

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 31, 2006

**ONE HUNDRED THIRTY-SEVENTH SESSION DAY
FOUR HUNDRED TWENTY-SECOND 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, January 31, 2006

The Assembly met at 9:30 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Mountjoy moved a quorum call of the Assembly.
Motion carried.

At 9:30 a.m., Speaker pro Tempore Yee placed a quorum call upon
the Assembly.

The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 9:44 a.m., Speaker pro Tempore Yee declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—79:

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

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Chaplain Father Constantine C. Pappademos:

Lord, You look down from heaven at people to see if there are any who are wise, any who worship You. We pray that You send us victory and prosperity in life, Lord, for You are our helper and our defender. We gladly give You thanks for Your blessings in our life, because You are good and You rescue us from all our troubles.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Bass then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Bass, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness in his family: Assembly Member Richman.

COMMUNICATIONS

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

January 30, 2006

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: Please be advised that I have appointed the following Assemblymembers to the Assembly Select Committee on Aerospace:

- Assemblymember Sam Blakeslee
- Assemblymember Betty Karnette
- Assemblymember Lloyd Levine
- Assemblymember Sally Lieber
- Assemblymember Sharon Runner

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

MESSAGES FROM THE SENATE

Senate Chamber, January 30, 2006

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 160
Senate Bill No. 362
Senate Bill No. 371
Senate Bill No. 432
Senate Bill No. 452
Senate Bill No. 491
Senate Bill No. 532
Senate Bill No. 540
Senate Bill No. 551
Senate Bill No. 558

Senate Bill No. 560
Senate Bill No. 585
Senate Bill No. 678
Senate Bill No. 740
Senate Bill No. 812
Senate Bill No. 988
Senate Bill No. 1010
Senate Bill No. 1024
Senate Bill No. 1032

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 160—An act to amend Section 76300 of, and to add Section 66021.6 to, the Education Code, relating to student financial aid.

SENATE BILL NO. 362—An act to amend Sections 51222 and 51241 of, and to add Article 9.5 (commencing with Section 44620) to Chapter 3 of Part 25 to, the Education Code, relating to physical education, and making an appropriation therefor.

SENATE BILL NO. 371—An act relating to public contracts.

SENATE BILL NO. 432—An act to amend Sections 26721.2 and 26750 of the Government Code, relating to county fees.

SENATE BILL NO. 452—An act to amend Section 14105.33 of the Welfare and Institutions Code, relating to Medi-Cal.

SENATE BILL NO. 491—An act to add Chapter 1 (commencing with Section 15465) to Part 7.2 of Division 3 of Title 2 of the Government Code, and to amend Section 130060 of the Health and Safety Code, relating to financing hospital seismic safety programs, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

SENATE BILL NO. 532—An act to amend Section 246.3 of the Penal Code, relating to BB devices.

SENATE BILL NO. 540—An act to add Section 1940.3 to the Civil Code, relating to tenancy.

SENATE BILL NO. 551—An act to amend Section 1373 of, to add Section 1363.7 to, and to add Chapter 11 (commencing with Section 1380.010) to Title 6 of Part 4 of Division 2 of the Civil Code, relating to common interest developments.

SENATE BILL NO. 558—An act to amend Sections 12693.43 and 12693.92 of, and to add Section 12693.335 to, the Insurance Code, and to add Article 7.5 (commencing with Section 1120) to Chapter 4 of Part 1 of Division 1 of the Unemployment Insurance Code, relating to children's health insurance.

SENATE BILL NO. 560—An act relating to career technical education.

SENATE BILL NO. 585—An act to amend Section 6389 of the Family Code, relating to protective orders.

