

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 9, 2006

**ONE HUNDRED FORTY-FIRST SESSION DAY
FOUR HUNDRED THIRTY-FIRST 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
Thursday, February 9, 2006

The Assembly met at 9:41 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member La Malfa moved a quorum call of the Assembly. Motion carried.

At 9:42 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 9:48 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—74:

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

PRAYER

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

Lord, You have given gifts to each of us from Your great variety of spiritual gifts. Help us manage them so that Your generosity can flow through us. If we are called to speak, let us speak as though You were speaking through us. If we are called to help others, let us do it with all the strength and energy that You supply. Then, indeed, You will be glorified.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Evans 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 Frommer, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Oropeza.

On personal business, and waiving per diem: Assembly Members De La Torre, Liu, Nation, and Torrico.

Due to travel delays: Assembly Member Cohn.

EXPLANATIONS OF ABSENCE

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

February 1, 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, Thursday, February 9 and Friday, February 10, 2006, due to legislative business in my district. If approved, this will necessitate my flying back to the district upon completion of the retreat in Monterey on Wednesday evening.

Thank you for your consideration of this request. Please contact my Chief of Staff Sharon Weissman, in my district office, if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member
Fifty-fifth District

COMMUNICATIONS

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

February 7, 2006

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

Dear Dotson: Please be advised that I appointed the following members to the Assembly Select Committee on Title IX:

Assemblymember Bonnie Garcia
Assemblymember Dave Jones
Assemblymember Sally Lieber
Assemblymember Fran Pavley

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

REPORTS

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2005-104
February 7, 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 Department of Education's (department) management of the California American Indian Education Center program (program).

This report concludes that, despite established guidance, the department has not adequately administered the program and consequently cannot ensure that the program is successfully meeting the goals established in law or the needs of the communities it serves. For example, the department has not consistently collected all the data from the California Indian Education centers (centers) required by law to measure their performance and cannot fully justify either its basis for initially selecting centers to receive funding or for determining the annual amount of funding it grants each center. Further, the department has not always been prompt in disbursing funds to the centers; and it lacks a monitoring process to ensure that centers spend funds appropriately, pursue program goals, and report accurate data.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Education.

California State Auditor

2005-119
February 9, 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 need for better state oversight for the safety of workers on the new San Francisco-Oakland Bay Bridge (Bay Bridge) project.

This report concludes that the Division of Occupational Safety and Health (division) of the Department of Industrial Relations did not discover the potential underreporting of injuries on the Skyway project of the Bay Bridge East Span replacement because it lacks procedures to ensure the reasonable accuracy of employers' annual injury reports. Based on information we reviewed, there are indications of 15 alleged injuries and an alleged illness potentially meeting recording criteria that are not included in the annual injury reports of the Skyway's prime contractor. Because there were conflicting positions presented to us and because we are not the entity that makes the determination whether an injury or illness is recordable, we notified the division of our concerns and it informed us that it opened a formal investigation into the matter. In addition, the division did not adequately follow up on three of the six complaints of hazardous conditions at the Skyway project. For example, because it used a compliance assistance approach to investigate an April 2004 complaint, the division did not issue citations for the two alleged serious violations it found. Finally, the California Department of Transportation sufficiently carried out its limited safety oversight role for the Skyway, but it could better emphasize safety by making its project safety coordinator position independent of construction managers and improving attendance of staff and managers at safety training and meetings.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Labor and Employment.

The following reports were presented by the Chief Clerk:

**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:**

Department of Industrial Relations, Ann Rose, Chief, Division of Administration, dated January 25, 2006;

California Tahoe Conservancy, Deborah Muncill, SSA, dated January 26, 2006;

California State Lands Commission, Annabell Abeleda, Contracts Officer, dated January 26, 2006;

Fair Employment and Housing Commission, Denise Choye, Administrative Services Manager, dated January 27, 2006;

Office of the State Public Defender, Mike Hersek, State Public Defender, dated January 31, 2006.

