

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 10, 2006

**ONE HUNDRED FORTY-SECOND SESSION DAY
FOUR HUNDRED THIRTY-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
Friday, February 10, 2006

The Assembly met at 6 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—48:

Aghazarian	Goldberg	Lieu	Runner
Baca	Hancock	Matthews	Ruskin
Berg	Haynes	Maze	Saldaña
Bermúdez	Houston	Mullin	Salinas
Blakeslee	Huff	Nakanishi	Spitzer
Calderon	Jones	Nation	Strickland
Chan	Karnette	Nava	Tran
Chavez	Keene	Negrete McLeod	Vargas
Cohn	Klehs	Niello	Villines
De La Torre	La Suer	Pavley	Walters
Emmerson	Leno	Plescía	Yee
Garcia	Leslie	Richman	Mr. Speaker

Quorum present.

At 10:46 a.m., Hon. Mark Leno, 13th 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 Arambula, Bass, Benoit, Bogh, Chu, Cogdill, DeVore, Dymally, Frommer, Harman, Jerome E. Horton, Koretz, La Malfa, Laird, Levine, Lieber, McCarthy, Montañez, Oropeza, Parra, Ridley-Thomas, and Umberg.

On legislative business, per diem waived for the 2005–2006 Session (See Assembly Journal, page 63): Assembly Member Wolk.

On personal business, and waiving per diem: Assembly Members Shirley Horton, Liu, Torrico, and Wyland.

To attend a funeral in the District: Assembly Member Canciamilla.

Because of illness: Assembly Members Coto, Daucher, and Mountjoy.

Because of illness in her family: Assembly Member Evans.

EXPLANATIONS OF ABSENCE

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

February 10, 2006

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

Dear Speaker Núñez: Although I was in my Capitol office for several meetings this morning, I inadvertently forgot to check in at the desk. I respectfully request to be excused from session due to legislative business.

Thank you for your consideration of this matter. Feel free to contact Mercedes Flores from my office at 319-2031.

Sincerely,

JUAN ARAMBULA, Assembly Member
Thirty-first District

January 4, 2006

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

Dear Speaker Núñez: Please grant me a waiver from session for February 10, 2006, to conduct legislative business.

If you have any question regarding this request, please contact my Chief of Staff, Nolice Edwards at 319-2047.

Sincerely,

KAREN BASS, Assembly Member
Forty-seventh District

February 7, 2006

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

Dear Speaker Núñez,

Please excuse me from check-in session on Friday, February 10, 2006 as I will be in my district attending to legislative business.

Should you have any questions please contact me or my Capitol Director, David Duran, at (916) 319-2064.

Sincerely,

JOHN J. BENOIT, Assembly Member
Sixty-fourth District

February 6, 2006

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

Dear Assembly Speaker Núñez,

This letter serves to request to be excused from session on Friday February 10, 2006 for legislative business.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member
Sixty-fifth District

February 8, 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 Friday, February 10, 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 CHU, PH.D., Assembly Member
Forty-ninth District

January 31, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from check in session on Friday, February 10, 2006. I will be in my district on legislative business.

Thank you for your consideration of this request. If you have any questions, please contact me at 319-2025.

Sincerely,

DAVE COGDILL, Assembly Member
Twenty-fifth District

February 10, 2006

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

Dear Mr. Speaker: While I was in the Capitol this morning I forgot to check-in and did not make the roll call. I respectfully request authorization to be excused from check-in session today, Friday, February 10, 2006 for legislative business.

Thank you for your consideration of my request.

Sincerely,

CHUCK DE VORE, Assembly Member
Seventieth District

February 9, 2006

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

Dear Mr. Speaker,

I respectfully request authorization to be excused from checking in on Friday, February 10, 2006 for legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

MERVYN M. DYMALLY, Assembly Member
Fifty-second District

February 7, 2006

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

Dear Mr. Speaker: I respectfully request an excuse for Assembly Check In Session on February 10, 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

January 23, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from Floor Session in Sacramento on Friday, February 10, 2006 due to legislative business in the district.

If you have any questions, please contact Braeden Huusfeldt at 916 319-2067.

Thank you for your consideration of this request.

Sincerely,

TOM HARMAN, Assembly Member
Sixty-seventh District

February 7, 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 Friday, February 10, 2006, due to legislative business. I will be returning to Sacramento on Tuesday, February 14, 2006, in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you have any questions, I can be reached at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

February 7, 2006

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

Dear Speaker Núñez: I respectfully ask permission to be excused from Check-in Session, Friday, February 10, 2006 due to legislative business in my district. If you have any questions or concerns please contact Jeanette Garcia in my office at 319-2042.

Sincerely,

PAUL KORETZ, Assembly Member
Forty-second District

January 4, 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 check-in session on Friday, February 10, 2006. I will be in my district attending to legislative business.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

DOUG LA MALFA, Assembly Member
Second District

February 7, 2006

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

Dear Speaker Núñez: This letter is to request permission to be excused from Check-In Session on Friday, February 10, 2006, due to legislative business in my district.

Thank you for your consideration of this request. Should you have any questions, please feel free to contact me at 916/319-2027.

Sincerely,

JOHN LAIRD, Assembly Member
Twenty-seventh District

February 10, 2006

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

Dear Mr. Speaker: I respectfully request that I be excused from check-in/session on Friday, February 10, 2006 as I have legislative business to attend to in my district.

Should you have any questions please contact my office.

Sincerely,

LLOYD LEVINE, Assembly Member
Fortieth District

February 8, 2006

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

Dear Mr. Speaker: I would like to be excused from session on February 10, 2006 due to legislative business in the district.

If you have any questions, please contact my Chief of Staff, Cory Jaspersen at 319-2022.

Sincerely,

SALLY J. LIEBER, Assembly Member
Twenty-second District

February 2, 2006

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

Dear Mr. Speaker,

This letter is to respectfully request an excuse from check-in session on February 10, 2006. I will be in the district on legislative business.

If you have any questions, please call me at 319-2032.

Thank you for your prompt attention.

Sincerely,

KEVIN MCCARTHY, Assembly Member
Thirty-second District

February 7, 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 Friday, February 10, 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

January 25, 2006

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

Dear Speaker Núñez: Due to important legislative business in the district, I respectfully request permission to miss session on Friday, February 10, 2006.

Should you have any questions or need additional information please contact Cynthia Leon at 319-2030.

Sincerely,

NICOLE M. PARRA, Assembly Member
Thirtieth District

February 9, 2006

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

Dear Mr. Speaker: I write to request permission to be excused from Check-in Session on Friday, February 10, 2006. I have an urgent legislative matter that I must attend to in my District.

Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Lourdes Machado at (916) 318-2048.

With hope,

MARK RIDLEY-THOMAS, Assembly Member
Forty-eighth District

February 6, 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 Friday, February 10, 2006 for legislative business in my district.

If you have questions or concerns about this request, please contact me or 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

February 10, 2006

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

Dear Speaker Núñez: I respectfully request to be excused from check-in session today, February 10, 2006, due to legislative business in my district.

If you have any questions or concerns, please contact Jenn Short, my scheduler, at 319-2008.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

(NOTE: For letter explaining the absence of Assembly Member Oropeza on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 9, 2006.)

COMMUNICATIONS

The following communication was presented by the Chief Clerk from:

Cliff Allenby, Interim Director, Department of Social Services, dated February 1, 2006, relative to delays in submitting reports on the New Foster Care Group Home Requirements/Increases in Industry's Costs (pursuant to Senate Bill 370, Chapter 1294, Statutes of 1989) and the CalWORKs Sanction report (pursuant to Senate Bill 1104, Chapter 229, Statutes of 2004).

Referred by the Speaker to the Committee on Human Services.

