

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 15, 2006

**ONE HUNDRED FORTY-FOURTH SESSION DAY
FOUR HUNDRED THIRTY-SEVENTH 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
Wednesday, February 15, 2006

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th 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—74:

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

Quorum present.

At 1:11 p.m., Hon. Greg Aghazarian, 26th 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 Calderon, Harman, Houston, Spitzer, and Yee.

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

EXPLANATIONS OF ABSENCE

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

February 15, 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 15, 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

*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 Wednesday, February 15 through Friday, February 17, 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 14, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Wednesday, February 15, 2006 in order to conduct legislative business in my district.

If you have any questions, please contact Gerrit Buddingh in my office at 319-2015.

Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

January 24, 2006

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

Dear Mr. Speaker: I would like to be excused from check-in session on Wednesday, February 15, 2006 for legislative business in my district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member
Seventy-first District

January 14, 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 15, 2006. 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 Speaker, and ordered printed in the Journal:

February 15, 2006

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

RE: Appointment of Kay Buck and Angelica Salas
to California Alliance to Combat Trafficking & Slavery Task Force

Dear Mr. Wilson: Please be advised I have appointed Ms. Kay Buck and Ms. Angelica Salas to the California Alliance to Combat Trafficking & Slavery Task Force. These are pleasure appointments starting February 15, 2006.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Patricia Galvan, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated February 3, 2006, February 6, 2006, February 9, 2006, and February 10, 2006, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Waiting Period and Parental Notification
Before Termination of Minor's Pregnancy.**

Initiative Constitutional Amendment. SA 2005RF0132, Amdt. #1-S

Referred by the Speaker to the Committee on Judiciary.

**Government Acquisition, Regulation of Private Property.
Initiative Constitutional Amendment. SA 2005RF0133**

Referred by the Speaker to the Committee on Housing and Community Development.

**Waiting Period and Parental Notification
Before Termination of Minor's Pregnancy.**

Initiative Constitutional Amendment. SA 2005RF0136

Referred by the Speaker to the Committee on Judiciary.

**Alternative Energy. Research, Production, Incentives.
Tax on California Oil.**

**Initiative Constitutional Amendment and Statute.
SA 2005RF0137, Amdt. #2-S**

Referred by the Speaker to the Committees on Natural Resources, Utilities and Commerce, and Revenue and Taxation.

**Alternative Energy. Research, Production, Incentives.
Tax on California Oil.**

**Initiative Constitutional Amendment and Statute.
SA 2005RF0138, Amdt. #2-S**

Referred by the Speaker to the Committees on Natural Resources, Utilities and Commerce, and Revenue and Taxation.

Tax on Cigarettes.

**Initiative Constitutional Amendment and Statute.
SA 2005RF0139, Amdt. #1-NS**

Referred by the Speaker to the Committees on Governmental Organization, Health, and Revenue and Taxation.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 15, 2006

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

Assembly Concurrent Resolution No. 110

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, February 15, 2006

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

Assembly Bill No. 1797

Assembly Bill No. 1798

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 15, 2006

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

Assembly Constitutional Amendment No. 19

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, February 15, 2006

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

Assembly Concurrent Resolution No. 72

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:

Select Committee on Prison Construction and Operations, on Thursday, February 22, 2006, at 6 p.m., in the City of Norwalk;

Joint Legislative Committee on Emergency and Homeland Security, on Friday, March 17, 2006, at 9 a.m., in Room 4203;

Select Committee on Air and Water Quality, on Tuesday, March 21, 2006, at 9:30 a.m., in Room 127;

Budget Subcommittee No. 2 on Education, on March 7, 2006, at 2:45 p.m., in Room 447.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 2043—Committee on Banking and Finance (Calderon (Chair), Niello (Vice Chair), Chavez, Jerome Horton, La Malfa, Lieu, Parra, Ruskin, Tran, and Vargas). An act to amend Section 1788.2 of the Civil Code, relating to debt collection.

ASSEMBLY BILL NO. 2044—Cogdill. An act to add Chapter 9.5 (commencing with Section 121072) to Part 4 of Division 105 of the Health and Safety Code, relating to biological specimen testing.

ASSEMBLY BILL NO. 2045—Parra. An act to amend Sections 17070.15, 17070.63, and 17075.15 of, and to add Section 17070.64 to, the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 2046—Coto. An act to amend Section 37202 of, to amend and repeal Sections 8973, 46111, 46117, 46118, and 46119 of, and to amend, repeal, and add Sections 46112 and 46114 of, the Education Code, relating to kindergartens.

ASSEMBLY BILL NO. 2047—Huff. An act to amend Section 47614.5 of the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 2048—Oropeza. An act to add Section 53123 to the Government Code, relating to local emergency telephone systems.

