

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, February 17, 2006**

**ONE HUNDRED FORTY-SIXTH SESSION DAY  
FOUR HUNDRED THIRTY-NINTH 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  
Friday, February 17, 2006

The Assembly met at 6 a.m.

Hon. Ed Chavez, Assembly Member, 57th 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—51:

Aghazarian	DeVore	Koretz	Nakanishi
Arambula	Dymally	La Malfa	Nava
Benoit	Emmerson	La Suer	Negrete McLeod
Berg	Evans	Leno	Niello
Bermúdez	Garcia	Leslie	Parra
Bogh	Goldberg	Lieber	Salinas
Calderon	Hancock	Lieu	Spitzer
Canciamilla	Haynes	Liu	Tran
Chavez	Houston	Matthews	Umberg
Cogdill	Huff	Maze	Vargas
Cohn	Jones	Montañez	Villines
Coto	Karnette	Mountjoy	Walters
De La Torre	Klehs	Mullin	

Quorum present.

**At 11:05 a.m., Hon. Cindy Montañez, 39th 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, Bass, Blakeslee, Chan, Chu, Daucher, Frommer, Harman, Jerome E. Horton, Shirley Horton, Keene, Laird, Levine, McCarthy, Nation, Núñez, Oropeza, Pavley, Plescia, Richman, Ruskin, Saldaña, Strickland, and Yee.*

*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 Ridley-Thomas, Torrico, and Wyland.*

*Because of illness: Assembly Member Runner.*

**EXPLANATIONS OF ABSENCE**

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

February 9, 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 Friday, February 17, 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 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 17, 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 6, 2006

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

Dear Speaker Núñez: I am requesting to be excused from Floor Session or Check-In Session on Friday, February 17, 2006 due to Universal Preschool legislative briefings taking place in Los Angeles.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

February 15, 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 17, 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

February 6, 2006

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

Dear Speaker Núñez: I hereby request that I be excused from check-in session on Friday, February 17, 2006 to return to my District for legislative business.

Please contact me at 319-2072 with any questions. Thank you.

Sincerely,

LYNN DAUCHER, Assembly Member  
Seventy-second District

February 14, 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 17, 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

February 14, 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 absent on Friday, February 17, 2006 for check in due to legislative business in my district. I will be returning to Sacramento on Tuesday, February 21, 2006, in time for Assembly Floor Session upon call of the Speaker.

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 17, 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 on Friday, February 17, 2006 due to legislative business in my district.

Please feel free to contact me regarding any requests or concerns you may have. Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY HORTON, Assembly Member  
Seventy-eighth District

February 16, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Friday, February 17 2006, due to legislative business in my district.

Please contact Melanie Perron in my Capitol office with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

RICK KEENE, Assembly Member  
Third District

February 9, 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 17, 2006 to participate in the South Coast Air Quality Management District 1st Annual Conference in Los Angeles. I will be part of a panel discussion that will explore solutions to asthma and air pollution challenges.

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

Sincerely,

JOHN LAIRD, Assembly Member  
Twenty-seventh District

February 6, 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 17, 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 10, 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 17, 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 14, 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 17, 2006 due to legislative meetings scheduled in my district office.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

February 7, 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 Friday, February 17, 2006, on legislative business.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 14, 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, Friday, February 17, 2006 due to legislative business in the district.

Thank you for consideration of this request. Please contact my Chief of Staff, Sharon Weissman in my district office at 310-518-3324 if you have any questions regarding this matter.

Sincerely,

JENNY OROPEZA, Assembly Member  
Fifty-fifth District

January 4, 2006

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

Dear Speaker Núñez: This letter is to request permission to be excused from Session on Friday, February 17, 2006. I would be attending to legislative business in Los Angeles.

Thank you for your consideration.

Sincerely,

FRAN PAVLEY, Assembly Member  
Forty-first District

February 14, 2006

*Hon. Fabian Núñez*  
*Speaker of the Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from check-in session February 17, 2006. I have legislative business in my district.

If you have any questions regarding this request, please feel free to contact Beth Helmsin in my office at 319-2075.

Sincerely,

GEORGE A. PLESCIA, Assembly Member  
Seventy-fifth District

February 14, 2006

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

Dear Speaker Núñez: I respectfully request that I be excused from check-in Friday, February 17, 2006, so that I can attend to legislative business in my district.