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:**

Department of Fair Employment and Housing, Juanita D. Harris, ABMA, Business Service Section, dated January 31, 2006.

Referred by the Speaker to the Committee on Veterans Affairs.

**Emergency Medical Services (EMS) Report
(Pursuant to Health and Safety Code Section 1797.98a) from:**

Ventura County, Judith C. Collinge, Accounting Officer, dated December 30, 2005;

Placer County, Theresa Wiech, Accountant Auditor, Financial Accounting Division, dated January 31, 2006;

Mariposa County, Charles B. Mosher, MD, MPH, Health Officer, dated February 6, 2006.

Referred by the Speaker to the Committee on Health.

**Annual DNA Identification Fund Report
(Pursuant to Government Code Section 761046) from:**

San Luis Obispo, Renae Rahe, Accounting Technician Confidential, dated January 17, 2006;

Lake County, B. Cleveland, Accountant 1, dated January 30, 2006.

Referred by the Speaker to the Committee on Public Safety.

**Notification of Proposition 98
for Fiscal Years 1995–96 through 2003–04
(Pursuant to Education Code Section 41207 (a))**

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.

**Progress Report on Securing Supplemental Sources of Water
to Augment Existing Supplies During Dry Years
(Pursuant to Assembly Bill 1823, Chapter 841, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Michael P. Carlin, Assistant General Manager, Water Enterprise, San Francisco Public Utilities Commission, dated January 30, 2006, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Annual Progress Report:
Achievements in Conservation, Recycling and Groundwater Recovery
(Pursuant to Senate Bill 60, Chapter 415, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Kathleen Cole, Legislative Representative, Metropolitan Water District of Southern California, dated January 31, 2006, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**California Developmental Disabilities Information System (CADDIS) Project
Second Quarter Monthly Status and Oversight Reports
(Pursuant to Senate Bill 77, Chapter 38, Statutes of 2005
Item 4300-001-0001, Provision 5)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated January 27, 2006, referred by the Speaker to the Committee on Budget.

**Unpaid Holocaust-Era Insurance Claims Status Report
July 2005 through December 2005
(Pursuant to Insurance Code Section 12967 (e))**

Above transmitted report, together with letter of transmittal from John Garamendi, Insurance Commissioner, Department of Insurance, dated January 30, 2006, referred by the Speaker to the Committee on Insurance.

**Study for Assembly Bill 2909 (Salinas)
Services for Infants and Toddlers Who Are Deaf or Hard of Hearing
(Pursuant to Assembly Bill 2909, Chapter 456, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 1, 2006, referred by the Speaker to the Committee on Education.

**Metropolitan Water District of Southern California
Complaint and Communications from its Member Public Agencies
Annual Report
(Pursuant to Senate Bill 1310, Chapter 155, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Debra Man, Interim CEO/General Manager, Metropolitan Water District of Southern California, dated January 31, 2006, referred by the Speaker to the Committee on Local Government.

**2005 Integrated Energy Policy Report
(Pursuant to Senate Bill 1389, Chapter 568, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Joseph F. Desmond, Chairman, California Energy Commission, dated January 25, 2006, referred by the Speaker to the Committee on Utilities and Commerce.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

<i>Bill No.</i>	<i>Committee</i>
1864 -----	L. Gov. and W.,P. & W.
1872 -----	Pub. S.
1875 -----	Trans.
1878 -----	Trans. and L. Gov.
1886 -----	Jud. and P.E.,R. & S.S.
1888 -----	Health and Higher Ed.
1891 -----	Pub. S.
1896 -----	Ed.
1897 -----	Jud.
1898 -----	Ins. and B. & F.
1900 -----	Pub. S.
1901 -----	Trans. and J., E.D. & E.
1902 -----	Jud.