SENATE BILL NO. 678—An act to amend Sections 3041, 7821, 7822, 8620, 8710, and 9210 of, to add Sections 7892.5, 7907.3, 8606.5, 8619.5, 9208, and 9209 to, to add Part 3 (commencing with Section 170) to Division 1 of, and to repeal Section 7810 of, the Family Code, to amend Sections 1510, 1511, 1513, 1516.5, and 1601 of, to add Sections 1449, 1456, 1457, 1460.2, 1474, and 1500.1 to, and to repeal Section 2112 of, the Probate Code, and to amend Sections 100, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 305.5, 317, 361, 366, 366.26, 727.4, 10553.1, and 16507.4 of, to add Sections 110, 224, 224.1, 224.2, 224.3, 224.4, 224.5, 224.6, 361.31, and 361.7 to, and to repeal Section 360.6 of, the Welfare and Institutions Code, relating to Indian children, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 740—An act to amend Section 8314 of, and to add Section 8314.5 to, the Government Code, relating to public agencies.

SENATE BILL NO. 812—An act to add Section 33126.4 to the Education Code, relating to schools.

SENATE BILL NO. 988—An act to add Section 97 to, and to add and repeal Section 97.3 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to streets and highways.

SENATE BILL NO. 1010—An act to add Sections 7665 and 10025 to the Public Utilities Code, relating to rail service.

SENATE BILL NO. 1024—An act to add Chapter 12.49 (commencing with Section 8879.20) to Division 1 of Title 2 of the Government Code, to add Chapter 3.6 (commencing with Section 50535) to Part 2 of Division 31 of the Health and Safety Code, and to add and repeal Section 2704.22 of, and to repeal Chapter 20 (commencing with Section 2704) of Division 3 of, the Streets and Highways Code, relating to public works and improvements by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

SENATE BILL NO. 1032—An act to amend Sections 331, and 332 of the Fish and Game Code, relating to hunting.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 31, 2006

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

Assembly Constitutional Amendment No. 23

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

SPECIAL COMMITTEE MEETINGS

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

Health, on Tuesday, February 21, 2006 and on February 28, 2006, at 1:30 p.m., in Room 4202.

CAUCUS ANNOUNCEMENTS

At 9:49 a.m., Assembly Member Frommer was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

Assembly Member Benoit was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 9:49 a.m., Speaker pro Tempore Yee declared the Assembly recessed.

RECONVENED

At 10:45 a.m., the Assembly reconvened.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly, presiding.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO
ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Assembly Bill No. 50 to the Committee on Appropriations.

Motion to Appeal from the Decision of the Chair

Assembly Member Cogdill moved to appeal from the decision of the Chair.

Ruling by Speaker pro Tempore Yee

The Speaker pro Tempore ruled the motion out of order. Pursuant to Assembly Rule 77.2 the presiding officer has the unilateral authority and discretion to refer an amended bill from the Floor to committee.

REQUEST TO SUSPEND RULES

Assembly Member Frommer requested unanimous consent that Joint Rule 62(a) be suspended to permit the Committee on Appropriations to meet off the Floor today, for purpose of hearing Assembly Bill No. 50.

Assembly Member Haynes withheld unanimous consent.

Motion to Suspend Joint Rule 62(a)

Assembly Member Frommer moved that Joint Rule 62(a) be suspended to permit the Committee on Appropriations to meet off the Floor today, for the purpose of hearing Assembly Bill No. 50.

Assembly Member Cohn seconded the motion.

Motion for suspension of the rules carried by the following vote:

AYES—43

Baca	Frommer	Lieu	Ridley-Thomas
Bass	Goldberg	Liu	Ruskin
Berg	Hancock	Matthews	Saldaña
Chan	Horton, Jerome	Montañez	Salinas
Chavez	Jones	Mullin	Torrico
Chu	Karnette	Nation	Umberg
Cohn	Klehs	Nava	Vargas
Coto	Laird	Negrete McLeod	Wolk
De La Torre	Leno	Oropeza	Yee
Dymally	Levine	Parra	Mr. Speaker
Evans	Lieber	Pavley	

NOES—30

Aghazarian	Garcia	Leslie	Spitzer
Benoit	Harman	Maze	Strickland
Blakeslee	Haynes	McCarthy	Tran
Bogh	Horton, Shirley	Mountjoy	Villines
Cogdill	Huff	Nakanishi	Walters
Daucher	Keene	Niello	Wyland
DeVore	La Malfa	Plescia	
Emmerson	La Suer	Runner	

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Frommer announced that the Committee on Appropriations would meet immediately in the Tom Bane Rules Committee Room.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 10:50 a.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

RECESS

By unanimous consent, at 10:53 a.m., Speaker pro Tempore Yee declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member McCarthy introduced and presented a resolution to Roger Magyar in recognition of 16 years of service to the Assembly.