Thank you for your consideration in this matter. If you should have any questions, please call Connie in my capitol office any time at 916-319-2038.

Sincerely,

KEITH S. RICHMAN, M.D., Assembly Member  
Thirty-eighth District

February 9, 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 Floor Session on Friday, February 17, 2006 due to legislative business in my district.

If your staff should have any additional questions please feel free to contact Traci Holt at 916-319-2021.

Respectfully,

IRA RUSKIN, Assembly Member  
Twenty-first 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 check-in session on Friday, February 17, 2006 in order to tend to legislative business in my district.

I appreciate and thank you for your consideration of this request.

Sincerely,

LORI SALDAÑA, Assembly Member  
Seventy-sixth District

February 15, 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 Friday, February 17, 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

February 17, 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 17, 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

January 16, 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 Friday February 17, 2006. I will be in my district during this time attending to legislative business.

Sincerely,

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

(NOTE: For letter explaining the absence of Assembly Member Blakeslee on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 16, 2006; for letter explaining the absence of Assembly Member Harman on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 15, 2006.)

#### REPORTS

The following reports were presented by the Chief Clerk:

**Financial Integrity and State Manager's Accountability Act Report  
(Pursuant to Government Code Sections 13400 through 13407)**

Above transmitted report, together with letter of transmittal from Brian C. Thomas, Manager, Contracted Fiscal Services, Department of General Services, dated December 31, 2005, referred by the Speaker to the Committee on Business and Professions.

**2004–2005 Court Reporter Fees Collected and Expenditures for  
Court Reporter Services in Superior Court Civil Proceedings  
(Pursuant to Government Code Section 68086(c))**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated January 27, 2006, referred by the Speaker to the Committee on Judiciary.

**California Department of Social Services  
Memorandum of Understanding (MOU) with  
the Los Angeles County Department of Mental Health  
(Pursuant to Assembly Bill 2629, Chapter 660, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Interim Director, Department of Social Services, dated February 3, 2006, referred by the Speaker to the Committee on Human Services.

**2005–2006 Mental Health Services Act Expenditure Report  
(Pursuant to Assembly Bill 131, Chapter 80, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated February 8, 2006, referred by the Speaker to the Committee on Health.

**Litigation Deposit Fund—  
Quarterly Report Ending December 31, 2005  
(Pursuant to Government Code Section 16427(f))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated February 9, 2006, referred by the Speaker to the Committee on Judiciary.

**California State University's Channel Islands Site Authority  
Report for Unaudited Years Ended June 30, 2005 and 2004  
(Pursuant to Education Code Section 89009 (c))**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated February 9, 2006, referred by the Speaker to the Committee on Budget.

**Quarterly Hazardous Waste Fee Revenue Report  
October 1, 2005 through December 31, 2005  
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated February 14, 2006, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 17, 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.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 2085—Parra.** An act to amend Section 18707 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 2086—Dymally.** An act to add Section 78016.3 to the Education Code, relating to community colleges.

**ASSEMBLY BILL NO. 2087—Benoit.** An act to add Section 3700.2 to the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 2088—Spitzer.** An act to amend Sections 799, 800, and 801 of the Penal Code, relating to crime.

**ASSEMBLY BILL NO. 2089—Tran (Coauthors: Bermudez, Bogh, Canciamilla, Cogdill, DeVore, La Suer, Mountjoy, Negrete McLeod, Strickland, Vargas, Villines, Walters, and Wyland)** An act to add and repeal Section 6399 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 2090—Lieu.** An act to add Section 11380.5 to the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 2091—Berg.** An act to add Section 50.5 to Chapter 375 of the Statutes of 1986, relating to the Coast Life Support District.

**ASSEMBLY BILL NO. 2092—Hancock.** An act relating to hazardous substances.

**ASSEMBLY BILL NO. 2093—Karnette.** An act to amend Section 1250 of the Evidence Code, relating to evidence.

**ASSEMBLY BILL NO. 2094—Goldberg.** An act to add Section 35800.1 to the Education Code, relating to school districts.

**ASSEMBLY BILL NO. 2095—Niello.** An act to amend Section 12950.1 of the Government Code, and to amend Section 204 of, and to add Section 221.5 to, the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 2096—Parra.** An act to add Section 6380.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 2097—Goldberg.** An act to add Section 19213.5 to the Elections Code, relating to voting systems, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 2098—Liu.** An act to add Section 11002.5 to the Government Code, relating to state government.