REPORTS

The following reports were presented by the Chief Clerk:

**Department of Pesticide Regulation's Risk Assessment Report
(Pursuant to Supplemental Report to the 2005 Budget Act
Item 3930-001-0001)**

Above transmitted report, together with letter of transmittal from Mary-Ann Warmerdam, Director, Department of Pesticide Regulation, dated December 30, 2005, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Efficiencies Achieved through Reorganization
Quarterly Report July 2005 through December 2005
(Pursuant to Budget Act 2005, Item 5225-001-0001, (2))**

Above transmitted report, together with letter of transmittal from Roderick Q. Hickman, Secretary, Department of Corrections and Rehabilitation, dated February 6, 2006, referred by the Speaker to the Committee on Public Safety.

**Workers' Compensation and Disability Retirement within the CHP
(Pursuant to Budget Act 2005, Item 2720-001-0044)**

Above transmitted report, together with letter of transmittal from M. L. Brown, Commissioner, Department of California Highway Patrol, dated February 6, 2006, referred by the Speaker to the Committee on Transportation.

**Effects of the Implementation of Proposition 227 on
the Education of English Learners, K–12
(Pursuant to Assembly Bill 56, Chapter 1009, Statutes of 1999 and
Assembly Bill 1116, Chapter 71, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 3, 2006, referred by the Speaker to the Committee on Education.

**Annual Report of
the California DUI Management Information System
(Pursuant to Assembly Bill 757, Chapter 450, Statutes of 1989)**

Above transmitted report, together with letter of transmittal from Ken Miyao, Chief Deputy Director, Department of Motor Vehicles, dated February 7, 2006, referred by the Speaker to the Committee on Transportation.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 10, 2006

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

Assembly Concurrent Resolution No. 109

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, February 10, 2006

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

Assembly Concurrent Resolution No. 105

Assembly Joint Resolution No. 28

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 2013—Saldana (Principal coauthor: Senator Figueroa).

An act to add Section 25763 to the Business and Professions Code, and to amend Section 32230 of the Revenue and Taxation Code, relating to alcoholic beverages, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2014—Berg and Daucher. An act to amend Sections 4362.5, 4364, 4364.5, 4367.5, 4368.5, 4521, 4521.5, 4521.6, 9000, 9002, 9011, 9012, 9100, 9115, 9116, 9118.5, 9591, 9660, 9665, 9710.5, 9757.5, 12303, 12303.7, 12304, 14552.2, 14554, 14573, 14574, 14574.1, 14575, 14585, 15301, 15325, 15610.50, 15630, 15653, 15658, 15763, 18326, 18327.3, 18330, 18331, 18332, 19800, 19801, 19805, 19806, and 22008 of, and to add Sections 12300.3, 15750.1 and 19802.5 to, the Welfare and Institutions Code, relating to programs for the seniors and independent adults.

ASSEMBLY BILL NO. 2015—Lieu (Coauthor: Koretz) (Coauthor: Senator Kuehl). An act to amend Section 40420 of the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 2016—Haynes. An act to add Section 15627 to, and to repeal Part 10 (commencing with Section 15700) of Division 3 of Title 2 of, the Government Code, and to add Section 20.5 to the Revenue and Taxation Code, relating to governmental organization.

ASSEMBLY BILL NO. 2017—Dymally. An act to amend Sections 69432.7, 69515, and 69561 of the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 2018—Saldana. An act relating to water districts.

AUTHOR'S AMENDMENTS
Committee on Governmental Organization

February 10, 2006

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:
Senate Bill No. 506

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

JEROME HORTON, Chair

SENATE BILL NO. 506—An act to amend Section 2194 of, and to add Section 2166.7 to, the Elections Code, and to amend Section 6254.24 of, and to add and repeal Section 12016.1 of, the Government Code, and to add and repeal Section 11105.06 of the Penal Code, relating to public officials and Homeland Security.

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 Elections and Redistricting

February 10, 2006

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:
Assembly Concurrent Resolution No. 72

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

UMBERG, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 72—Relative to Voter Awareness Week.

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

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

Senate Bill No. 663, on request of Assembly Member Frommer.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 1:30 p.m., Tuesday, February 14, 2006.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 10, 2006**

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

ACR RN

72 0605486

SB RN

506 0605411

Daily Total: 2

Cumulative Total: 3080

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