicles.

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

**ASSEMBLY BILL NO. 1679**—An act to add Section 118.8 to the Streets and Highways Code, relating to state highway property.

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

**ASSEMBLY BILL NO. 184**—An act to add Section 44098 to the Health and Safety Code, relating to air pollution.

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

**ASSEMBLY BILL NO. 372**—An act to amend Section 20209.14 of the Public Contract Code, relating to public contracts.

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

**ASSEMBLY BILL NO. 1423**—An act relating to repeal and add Section 701.5 of the Public Resources Code, relating to the Department of Forestry and Fire Protection.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 385**—An act to amend Section 50079 of the Government Code, relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 583**—An act to add Chapter 12 (commencing with Section 91015) to Title 9 of, and to repeal Section 85300 of, the Government Code, relating to the Political Reform Act of 1974, and making an appropriation therefor.

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 Appropriations.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 11, 2006

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

Assembly Bill No. 1324

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading file.

**ADJOURNMENT**

At 3:40 p.m., the Assembly adjourned until 9 a.m., Thursday, January 12, 2006.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 11, 2006**

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

<b>AB</b>	<b>RN</b>	
158	0600509	
184	0600350	
326	0600512	
372	0600375	
583	0600211	
959	0600045	
1112	0600385	
1302	0600502	
1679	0600392	
<b>Daily Total:</b>		<b>9</b>
<b>Cumulative Total:</b>		<b>2965</b>

O