**ASSEMBLY BILL NO. 2099—Haynes (Coauthors: DeVore, Maze, Mountjoy, Spitzer, Tran, and Wyland) (Coauthor: Senator Battin).** An act to amend Section 40000.15 of, and to add Sections 5009 and 23583 to, the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2100—Laird.** An act to amend Sections 1365 and 1365.2.5 of, and to add Sections 1365.4 and 1365.6 to, the Civil Code, relating to common interest developments.

**ASSEMBLY BILL NO. 2101—Parra.** An act to add Section 51745.3 to the Education Code, relating to independent study.

**ASSEMBLY BILL NO. 2102—Saldana.** An act to add Article 4.5 (commencing with Section 51250) of Chapter 2 of Part 28 of the Education Code, relating to schoolage military dependents.

**ASSEMBLY BILL NO. 2103—Walters.** An act to add Section 9145 to the Government Code, relating to the Legislative Analyst.

**ASSEMBLY BILL NO. 2104—Lieber.** An act to amend Section 739.1 of the Public Utilities Code, relating to energy.

**ASSEMBLY BILL NO. 2105—Emmerson.** An act to amend Sections 7055, 103050, and 103075 of the Health and Safety Code, relating to human remains.

**ASSEMBLY BILL NO. 2106—Lieber.** An act to amend Section 798.51 of the Civil Code, relating to mobilehomes.

**ASSEMBLY BILL NO. 2107—Karnette.** An act to amend Sections 42238.15, 42238.23, 52301, 52314, 52314.5, 52321, and 52335.4 of, to add Sections 41533 and 60421.5 to, to repeal Section 52335.7 of, and to repeal and add Section 52335.10 of, the Education Code, relating to career technical education, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2108—Evans.** An act to amend Sections 27315, 27361, 27363, 27363.5, 27365, and 42001 of, and to add Sections 27360.1 and 27360.6 to, and to repeal and add Sections 27360 and 27360.5 of, the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2109—Goldberg.** An act to add Chapter 3.48 (commencing with Section 44758) to Part 25 of the Education Code, relating to teachers.

**ASSEMBLY BILL NO. 2110—Hancock.** An act to add Section 597.4 to the Penal Code, relating to crimes.

**ASSEMBLY BILL NO. 2111—Haynes.** An act to add Section 6380.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 2112—Karnette.** An act to amend Sections 91004 and 91007 of the Government Code, relating to the Political Reform Act of 1974.

**ASSEMBLY BILL NO. 2113—Aghazarian.** An act relating to transportation.

**ASSEMBLY BILL NO. 2114—Umberg.** An act to amend Section 29550 of the Government Code, relating to counties.

**ASSEMBLY BILL NO. 2115—Goldberg.** An act to add Section 60605.4 to the Education Code, relating to pupil instruction.

**ASSEMBLY BILL NO. 2116—Cohn and Negrete McLeod.** An act to amend Section 8592.4 of the Government Code, relating to public safety.

**ASSEMBLY BILL NO. 2117—Goldberg and Coto.** An act to amend Section 313 and 60200 of, and to add Section 322 to, the Education Code, relating to English language learners.

**ASSEMBLY BILL NO. 2118—Matthews.** An act to amend Sections 40116, 40151, 40194, 40200, 40201, 41780, 41780.1, 41780.2, 41781, 41821.5, and 43020 of, to add Sections 40116.5 and 44153 to, and to repeal Section 40117 of, the Public Resources Code, relating to solid waste.

**ASSEMBLY BILL NO. 2119—Maze.** An act to amend Section 3099 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 2120—Liu.** An act to amend Section 22511.55 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2121—Nava.** An act relating to child nutrition.

**ASSEMBLY BILL NO. 2122—Klehs.** An act to amend Section 396 of the Penal Code, relating to price gouging.

**ASSEMBLY BILL NO. 2123—Nava.** An act to add Section 3004.5 to the Fish and Game Code, relating to conservation.

**ASSEMBLY BILL NO. 2124—Umberg.** An act to amend Section 270.01 of the Military and Veterans Code, relating to the National Guard.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 1:30 p.m., Tuesday, February 21, 2006.

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SALLY J. LIEBER, Assistant Speaker pro Tempore

SUE PARKER, Minute Clerk