RECONVENED

At 10:56 a.m., the Assembly reconvened.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 390 (Canciamilla)—An act to amend Section 51204.5 of, and to add Section 33041.5 to, the Education Code, relating to pupil instruction.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—50

Aghazarian	Dymally	Levine	Ridley-Thomas
Arambula	Evans	Lieber	Ruskin
Baca	Frommer	Lieu	Saldaña
Bass	Goldberg	Matthews	Salinas
Berg	Hancock	Montañez	Spitzer
Bermúdez	Horton, Jerome	Mountjoy	Torrico
Calderon	Horton, Shirley	Nation	Umberg
Canciamilla	Jones	Nava	Vargas
Chan	Karnette	Negrete McLeod	Wolk
Chavez	Keene	Oropeza	Yee
Chu	Klehs	Parra	Mr. Speaker
Coto	Laird	Pavley	
De La Torre	Leno	Plescia	

NOES—16

Benoit	DeVore	Leslie	Runner
Bogh	Huff	Maze	Strickland
Cogdill	La Malfa	McCarthy	Villines
Daucher	La Suer	Niello	Wyland

Vote Changes

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 390: Assembly Members Liu and Tran from "Aye" to "Not Voting".

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1129 (Mountjoy)—An act to amend Section 13307 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

Urgency Clause

Urgency clause read.
The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Cohn moved a call of the Assembly.

Motion carried. Time, 11:04 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing: January 31, 2006

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 50

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

CHU, Chair

**FROMMER REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 50**

Assembly Member Frommer requested unanimous consent to take up the committee report relative to Assembly Bill No. 50 and that the amendments proposed by the Committee on Appropriations be adopted.

Assembly Member Benoit withheld unanimous consent.

Frommer Motion

Assembly Member Frommer moved to take up the committee report relative to Assembly Bill No. 50 and that the amendments proposed by the Committee on Appropriations be adopted.

Assembly Member Chu seconded the motion.

Motion carried by the following vote:

AYES—46

Arambula	Dymally	Lieber	Ridley-Thomas
Baca	Evans	Lieu	Ruskin
Bass	Frommer	Liu	Saldaña
Berg	Goldberg	Matthews	Salinas
Calderon	Hancock	Montañez	Torrico
Canciamilla	Horton, Jerome	Mullin	Umberg
Chan	Jones	Nation	Vargas
Chavez	Karnette	Nava	Wolk
Chu	Klehs	Negrete McLeod	Yee
Cohn	Laird	Oropeza	Mr. Speaker
Coto	Leno	Parra	
De La Torre	Levine	Pavly	

NOES—28

Aghazarian	Emmerson	La Suer	Plescia
Benoit	Harman	Leslie	Runner
Blakeslee	Haynes	Maze	Spitzer
Bogh	Horton, Shirley	McCarthy	Strickland
Cogdill	Huff	Mountjoy	Tran
Daucher	Keene	Nakanishi	Walters
DeVore	La Malfa	Niello	Wyland

Second Reading of Assembly Bills

ASSEMBLY BILL NO. 50—An act to amend Sections 209, 272, 288, 311.2, 311.4, 311.9, 311.11, 626.8, 667.61, 3000, 3001, and 3005 of, and to add Sections 626.75, 3006, 3072 to, the Penal Code, relating to crimes.

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.

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES

Assembly Member Frommer requested unanimous consent that the Rules be suspended for the purpose of permitting Assembly Member Leno to take up Assembly Bill No. 50 without reference to print or file for purpose of consideration.

Assembly Member Cogdill withheld unanimous consent.

Motion to Suspend the Rules

Assembly Member Frommer moved that the Rules be suspended for the purpose of permitting Assembly Member Leno to take up Assembly Bill No. 50 without reference to print or file for purpose of consideration.