ASSEMBLY BILL NO. 2049—Spitzer and Bogh (Coauthors: Daucher, Garcia, Haynes, Huff, La Suer, Nakanishi, Sharon Runner, Strickland, Tran, and Wyland) (Coauthors: Senators Battin, Cox, and Dutton). An act to amend Section 311.11 of the Penal Code, relating to obscene matter.

ASSEMBLY BILL NO. 2050—Canciamilla. An act to amend Section 48802 of the Education Code, relating to pupils.

ASSEMBLY BILL NO. 2051—Cohn. An act to amend Sections 298 and 298.5 of the Family Code, to amend Section 124250 of the Health and Safety Code, to amend Sections 13519, 13823.15, and 13823.16 of, and to add Section 13823.17 to, the Penal Code, relating to domestic violence, and making an appropriation therefor.

ASSEMBLY BILL NO. 2052—Haynes. An act relating to economic development.

ASSEMBLY BILL NO. 2053—Strickland. An act to add Section 66010.9 to the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 2054—Shirley Horton. An act to amend Section 44280 of, and to add Section 44280.5 to, the Education Code, relating to certified personnel.

ASSEMBLY BILL NO. 2055—Tran. An act to amend Section 84752 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2056—Aghazarian. An act to amend Section 120262 of the Health and Safety Code, relating to public health.

ASSEMBLY BILL NO. 2057—Cogdill. An act to add Section 11379.4 to the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 2058—Cohn. An act to amend Section 288 of the Penal Code, relating to sex offenses.

ASSEMBLY BILL NO. 2059—Berg. An act to amend Sections 16809 and 16809.4 of the Welfare and Institutions Code, relating to county health services.

ASSEMBLY BILL NO. 2060—De La Torre (Principal coauthor: Torrico). An act to add Sections 12089, 12089.1, 12089.2, 12089.3, 12089.4, 12089.5, 12089.6, and 12089.7 to the Government Code, relating to naturalization services.

ASSEMBLY BILL NO. 2061—Richman. An act to amend Sections 11751.1 and 11751.5 of, and to add Section 11752.75 to, the Insurance Code, and to amend Sections 62.5 and 90.3 of the Labor Code, relating to workers' compensation, and making an appropriation therefor.

ASSEMBLY BILL NO. 2062—Richman. An act to amend Sections 330 and 365 of, to add Section 330.1 to, and to add and repeal Section 366 of, the Public Utilities Code, relating to electricity.

ASSEMBLY BILL NO. 2063—Richman. An act to add Section 52455 to the Education Code, relating to career technical education.

ASSEMBLY BILL NO. 2064—Aghazarian. An act to amend Section 340.2 of the Code of Civil Procedure, relating to civil actions.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY JOINT RESOLUTION NO. 42—Aghazarian, Frommer, and Liu (Principal coauthors: Senators Poochigian, Scott, Simitian, and Speier). Relative to the Armenian Genocide.

ASSEMBLY JOINT RESOLUTION NO. 43—Leno. Relative to reauthorization of the federal Voting Rights Act of 1965.

**REPORTS OF STANDING COMMITTEES
Committee on Budget**

Date of Hearing: February 15, 2006

Mr. Speaker: Your Committee on Budget reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1801 | Assembly Bill No. 1810 |
| Assembly Bill No. 1802 | Assembly Bill No. 1811 |
| Assembly Bill No. 1803 | Assembly Bill No. 1812 |
| Assembly Bill No. 1804 | Assembly Bill No. 1813 |
| Assembly Bill No. 1805 | Assembly Bill No. 1814 |
| Assembly Bill No. 1806 | Assembly Bill No. 1815 |
| Assembly Bill No. 1807 | Assembly Bill No. 1816 |
| Assembly Bill No. 1808 | Assembly Bill No. 1817 |
| Assembly Bill No. 1809 | |

With the recommendation: Do pass.

LAIRD, Chair

Above bills ordered to second reading.

Date of Hearing: February 15, 2006

Mr. Speaker: Your Committee on Budget reports:

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|------------------------|------------------------|
| Assembly Bill No. 1818 | Assembly Bill No. 1825 |
| Assembly Bill No. 1819 | Assembly Bill No. 1826 |
| Assembly Bill No. 1820 | Assembly Bill No. 1827 |
| Assembly Bill No. 1821 | Assembly Bill No. 1828 |
| Assembly Bill No. 1822 | Assembly Bill No. 1829 |
| Assembly Bill No. 1823 | Assembly Bill No. 1830 |
| Assembly Bill No. 1824 | |

With the recommendation: Do pass.

LAIRD, Chair

Above bills ordered to second reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, February 16, 2006.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk