

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 1, 2006**

**ONE HUNDRED THIRTY-EIGHTH SESSION DAY  
FOUR HUNDRED TWENTY-THIRD 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, February 1, 2006

The Assembly met at 7 a.m.

Hon. Tom Harman, Assembly Member, 67th 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—69:

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

Quorum present.

**At 1:15 p.m., Hon. Patty Berg, 1st 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 Baca, Bermúdez, Calderon, Chu, Nation, Strickland, Umberg, and Yee.*

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

*Because of illness in his family: Assembly Member Richman.*

**EXPLANATIONS OF ABSENCE**

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

January 31, 2006

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

Dear Speaker Núñez: I am writing to respectfully request permission to be excused from Check In Session on Wednesday, February 1, 2006. I will be attending to legislative business in my district.

If you have any questions, please do not hesitate to contact Maria Lerma in my Capitol Office at (916) 319-2062. Your consideration of this request is greatly appreciated.

Sincerely,

JOE BACA, JR., Assembly Member  
Sixty-second District

January 31, 2006

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

Dear Mr. Speaker: This letter is to respectfully request your approval to be excused from Check-In Session on Wednesday, February 1, 2006, for legislative business in my district.

Your favorable consideration in this matter would be greatly appreciated. If you have any questions, please do not hesitate to contact me or my assistant, Beth Dacumos, at 319-2056.

Respectfully yours,

RUDY BERMÚDEZ, Assembly Member  
Fifty-sixth District

January 31, 2006

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

Dear Mr. Speaker: I am writing today to request to be excused from Check-in Session on Wednesday, February 1, 2006, due to legislative business. If you have any questions please contact Cynthia Gonzalez at (916) 319-2058.

Sincerely,

RONALD S. CALDERON, Assembly Member  
Fifty-eighth District

February 1, 2006

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

Dear Speaker Núñez: I, respectfully, request to be excused from Session on Wednesday, February 1, 2006, so that I may be in my district on legislative business.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please feel free to contact me or my chief of staff, Bill Wong at 916/319-2049.

Kind regards,

JUDY M. CHU, PH.D., Assembly Member  
Forty-ninth District

January 31, 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 Session on Wednesday, February 1, 2006 due to legislative business in my district. Please contact Jim DeBoo, my Chief of Staff with any questions.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

January 31, 2006

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

Dear Mr. Speaker: I respectfully request a legislative excuse for February 1–6, 2006. I have legislative business to attend to in my district office.

If you have any questions regarding this matter, please contact Jennifer Vitela at (916) 319-2037.

Sincerely,

AUDRA STRICKLAND, Assembly Member  
Thirty-seventh District

January 31, 2006

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

Dear Speaker Núñez,

I respectfully request permission to be excused from session on Wednesday, February 1, 2006.

If you have any questions or concerns about this request, please contact Diane Pugh of my staff at (916) 319-2069. Thank you in advance for your consideration of this request.

Sincerely,

TOM UMBERG, Assembly Member  
 Sixty-ninth District

January 31, 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 February 1 and Thursday February 2. I will be in my district during this time attending to legislative business.

Sincerely,

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

#### COMMUNICATIONS

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

#### **Further Explanation of Absence—January 24 and January 25, 2006**

January 31, 2006

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

RE: January 24 and January 25, 2006  
Check-In Session Excuse Request

Dear Mr. Speaker: I requested excuses for Assembly Check In Sessions on January 24 and January 25, 2006, and in error, I waived per diem. I respectfully request per diem for those dates as I was on legislative business.

Thank you for your attention to this request. If you have any questions, please telephone my Chief of Staff, Dan Reeves, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member  
 Forty-third District

**REPORTS**

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2004-136  
January 26, 2006

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the City of Los Angeles (City) and the Office of the City Attorney (Attorney's Office) and the City's use of outside counsel including the costs associated with outside counsel, the manner in which the Attorney's Office fulfills its role in selecting outside counsel, and the oversight that office provides.

This report concludes that outside counsel costs for the City over the six-year period ending in fiscal year 2004–05 almost doubled, rising from \$17.5 million to \$31.9 million. Two of the City's proprietary departments—the Department of Water and Power and the Los Angeles World Airports—greatly contributed to these costs. Our review of the outside counsel costs the City reported in response to a special inquiry revealed several significant inaccuracies and inconsistencies by various city departments. The Attorney's Office will need to keep these in mind as it moves forward with its recently implemented procedure for periodically reporting outside counsel costs on a citywide basis. Moreover, the Attorney's Office could not provide documents to demonstrate that it had followed its policies for assessing the need for outside counsel and in performing its role in selecting outside counsel. In addition, although its policies for monitoring outside counsel's work provided sufficient direction for good case management, the Attorney's Office did not always follow them. Finally, the Attorney's Office eliminated numerous charges that conflicted with its comprehensive invoicing policies, but it could improve its review of invoices as it paid outside counsel for some costs that were not allowed by its policies.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Judiciary.

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The following reports were presented by the Chief Clerk:

**2004 Annual Report on the Air Resources Board Expenditure of  
Nonvehicular Source Fees for Fiscal Year 2003–2004  
(Pursuant to Health and Safety Code Section 39612)**

Above transmitted report, together with letter of transmittal from Robert F. Sawyer, Ph.D., Chair, Air Resources Board, dated January 17, 2006, referred by the Speaker to the Committee on Natural Resources.

**SB 740 Charter School Facility Grant Program Report  
(Pursuant to Senate Bill 740, Chapter 892, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated January 18, 2006, referred by the Speaker to the Committee on Education.