Assembly Member Cohn seconded the motion.

Rules suspended by the following vote:

AYES—46

Arambula	Dymally	Lieber	Ridley-Thomas
Baca	Evans	Lieu	Ruskin
Bass	Frommer	Liu	Saldaña
Berg	Goldberg	Matthews	Salinas
Calderon	Hancock	Montañez	Torrico
Canciamilla	Horton, Jerome	Mullin	Umberg
Chan	Jones	Nation	Vargas
Chavez	Karnette	Nava	Wolk
Chu	Klehs	Negrete McLeod	Yee
Cohn	Laird	Oropeza	Mr. Speaker
Coto	Leno	Parra	
De La Torre	Levine	Pavley	

NOES—29

Aghazarian	Harman	Leslie	Spitzer
Benoit	Haynes	Maze	Strickland
Blakeslee	Horton, Shirley	McCarthy	Tran
Bogh	Houston	Mountjoy	Walters
Cogdill	Huff	Nakanishi	Wyland
Daucher	Keene	Niello	
DeVore	La Malfa	Plescia	
Emmerson	La Suer	Runner	

Consideration of Assembly Bill No. 50

ASSEMBLY BILL NO. 50 (Leno)—An act to amend Sections 209, 272, 288, 311.2, 311.4, 311.9, 311.11, 626.8, 667.61, 3000, 3001, and 3005 of, and to add Sections 626.75, 3006, and 3072 to, the Penal Code, relating to crimes.

Bill read third time.

Point of Clarification

Assembly Member Spitzer arose to the following point of clarification:

According to case law, the words item and image are not the same.

Ruling by Speaker pro Tempore Yee

The Speaker pro Tempore ruled that a point of order should be used for matters that relate to violations of the Assembly Rules.

At 11:20 a.m., Speaker Fabian Núñez, 46th District, presiding

Point of Order

Assembly Member Frommer arose to the following point of order:

Assembly Member Haynes should limit his remarks to the merits of the bill before the House.

Ruling by Speaker Núñez

The Speaker ruled the point of order well-taken.

Point of Order

Assembly Member Jerome Horton arose to the following point of order:

During debate on the Floor, it is not appropriate to display pictures of children who have been victimized.

Ruling by Speaker Núñez

The Speaker ruled the point of order well-taken.

Motion to Appeal from the Decision of the Chair

Assembly Member Bogh moved to appeal from the decision of the Chair.

Assembly Member Mountjoy seconded the motion.

Motion Withdrawn

Assembly Member Bogh, with consent of the second to the motion, withdrew his motion to appeal from the decision of the Chair.

Point of Order Withdrawn

Assembly Member Jerome Horton withdrew his point of order.

Further Consideration of Assembly Bill No. 50

Point of Order

Assembly Member Frommer arose to the following point of order:

Debate should be limited to the merits of the bill and personal attacks and accusations should be avoided.

Ruling by Speaker Núñez

The Speaker ruled the point of order well-taken.

Point of Order

Assembly Member Cohn arose to the following point of order:

Assembly Member Mountjoy is not limiting debate to the merits of the bill.

Ruling by Speaker Núñez

The Speaker ruled the point of order well-taken.

Point of Order

Assembly Member Cohn arose to the following point of order:

The Chair has ruled that debate should be limited to the merits of the bill and personal attacks and accusations avoided, yet those comments continue to be used.

Ruling by Speaker Núñez

The Speaker ruled the point of order well-taken. Debate should be limited to the subject matter of the bill before the House.

Point of Order

Assembly Member Goldberg arose to the following point of order: Debate should be limited to the bill before the Assembly.

Ruling by Speaker Núñez

The Speaker ruled the point of order well-taken. All members should limit debate to the merits of the bill before the House and refrain from comments pertaining to personalities.

Further Consideration of Assembly Bill No. 50**Rules Suspended**

Assembly Member Umberg was granted unanimous consent that Assembly Rules 69(a) and (e) be suspended to permit consideration of proposed hand written amendments to Assembly Bill No. 50 on the last two legislative days preceding the January 31 bill passage deadline; and that Assembly Rules 69(d) and 63 be suspended to permit consideration of Assembly Bill No. 50 as amended, without reference to file.

Motion to Amend

Assembly Member Umberg moved the adoption of amendments. Amendments read and adopted.

Further Consideration of Assembly Bill No. 50, as Amended**Request for Unanimous Consent to Suspend the Rules**

Assembly Member Frommer requested unanimous consent that Assembly Rules 69(a) and (e) be suspended to permit consideration of proposed hand written amendments to Assembly Bill No. 50 on the last two legislative days preceding the January 31 bill passage deadline, and that Assembly Rules 69(d) and 63 be suspended to permit consideration of Assembly Bill No. 50 as amended, without reference to file.

Parliamentary Inquiry

Assembly Member Spitzer arose to the following parliamentary inquiry:

What is the exact language of the proposed amendment?

Reply by Speaker Núñez

The Speaker replied that Assembly Member Frommer would be asked to repeat his amendments.

Parliamentary Inquiry

Assembly Member Bogh arose to the following parliamentary inquiry:

Do the rules of the House require amendments to be placed across the Desk and approved to form by Legislative Counsel?

Reply by Speaker Núñez

The Speaker replied in the affirmative.

Assembly Member Frommer is requesting that that rule be suspended and that it requires a vote of $\frac{2}{3}$ of the Members present and voting.

CAUCUS ANNOUNCEMENTS

At 1:20 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 1:20 p.m., Speaker Núñez declared the Assembly recessed.

RECONVENED

At 2:48 p.m., the Assembly reconvened.

Hon. Fabian Núñez, Speaker of the Assembly, presiding.

FURTHER CONSIDERATION OF FROMMER REQUEST FOR UNANIMOUS CONSENT TO SUSPEND RULES

Assembly Member Frommer was granted unanimous consent that Assembly Rules 69(a) and (e) be suspended to permit consideration of proposed handwritten amendments to Assembly Bill No. 50 on the last two legislative days preceding the January 31 bill passage deadline; and Assembly Rules 69(d) and 63 be suspended to permit consideration of Assembly Bill No. 50 as amended, without reference to file.

Motion to Amend

Assembly Member Frommer moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

Motion to Suspend Rules

Assembly Member Parra moved that Assembly Rules 69(a) and (e) be suspended to permit adoption of proposed amendments to Assembly Bill No. 50.

Assembly Member Goldberg seconded the motion.

Motion lost by the following vote:

AYES—48

Arambula	De La Torre	Leno	Parra
Baca	Dymally	Levine	Pavley
Bass	Evans	Lieber	Ridley-Thomas
Berg	Frommer	Lieu	Ruskin
Bermúdez	Goldberg	Liu	Saldaña
Calderon	Hancock	Matthews	Salinas
Canciamilla	Horton, Jerome	Montañez	Torrico
Chan	Jones	Mullin	Umberg
Chavez	Karnette	Nation	Vargas
Chu	Klehs	Nava	Wolk
Cohn	Koretz	Negrete McLeod	Yee
Coto	Laird	Oropeza	Mr. Speaker

NOES—29

Aghazarian	Harman	Maze	Strickland
Benoit	Haynes	McCarthy	Tran
Blakeslee	Houston	Mountjoy	Villines
Bogh	Huff	Nakanishi	Walters
Cogdill	Keene	Niello	Wyland
Daucher	La Malfa	Plescia	
DeVore	La Suer	Runner	
Emmerson	Leslie	Spitzer	

Objection to Vote Adds and Changes

Assembly Member Frommer withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Parra motion to suspend rules.

Further Consideration of Assembly Bill No. 50, as Amended

Assembly Rule 112 Suspended

Assembly Member Plescia was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor of the Assembly.

Assembly Member McCarthy was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor of the Assembly.

The roll was opened.