1903	-----	Trans.
1904	-----	H. & C.D. and Jud.
1905	-----	J., E.D. & E. and V.A.
1907	-----	Hum. S.
1908	-----	Health
1909	-----	Ins.
1910	-----	Trans.
1911	-----	Pub. S.
1912	-----	L. & E.
1913	-----	Pub. S.
1914	-----	Rev. & Tax.
1915	-----	Trans.
1917	-----	Ed. and P.E.,R. & S.S.
1918	-----	Ed.
1919	-----	Jud.
1922	-----	Rev. & Tax.
1923	-----	V.A. and Higher Ed.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
110	----- Rls.
111	----- Trans.
112	----- Health

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 9, 2006

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

Assembly Concurrent Resolution No. 101

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Frommer announced his intention to request that Senate Bill No. 663 be removed from the inactive file.

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker pro Tempore Yee in extending best wishes to Assembly Member Mountjoy on the occasion of his birthday.

**REQUEST TO CONSIDER AND ACT ON BILLS
WITHIN 30 CALENDAR DAYS**

The following request was submitted:

Assembly Chamber, February 6, 2006

Mr. Speaker: I request permission to introduce a resolution providing that Senate Bill No. 1233 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

WILMA CHAN

Recommendation of Rules Committee

February 9, 2006

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member Chan for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 8(a), of the Constitution and suspending Joint Rule 55 as they pertain to Senate Bill No. 1233 be granted.

MONTAÑEZ, Chairman

**Resolution to Dispense with Article IV, Sec. 8(a) of the Constitution
and Suspend Joint Rule 55**

Resolved, That, pursuant to Article IV, Section 8(a) of the Constitution, Senate Bill No. 1233 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read, and adopted by the following vote:

AYES—70

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

NOES—None

Article IV, Section 8(a) of the Constitution was declared dispensed with, and Joint Rule 55 suspended.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Chan.

Resolved, That Senate Bill No. 1233 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—70

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

NOES—None

Article IV, Section 8(b) of the Constitution was declared dispensed with.

Second Reading of Senate Bill No. 1233

SENATE BILL NO. 1233—An act to amend Section 14133.23 of the Welfare and Institutions Code, and to amend Section 2 of Chapter 2 of the Statutes of 2006, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Senate Bill No. 1233 by Unanimous Consent

Assembly Member Chan was granted unanimous consent to take up Senate Bill No. 1233 without reference to file, for purpose of consideration.

SENATE BILL NO. 1233 (Perata)—An act to amend Section 14133.23 of the Welfare and Institutions Code, and to amend Section 2 of Chapter 2 of the Statutes of 2006, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Chan.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—71

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

NOES—2

DeVore Haynes

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—71

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

NOES—2

DeVore Haynes

Bill ordered transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE
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.

ANNOUNCEMENTS

Speaker pro Tempore Yee announced the following session schedule:
Friday, February 10, 2006, Check-in Session, 7 a.m.–3 p.m.;
Tuesday, February 14, 2006, Floor Session, 1:30 p.m.

ADJOURN IN MEMORY

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Betty Friedan, of Washington, D.C.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Koretz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Francis Montgomery, of Beverly Hills.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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” Peck, of Lone Pine.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Arambula was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donald Coleman, of Fresno.

Assembly Member Chan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mayor Chuck Corica, of Alameda and Samuel Golden, of Oakland.

Assembly Member Evans was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pfc. Caesar S. Viglienzone, of Santa Rosa.

Assembly Member Frommer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Maria Adoracion Martinez de Velazquez, of Glendale.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Drew Mattison, of San Diego.

Assembly Member Leslie was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donna M. Sweeney, of Diamond Springs.

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 Charlotte Ann Baggao Colton, of Goleta; Beverly Graham and Richard Reichel, of Santa Barbara.

Assembly Member Daucher was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frank Lee and Gilbert Tovar, of Anaheim; Alex Reyes, of Brea; Laura Snow Auston Hume, Helmut Klopsch, and Ruth Peters, of Fullerton; Grover A. "Al" Caldwell, of La Habra; Catherine Baxter, Jack Gomez, and Dorothy Kambak, of Placentia; and Rudy Sanderfer, of Yorba Linda.

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 Morgan J. Richardson, Arline Smith, and Betty J. Wright, of Davis; Pavittar Kaur Aujla, Robert Dean Hockanson, and Lilia D. McCauley, of Fairfield; Agnes Bartley, John P. Bera, John C. Cochran, Jr., Hilda A. Cole, and Caroline A. Littman, of Vacaville; and James Sam Watterson, of Woodland.

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 390

Assembly Member Frommer was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 390; and that the bill be held at the Desk.

LAST DAY TO CONSIDER GOVERNOR'S VETO

Pursuant to Joint Rule 58.5, Tuesday, February 7 was the last day to consider the Governor's veto of Assembly Bill No. 1003.

VOTE ADDS

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

Resolution to Invoke Constitution: Bermúdez, Canciamilla, Chu, Daucher, Shirley Horton, Houston, Huff, Keene, La Malfa, and Levine—Aye.

Senate Bill No. 1233 and Urgency: Hancock, Huff, Keene, and Levine—Aye.

MOTION TO ADJOURN

At 10:11 a.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:12 a.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. 1966—Garcia. An act to amend Section 51298 of the Government Code, relating to capital investment incentive programs.

ASSEMBLY BILL NO. 1967—Committee on Education (Goldberg (Chair), Arambula, Coto, Hancock, Huff, Liu, Mullin, Pavley, and Umberg). An act to amend Sections 42241.3 and 47660 of the Education Code, relating to school finance.

ASSEMBLY BILL NO. 1968—Leslie and Jones. An act to amend Section 76361 of the Education Code, relating to community colleges.

ASSEMBLY BILL NO. 1969—Chavez and Yee. An act to add Section 71038 to the Water Code, relating to municipal water districts.

ASSEMBLY BILL NO. 1970—Levine. An act to add Chapter 10.9 (commencing with Section 25945) to Division 15 of the Public Resources Code, relating to energy resources.

ASSEMBLY BILL NO. 1971—Chan. An act to amend Sections 1373.62 and 1373.622 of the Health and Safety Code, and to amend Sections 10127.15, 10127.16, and 12725 of the Insurance Code, relating to health care coverage, and making an appropriation therefor.

ASSEMBLY BILL NO. 1972—Daucher. An act to add Section 87605.5 to the Education Code, relating to community colleges.

ASSEMBLY BILL NO. 1973—Bermudez. An act to amend Section 337j of the Penal Code, relating to gaming.

ASSEMBLY BILL NO. 1974—Walters. An act to add Section 149.7 to the Streets and Highways Code, relating to highways.

ASSEMBLY BILL NO. 1975—Walters. An act to amend Section 50120 of the Financial Code, relating to residential mortgage lenders.

ASSEMBLY BILL NO. 1976—Nava and Chan. An act to amend Section 45452 of the Education Code, to amend Section 1463.21 of the Penal Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1977—Harman. An act to amend Sections 1788.11, 1788.17, and 1788.32 of the Civil Code, relating to debt collection.

ASSEMBLY BILL NO. 1978—Walters. An act to amend Sections 129048 and 130060 of the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 1979—Bass. An act to amend Section 1522.03 of the Health and Safety Code, relating to community care facilities.

ASSEMBLY BILL NO. 1980—Bass. An act to amend Section 830.7 of the Penal Code, relating to powers of arrest.

ASSEMBLY BILL NO. 1981—Bass. An act to add Chapter 4 (commencing with Section 4360) to Title 4 of Part 3 of the Penal Code, relating to recidivism.

ASSEMBLY BILL NO. 1982—Bass. An act to amend Section 11363 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

ASSEMBLY BILL NO. 1983—Bass. An act to amend Section 11403 of the Welfare and Institutions Code, relating to foster children, and making an appropriation therefor.

ASSEMBLY BILL NO. 1984—Harman. An act to amend Section 31520.1 of the Government Code, relating to county employees' retirement systems.

ASSEMBLY BILL NO. 1985—Daucher. An act to amend Section 51705.3 of the Education Code, relating to online instruction.

ASSEMBLY BILL NO. 1986—De La Torre. An act to amend Section 10704 of the Public Contract Code, relating to contracts.

ASSEMBLY BILL NO. 1987—Nava. An act to add Section 4658.7 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 1988—Coto. An act to add Section 33328.5 to the Education Code, relating to English learners.

ASSEMBLY BILL NO. 1989—Garcia. An act to amend Sections 2895 and 2896 of the Public Utilities Code, relating to telecommunications.

ASSEMBLY BILL NO. 1990—Walters. An act to add Section 1240.060 to the Code of Civil Procedure, relating to eminent domain.

ASSEMBLY BILL NO. 1991—Saldana. An act to amend Section 5007 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1992—Canciamilla. An act to amend Sections 117555 and 117560 of, and to repeal and add Section 117550 of, the Health and Safety Code, relating to solid waste.

ASSEMBLY BILL NO. 1993—Nakanishi. An act to add and repeal Section 204.5 to the Code of Civil Procedure, relating to jurors.

ASSEMBLY BILL NO. 1994—Leslie. An act to amend Section 123115 of the Health and Safety Code, relating to health records.

ASSEMBLY BILL NO. 1995—Koretz. An act to amend Section 71660 of the Government Code, relating to trial court employees.

ASSEMBLY BILL NO. 1996—Bogh. An act to amend Section 782 of the Evidence Code, relating to testimony.

ASSEMBLY BILL NO. 1997—Cogdill. An act to add and repeal Section 44099 to the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 1998—Chan. An act to add Section 3055 to the Penal Code, relating to parole.

ASSEMBLY BILL NO. 1999—Torrico. An act to add Section 139 to the Health and Safety Code, and to add Sections 6051.8 and 6201.7 to the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 2000—La Malfa. An act to add Part 1.5 (commencing with Sec. 8250) to Division 5 of the Water Code, relating to levees.

ASSEMBLY BILL NO. 2001—Cogdill. An act to amend and repeal Sections 30142, 30168, and 30182 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 2002—La Malfa. An act to add Section 1978 to the Streets and Highways Code, relating to highway signs.

ASSEMBLY BILL NO. 2003—Karnette (Coauthor: Yee). An act to add Chapter 6.4 (commencing with Section 52059.1) to Part 28 of the Education Code, and to add Chapter 3 (commencing with Section 5884.10) to Part 4 of Division 5 of the Welfare and Institutions Code, relating to pupils.

ASSEMBLY BILL NO. 2004—Karnette (Coauthor: Yee). An act to add Section 14011.95 to the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 2005—Emmerson. An act to amend Section 6254.24 of the Government Code, and to amend Section 1808.4 of the Vehicle Code, relating to records.

ASSEMBLY BILL NO. 2006—La Malfa. An act to add Section 305.2 to the Welfare and Institutions Code, relating to dependent children.

ASSEMBLY BILL NO. 2007—Nava. An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2008—Haynes. An act to amend Section 1167.4 of the Code of Civil Procedure, relating to evictions.

ASSEMBLY BILL NO. 2009—Wolk. An act to amend Sections 33054 and 47605 of the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 2010—Plescia (Principal coauthor: Walters) (Coauthors: Aghazarian and Benoit). An act to amend Sections 17072, 17215, and 19184 of, and to add Sections 17138.5, 17138.6, and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 2011—Vargas. An act to add Section 53601.8 to the Government Code, relating to local agency investments.

ASSEMBLY BILL NO. 2012—Emmerson. An act to amend Section 1367.18 of the Health and Safety Code, and to amend Section 10123.7 of the Insurance Code, relating to health care coverage.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 114—Coto, Chu, Baca, and Ridley-Thomas (Coauthors: Calderon, Chan, Chavez, De La Torre, Dymally, Jerome Horton, Lieu, Montanez, Nava, Oropeza, Pavley, Ruskin, Saldana, Salinas, Torrico, and Yee) (Coauthors: Senators Alarcon, Cedillo, Escutia, Migden, and Torlakson). Relative to a Legislative Task Force on Diabetes and Obesity.

ASSEMBLY CONCURRENT RESOLUTION NO. 115—Coto (Coauthor: Senator Escutia). Relative to Cesar Chavez Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 116—Blakeslee. Relative to state employee merit awards.

AUTHOR'S AMENDMENTS**Committee on Health**

February 9, 2006

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

Senate Bill No. 912

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

CHAN, Chair

SENATE BILL NO. 912—An act to amend Section 14105.19 of the Welfare and Institutions Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

AUTHOR'S AMENDMENTS**Committee on Health**

February 9, 2006

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

Senate Bill No. 397

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

CHAN, Chair

SENATE BILL NO. 397—An act to add Section 11174.11 to the Penal Code, relating to elder death.

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 Transportation**

February 9, 2006

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

Assembly Concurrent Resolution No. 105

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

OROPEZA, Chair

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

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

AUTHOR'S AMENDMENTS
Committee on Public Safety

February 9, 2006

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Joint Resolution No. 28

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

LENO, Chair

ASSEMBLY JOINT RESOLUTION NO. 28—Relative to Mexican extradition.

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

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: February 9, 2006

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 101

House Resolution No. 26

With the recommendation: Be adopted.

MONTAÑEZ, Chair

Above resolutions ordered to third reading.

Date of Hearing: February 9, 2006

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 109

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

MONTAÑEZ, Chair

Above resolution ordered to the Consent Calendar.

Date of Hearing: February 9, 2006

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 64

With the recommendation: Be adopted.

MONTAÑEZ, Chair

Above resolution ordered to third reading.

Date of Hearing: February 9, 2006

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 65

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

MONTAÑEZ, Chair

Above resolution ordered to the Consent Calendar.

INTRODUCTION OF GUESTS

Assembly Members Dymally and Jerome Horton introduced Councilman Curren Price, of Inglewood.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 7 a.m., Friday, February 10, 2006, out of respect to the memory of Betty Friedan, on motion of Assembly Member Berg; out of respect to the memory of Francis Montgomery, on motion of Assembly Member Koretz; out of respect to the memory of Gerry Sandidge and Truman "Kirk" Peck, on motion of Assembly Member Maze; out of respect to the memory of Donald Coleman, on motion of Assembly Member Arambula; out of respect to the memory of Mayor Chuck Corica and Samuel Golden, on motion of Assembly Member Chan; out of respect to the memory of Pfc. Caesar S. Viglienzzone, on motion of Assembly Member Evans; out of respect to the memory of Maria Adoracion Martinez de Velazquez, on motion of Assembly Member Frommer; out of respect to the memory of Dr. Drew Mattison, on motion of Assembly Member Leno; out of respect to the memory of Donna M. Sweeney, on motion of Assembly Member Leslie; out of respect to the memory of Charlotte Ann Baggao Colton, Beverly Graham, and Richard Reichel, on motion of Assembly Member Nava; out of respect to the memory of Frank Lee, Gilbert Tovar, Alex Reyes, Laura Snow Auston Hume, Helmut Klopsch, Ruth Peters, Grover A. "Al" Caldwell, Catherine Baxter, Jack Gomez, Dorothy Kambak, and Rudy Sanderfer, on motion of Assembly Member Daucher; and out of respect to the memory of Morgan J. Richardson, Arline Smith, Betty J. Wright, Pavittar Kaur Aujla, Robert Dean Hockanson, Lilia D. McCauley, Agnes Bartley, John P. Bera, John C. Cochran, Jr., Hilda A. Cole, Caroline A. Littman, and James Sam Watterson, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 9, 2006**

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

ACR RN
105 0605519

AJR RN
28 0605512

SB RN
397 0605505
912 0605426

Daily Total: 4
Cumulative Total: 3078

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