**Options for Energy Efficiency in Existing Buildings  
(Pursuant to Assembly Bill 549, Chapter 905, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Jackalyn Pfannenstiel, Vice Chair, Presiding Member, Energy Efficiency Committee, California Energy Commission, dated January 23, 2006, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Report on  
the Status of the California Low Cost Automobile Insurance Program  
(Pursuant to Senate Bill 171, Chapter 794, and Senate Bill 527, Chapter 807,  
Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Richard J. Manning, CAARP Regional Director, California Automobile Assigned Risk Plan, dated January 23, 2006, referred by the Speaker to the Committee on Insurance.

**Small Business/Disabled Veteran Business Enterprise (DVBE)  
Contracting Activity Reports  
(Pursuant to Public Contract Code Section 10115.5 and  
Military Code Section 999.7) from:**

California Lottery, Maria Aubin-Vanacore, Manager, Contract and Procurement Services Section, dated December 22, 2005;

Commission on State Mandates, Paula Higashi, Executive Director, dated December 23, 2005;

Military Department, Office of the Adjutant General, Allen McCord, Lead Purchasing Agent, dated January 11, 2005;

California Children and Families Commission, Bryan Hobson, SSM II; Resources Agency, Don Wallace, Asst. Sec. Admin/Fin.

Referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Disabled Veterans Business Enterprise (DVBE)  
Contracting Activity Reports  
(Pursuant to Military and Veterans Code Section 999.7) from:**

Resources Agency, Department of Conservation, Thomas J. Gibbs, Deputy Director, dated December 15, 2005.

Referred by the Speaker to the Committee on Veterans Affairs.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1924—Koretz.** An act to amend Section 3503 of, and to add Section 12008.7 to, the Fish and Game Code, relating to birds.

**ASSEMBLY BILL NO. 1925—Blakeslee.** An act to add and repeal Section 25216.7 of the Public Resources Code, relating to energy.

**ASSEMBLY BILL NO. 1926—DeVore (Coauthor: Spitzer).** An act to amend Section 7610 of the Family Code, relating to parent and child relationships.

**ASSEMBLY BILL NO. 1927—DeVore.** An act to amend Section 1776 of the Labor Code, relating to prevailing wages.

**ASSEMBLY BILL NO. 1928—Berg.** An act to add Section 9400.5 to the Welfare and Institutions Code, relating to aging, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1929—Berg.** An act to add Section 9103 to the Welfare and Institutions Code, relating to aging, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1930—Berg.** An act to amend Section 14133.23 of the Welfare and Institutions Code, relating to Medi-Cal.

**ASSEMBLY BILL NO. 1931—Saldana.** An act to amend Section 972.1 of the Military and Veterans Code, relating to veterans.

**ASSEMBLY BILL NO. 1932—Benoit.** An act to amend Sections 626, 1808.7, 11200, 11202, 11202.5, 11205.1, 11206, 11208, 42005.1, and 42007 of, to amend and repeal Section 11205 of, and to add Section 11205.3 to, the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 1933—Coto.** An act to amend Section 13305 of, and to add Section 13305.5 to, the Government Code, relating to tax expenditures.

**ASSEMBLY BILL NO. 1934—Hancock.** An act to add Article 7.8 (commencing with Section 17074.60) to Chapter 12.5 of Part 10 of the Education Code, relating to school facilities.

**ASSEMBLY BILL NO. 1935—Bermudez.** An act to amend Sections 765.5 and 7711 of, and to add Sections 1202.7, 2115.1, 7662, and 7711.1 to, the Public Utilities Code, relating to railroads, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1936—DeVore (Coauthors: Bogh, Cogdill, Daucher, Mountjoy, and Wyland) (Coauthor: Senator Dutton).** An act to amend Section 10783 of the Revenue and Taxation Code, and to amend Section 9105 of, and to add Section 5101.10 to, the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 1937—DeVore (Coauthors: Benoit, Bogh, Cogdill, Daucher, Haynes, Leslie, Mountjoy, Spitzer, Tran, Walters, and Wyland) (Coauthor: Senator Cox).** An act to amend Section 17139.6 of, and to add Section 24328 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1938—Bogh (Principal coauthor: Senator Battin).** An act to amend Section 379 of the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 1939—Bogh.** An act to repeal Sections 1, 2, 3, and 4 of Chapter 697 of the Statutes of 2002, relating to transportation, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1940—Koretz.** An act to add Section 30237 to the Public Resources Code, relating to the environment.

**ASSEMBLY BILL NO. 1941—Nava.** An act to amend Section 2900 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 1942—Nava.** An act to add Sections 833.2 and 13517.7 to the Penal Code, relating to arrests.

**ASSEMBLY BILL NO. 1943—Nava.** An act to amend Sections 70901 and 70902 of the Education Code, relating to community colleges.

**ASSEMBLY BILL NO. 1944—Berg.** An act to amend Section 42291 of the Education Code, relating to school transportation: schoolbuses.

**ASSEMBLY BILL NO. 1945—Coto.** An act to add Section 210.4 to the Welfare and Institutions Code, relating to juveniles.

**ASSEMBLY BILL NO. 1946—Nava.** An act to amend Sections 10102 and 10103 of the Insurance Code, relating to residential property insurance.



**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 113—Levine and Jones**  
**(Principal coauthor: Senator Speier).** Relative to Spay Day USA 2006.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, February 2, 2006.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

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