Bill passed by the following vote:

AYES—49

Arambula	Dymally	Levine	Ridley-Thomas
Baca	Evans	Lieber	Ruskin
Bass	Frommer	Lieu	Saldaña
Berg	Goldberg	Liu	Salinas
Bermúdez	Hancock	Matthews	Torrico
Calderon	Horton, Jerome	Montañez	Umberg
Canciamilla	Horton, Shirley	Mullin	Vargas
Chan	Jones	Nation	Wolk
Chavez	Karnette	Nava	Yee
Chu	Klehs	Negrete McLeod	Mr. Speaker
Cohn	Koretz	Oropeza	
Coto	Laird	Parra	
De La Torre	Leno	Pavley	

NOES—None

Bill ordered transmitted to the Senate.

Objection to Vote Adds and Changes

Assembly Member Frommer withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 50.

At 3:29 p.m., Speaker pro Tempore Leland Y. Yee, 12th District, presiding

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1558 (Wolk)—An act to add Chapter 3.5 (commencing with Section 83500) to Title 9 of the Government Code, relating to the Fair Political Practices Commission, and making an appropriation therefor.

Bill read third time.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Wolk moved a call of the Assembly.

Motion carried. Time, 3:48 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

ASSEMBLY CONCURRENT RESOLUTION NO. 102 (Oropeza)—Relative to California Girls and Women in Sports Day.

Resolution read.

**At 3:49 p.m., Assistant Speaker pro Tempore Sally Lieber,
22nd District, presiding**

**Members Made Coauthors of
Assembly Concurrent Resolution No. 102**

Assembly Member Oropeza was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 102.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Oropeza was granted unanimous consent to take up Assembly Concurrent Resolution No. 102, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 102, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 102—Relative to California Girls and Women in Sports Day.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ASSEMBLY BILL NO. 450 (Yee)—An act to add Section 8608 to the Government Code, relating to disaster preparedness.

Bill read third time, and passed by the following vote:

AYES—76

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

NOES—1

Haynes

Bill ordered transmitted to the Senate.

At 3:56 p.m., Speaker pro Tempore Leland Y. Yee, 12th District, presiding

THIRD READING OF SENATE BILLS

SENATE CONCURRENT RESOLUTION NO. 71 (Romero)—Relative to American Heart Month.

Resolution read, and presented by Assembly Member Montañez.

Members Made Coauthors of Senate Concurrent Resolution No. 71

Assembly Member Montañez was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Concurrent Resolution No. 71.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Montañez was granted unanimous consent to take up Senate Concurrent Resolution No. 71, as amended, without reference to print or file.

Consideration of Senate Concurrent Resolution No. 71, as Amended
SENATE CONCURRENT RESOLUTION NO. 71—Relative to American Heart Month.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

UNFINISHED BUSINESS**MOTION TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 715 and 791, and Senate Bills Nos. 51, 109, and 646 were continued until the next legislative day.

MOTION TO RECONSIDER BILL LAPSED

The motion to reconsider the vote on Assembly Bill No. 6 lapsed.

**ASSEMBLY BILL NO. 1101 RECONSIDERED
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Oropeza was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 1101 was refused passage.

ASSEMBLY BILL NO. 1101 (Oropeza)—An act to amend Sections 44320, 44322, 44342, 44360, 44390, and 44391 of, and to add Sections 44303.5, 44323.5, 44395, and 44396 to, the Health and Safety Code, relating to air pollution.

Bill read third time, and passed by the following vote:

AYES—43

Arambula	Dymally	Leno	Pavley
Baca	Evans	Levine	Ridley-Thomas
Bass	Frommer	Lieber	Ruskin
Berg	Goldberg	Lieu	Saldaña
Bermúdez	Hancock	Liu	Salinas
Calderon	Horton, Jerome	Montañez	Torrico
Chan	Jones	Mullin	Umberg
Chavez	Karnette	Nation	Wolk
Chu	Klehs	Nava	Yee
Coto	Koretz	Negrete McLeod	Mr. Speaker
De La Torre	Laird	Oropeza	

NOES—32

Aghazarian	Harman	Leslie	Plescia
Benoit	Haynes	Matthews	Runner
Blakeslee	Horton, Shirley	Maze	Spitzer
Bogh	Houston	McCarthy	Strickland
Cogdill	Huff	Mountjoy	Tran
Daucher	Keene	Nakanishi	Villines
DeVore	La Malfa	Niello	Walters
Emmerson	La Suer	Parra	Wyland

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 674 RECONSIDERED
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Klehs was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 674 was refused passage.

ASSEMBLY BILL NO. 674 (Klehs)—An act to amend Sections 60036, 60037, 60501, 60502, 60503, 60503.1, 60503.2, and 60508.2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Klehs moved a call of the Assembly.

Motion carried. Time, 4:07 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

ANNOUNCEMENTS

Speaker pro Tempore Yee announced the following session schedule:
 Wednesday, February 1, 2006, Check-in Session, 7 a.m.–3 p.m.;
 Thursday, February 2, 2006, Check-in Session, 7 a.m.–3 p.m.;
 Monday, February 6, 2006, Check-in Session, 7 a.m.–3 p.m.;
 Tuesday, February 7, 2006, No Session;
 Wednesday, February 8, 2006, No Session;
 Thursday, February 9, 2006, Check-in Session and Floor Session
 upon Call of Speaker;
 Friday, February 10, 2006, Floor Session, 9 a.m.;
 Tuesday, February 14, 2006, Floor Session, 12 noon.

ADJOURN IN MEMORY

Assembly Members Dymally, Ridley-Thomas, Bass, Oropeza, and Jerome Horton were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Coretta Scott-King, of Atlanta, Georgia.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Nava was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ze Fairchild, Dexter Shannon, Nicola Grant, Guadalupe Schwartz, and Maleka Higgins, of Ventura and Santa Barbara Counties.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Canciamilla was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William (Bill) Leal, of Concord.

Assembly Member Maze was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gerry Sandidge, of Exeter and Truman “Kirk” Peek, of Lone Pine.

Assembly Member Niello was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William T. May, of Citrus Heights.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harvey R. Canafax, Richard A. Doolin, and Karla M. Grant, of Davis; Walter E. Scott, of Dixon; Rodney E. Demars and Antonio S. Gumataotao, of Fairfield; John F. Cummings, of Suisun City; Dee Wayne Jackson, Carolina Mateo Rose, and Ned F. Wilbur, of Vacaville; Charles C. Pearse, of Winters; and Joel Hernandez, of Woodland.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY
CLAUSE TO ASSEMBLY BILL NO. 1129**

At 4:20 p.m., on motion of Assembly Member Cohn, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 1129 adopted by the following vote:

AYES—77

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

NOES—None

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—77

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

NOES—None

Above bill ordered enrolled immediately.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 1558**

At 4:21 p.m., on motion of Assembly Member Wolk, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

Pending the announcement of the vote, Assembly Member Wolk moved to continue the call of the Assembly.

Motion carried. Time, 4:22 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 674**

At 4:22 p.m., on motion of Assembly Member Klehs, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 674 refused passage by the following vote:

AYES—29

Bass	Goldberg	Leno	Ridley-Thomas
Berg	Hancock	Levine	Saldaña
Bermúdez	Haynes	Lieber	Spitzer
Chan	Jones	Mountjoy	Walters
Chavez	Karnette	Mullin	Mr. Speaker
Chu	Klehs	Nation	
Daucher	Koretz	Oropeza	
Dymally	Laird	Pavley	

NOES—37

Aghazarian	Garcia	Matthews	Strickland
Arambula	Harman	Maze	Torrico
Baca	Horton, Jerome	McCarthy	Tran
Benoit	Horton, Shirley	Montañez	Umberg
Blakeslee	Houston	Nakanishi	Villines
Bogh	Huff	Nava	Wyland
Calderon	Keene	Negrete McLeod	Yee
Cogdill	La Malfa	Parra	
Coto	La Suer	Plescia	
Emmerson	Leslie	Runner	

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 1558**

At 4:25 p.m., on motion of Assembly Member Wolk, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 1558 passed by the following vote:

