

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 2, 2006**

**ONE HUNDRED THIRTY-NINTH SESSION DAY  
FOUR HUNDRED TWENTY-FOURTH 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  
Thursday, February 2, 2006

The Assembly met at 7 a.m.

Hon. Dennis Mountjoy, Assembly Member, 59th 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—62:

Aghazarian	Frommer	Leslie	Pavley
Arambula	Garcia	Levine	Plescia
Baca	Hancock	Lieber	Ridley-Thomas
Bass	Harman	Lieu	Runner
Benoit	Haynes	Liu	Ruskin
Berg	Horton, Shirley	Matthews	Saldaña
Bermúdez	Houston	Maze	Spitzer
Blakeslee	Huff	McCarthy	Torrico
Canciamilla	Jones	Mountjoy	Tran
Chavez	Karnette	Mullin	Umberg
Cogdill	Keene	Nakanishi	Vargas
Cohn	Koretz	Nation	Villines
De La Torre	La Malfa	Nava	Walters
DeVore	La Suer	Negrete McLeod	Wolk
Dymally	Laird	Niello	
Emmerson	Leno	Parra	

Quorum present.

**At 10:18 a.m., Hon. Dave Jones, 9th 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 Bogh, Chan, Chu, Coto, Goldberg, Jerome E. Horton, Klehs, Montañez, Núñez, Oropeza, Salinas, Strickland, and Yee.*

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

*To attend a funeral: Assembly Member Evans.*

*Because of illness: Assembly Members Calderon and Daucher.*

*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,

This letter is a request to be excused from Check-In-Session Thursday, February 2, 2006 for Legislative business.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member  
Sixty-fifth District

January 31, 2006

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

Dear Speaker Núñez: I am requesting to be excused for Check-In Session on Thursday, February 2, 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 31, 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 Thursday, February 2, 2006, so that I may be in the 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 CHU, PH.D., Assembly Member  
Forty-ninth 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 Check-In session due to Legislative Business in Los Angeles on Thursday, February 2, 2006.

If you have any questions please contact Victor Christy at 916-319-2023.

Sincerely,

JOE COTO, Assembly Member  
Twenty-third District

January 31, 2006

*Speaker Fabian Núñez  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: This letter is to request permission to be excused from session on Thursday, February 2, 2006. I will be speaking at the CA Adult Education Administrators' Association.

Should you have any questions please do not hesitate to contact my Executive Assistant, Bertha Mardueño at ext. 2045.

Sincerely,

JACKIE GOLDBERG, Assembly Member  
Forty-fifth District

January 31, 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 Thursday, February 2, 2006, due to legislative business in my district. I will be returning to Sacramento on Monday, February 6, 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 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

February 1, 2006

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

Dear Speaker Núñez: I would like to request that I be excused from check-in session on Thursday, February 2, 2006. I have district business to attend to.

Thank you for your attention to this matter. If you have any questions or comments please feel free to contact me at (916) 319-2018.

Sincerely,

JOHAN KLEHS, Assembly Member  
Eighteenth 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 check-in session on Thursday, February 2, 2006. I will be in my district on legislative business.

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

Sincerely,

CINDY MONTAÑEZ, Assembly Member  
Thirty-ninth District

February 2, 2006

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

Dear Dotson: This is to advise you that I will be in my district on Thursday, February 2 on legislative business.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

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 Check-in Session, on Thursday, February 2, due to obligations in the district.

Thank you for consideration of this request. Please contact Dennis Hall, of my office, if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member  
Fifty-fifth District

January 31, 2006

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

Dear Mr. Speaker: I am writing to respectfully request to be excused from Assembly Check-In on Thursday, February 2, 2006 due to a Monterey County "Farm Day Experience" tour in my District.

In addition, I would also like to respectfully request to be excused from Assembly Check-In on Monday, February 6, 2006.

If you have any questions regarding this request, please feel free to contact Jalene Romo in my Capitol Office at 319-2028.

Sincerely,

SIMÓN SALINAS, Assembly Member  
Twenty-eighth District

(NOTE: For letters explaining the absences of Assembly Members Strickland and Yee on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 1, 2006.)

#### COMMUNICATIONS

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

#### **Further Explanation of Absence—February 1, 2006**

February 1, 2006

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

Dear Mr. Speaker: I respectfully re-submit my request for an excuse for Assembly Check In Session on February 1, 2006, for legislative business in my District.

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

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 2, 2006

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

Assembly Bill No. 390

Assembly Bill No. 1129

And reports the same correctly enrolled, and presented to the Governor on the 2nd day of February, 2006, at 12:30 p.m.

E. DOTSON WILSON, Chief Clerk

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1947—Maze.** An act to amend Sections 21626 and 21647 of the Business and Professions Code, relating to pawnbrokers and dealers.

**ASSEMBLY BILL NO. 1948—Montanez.** An act to add Section 12693.414 to the Insurance Code, and to add Sections 14011.85 and 14011.86 to the Welfare and Institutions Code, relating to child health.

**ASSEMBLY BILL NO. 1949—Jerome Horton.** An act to amend Section 11172 of the Penal Code, relating to child abuse.

**ASSEMBLY BILL NO. 1950—Lieu.** An act to add Section 51220.7 to the Education Code, relating to pupil instruction.

**ASSEMBLY BILL NO. 1951—Montanez.** An act to amend Section 3515 of the Government Code, relating to public employment.

**ASSEMBLY BILL NO. 1952—Nation.** An act to amend Section 130301 of the Health and Safety Code, relating to health care.

**ASSEMBLY BILL NO. 1953—Chan.** An act to amend Section 116875 of the Health and Safety Code, relating to lead plumbing.

**ASSEMBLY BILL NO. 1954—Lieu.** An act to amend Section 530.5 of the Penal Code, relating to identity theft.

**ASSEMBLY BILL NO. 1955—Leslie.** An act to add Chapter 2.8 (commencing with Section 16180) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster care.

**ASSEMBLY BILL NO. 1956—Shirley Horton.** An act to add Chapter 3.7 (commencing with Section 120270) to Part 1 of Division 105 of the Health and Safety Code, relating to communicable diseases, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1957—Maze.** An act to add Section 640.9 to the Penal Code, relating to prohibited possession of paint.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 41—Nation.** Relative to immigrant children.

**AUTHOR'S AMENDMENTS**

**Committee on Governmental Organization**

February 2, 2006

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:  
Senate Bill No. 276

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

JEROME HORTON, Chair

**SENATE BILL NO. 276—**An act to add Section 23058 to the Business and Professions Code, relating to alcoholic beverages.

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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Monday, February 6, 2006.

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DARIO FROMMER, Majority Floor Leader

SUE PARKER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 2, 2006**

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

**SB RN**

276 0603135

**Daily Total: 1**

**Cumulative Total: 3073**

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