AYES—57

Arambula	De La Torre	Laird	Ruskin
Baca	Dymally	Leno	Saldaña
Bass	Evans	Lieber	Salinas
Berg	Frommer	Lieu	Spitzer
Bermúdez	Garcia	Liu	Torrico
Blakeslee	Goldberg	Matthews	Tran
Bogh	Hancock	Montañez	Umberg
Calderon	Horton, Jerome	Mullin	Vargas
Canciamilla	Horton, Shirley	Nation	Wolk
Chan	Houston	Nava	Wyland
Chavez	Huff	Niello	Yee
Chu	Jones	Oropeza	Mr. Speaker
Cohn	Karnette	Pavley	
Coto	Klehs	Plescia	
Daucher	Koretz	Ridley-Thomas	

NOES—18

Aghazarian	Haynes	Levine	Parra
Benoit	Keene	Maze	Strickland
DeVore	La Malfa	Mountjoy	Walters
Emmerson	La Suer	Nakanishi	
Harman	Leslie	Negrete McLeod	

Bill ordered transmitted to the Senate.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Frommer Motion to Suspend Joint Rule 62(a): Baca and Montañez—Aye; Keene and Leslie—No.

Assembly Bill No. 390, Concurrence: Aghazarian, Arambula, Bermúdez, De La Torre, Shirley Horton, Keene, Montañez, Spitzer, and Umberg—Aye; Bogh, Daucher, Huff, La Suer, Villines, and Wyland—No.

Frommer Motion to Suspend the Rules: Daucher and Shirley Horton—No.

Frommer Motion to Suspend the Rules: Montañez—Aye; Daucher and Shirley Horton—No.

Assembly Bill No. 450: Bogh, Houston, Spitzer, Strickland, and Wyland—Aye.

Assembly Bill No. 1101: Jerome Horton—Aye; Shirley Horton—No.

Assembly Bill No. 1129, Urgency and Concurrence: Montañez and Umberg—Aye.

Assembly Bill No. 674: Montañez and Wyland—No.

MOTION TO ADJOURN

At 4:26 p.m., Assembly Member Cohn moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 4:26 p.m., Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1919—Aghazarian. An act to amend Section 585 of the Code of Civil Procedure, and to amend Section 68608 of the Government Code, relating to civil actions.

ASSEMBLY BILL NO. 1920—Chan. An act relating to Medi-Cal.

ASSEMBLY BILL NO. 1921—Chu. An act relating to state claims.

ASSEMBLY BILL NO. 1922—Walters. An act to amend Sections 218 and 17053.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1923—Nation. An act to add Section 906 to the Military and Veterans Code, relating to military benefits.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 112—Chan. Relative to hepatitis B.

INTRODUCTION OF GUESTS

Assembly Member Frommer, of the 43rd Assembly District, introduced the Honorable John Ocegüera, Assistant Majority Leader, of Nevada.

ADJOURNMENT

At 4:26 p.m., pursuant to the motion by Assembly Member Cohn, the Assembly adjourned until 7 a.m., Wednesday, February 1, 2006, out of respect to the memory of Coretta Scott-King, on motion of Assembly Members Dymally, Ridley-Thomas, Bass, Oropeza, and Jerome Horton; out of respect to the memory of Ze Fairchild, Dexter Shannon, Nicola Grant, Guadalupe Schwartz, and Maleka Higgins, on motion of Assembly Member Nava; out of respect to the memory of William (Bill) Leal, on motion of Assembly Member Canciamilla; out of respect to the memory of Gerry Sandidge and Truman "Kirk" Peek, on motion of Assembly Member Maze; out of respect to the memory of William T. May, on motion of Assembly Member Niello; and out of respect to the memory of Harvey R. Canafax, Richard A. Doolin, Karla M. Grant, Walter E. Scott, Rodney E. Demars, Antonio S. Gumataotao, John F. Cummings, Dee Wayne Jackson, Carolina Mateo Rose, Ned F. Wilbur, Charles C. Pearse, and Joel Hernandez, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 31, 2006**

The following measure was amended in the Assembly on this day:

AB RN

50 Umberg*

50 Frommer*

50 0605451

Daily Total: 1**Cumulative Total: 3070**

(NOTE: * Refers to amendments received in non-Legislative Counsel form.)

O