

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 28, 2006

**ONE HUNDRED FIFTY-FIRST SESSION DAY
FOUR HUNDRED FIFTIETH 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
Tuesday, February 28, 2006

The Assembly met at 4:43 p.m.
Hon. Fabian Núñez, Speaker of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Baca moved a quorum call of the Assembly.
Motion carried.

At 4:44 p.m., Speaker Núñez placed a quorum call upon the Assembly.

The Speaker directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 4:53 p.m., Speaker Núñez declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—71:

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

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr.:

Our Father in Heaven, We thank You for the bountiful harvest that comes from Your blessings of rainfall. It reminds us of where our blessings come from.

Please bless today these justices and legislators with Your wisdom that only comes from above. Give them discernment far beyond their experience, and understanding far beyond their exposure, gifts, and talents. We confess in these changing and uncertain times that we cannot make good decisions without Your guidance. We cannot go out or come in, without Your power. We cannot lift a hand to help or serve our neighbors or citizens unless You give us the spirit of self-sacrifice.

Thank You for giving and granting in these halls, a people, who have the real opportunity on a daily basis, to make a difference in the lives of citizens in this great state of California.

May Your Presence be so great, and Your influence so present that all who serve, will serve with diligence, hope, and righteousness.

In Your Name Our God we pray.—AMEN!

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Núñez, Assembly Member Salinas 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 Cohn, 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 Members Dymally, Frommer, Jerome E. Horton, Klehs, Leslie, and Nation.

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 Member Wyland.

Because of illness: Assembly Member Saldaña.

EXPLANATIONS OF ABSENCE

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

February 21, 2006

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

Dear Mr. Speaker: I am requesting a legislative leave of absence on Tuesday, February 28, 2006 and Wednesday, March 1, 2006, to attend to some issues in my district.

Thanks in anticipation for your favorable response.

With very best wishes.

MERVYN M. DYMALLY, Assembly Member
 Fifty-second District

February 23, 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 Session on February 28, 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 27, 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 Floor Session tomorrow, February 28, 2006, due to legislative business in my district. I will be returning to Sacramento on Wednesday, March 1, 2006, in time for Assembly Check-In Session/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 27, 2006

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

Dear Speaker Núñez: I would like to request that I be excused from Session on Tuesday, February 28, 2006. I have district business to attend to.

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

Sincerely,

JOHAN KLEHS, Assembly Member
Eighteenth District

February 28, 2006

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

Dear Mr. Speaker: Please excuse me from Floor Session on Tuesday, February 28, 2006 due to legislative business.

Thank you for your consideration of my request. If you have any questions, please contact my scheduler, Donda Scholl, at (916) 319-2004.

Sincerely,

TIM LESLIE, Assembly Member
Fourth District

February 27, 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 Tuesday, February 28, 2006 due to legislative business in my district office.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

February 27, 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 the State of the Judiciary Address on Tuesday, February 28, 2006, due to previously scheduled 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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 28, 2006

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

Assembly Bill No. 1849

Assembly Bill No. 1891

Assembly Bill No. 1876

Assembly Bill No. 1900

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REPORTS

The following reports were presented by the Chief Clerk:

2006 Renewable Energy Investment Plan (Pursuant to Public Utilities Code Section 399.6)

Above transmitted report, together with letter of transmittal from Joseph F. Desmond, Chairman, California Energy Commission, dated February 10, 2006, referred by the Speaker to the Committee on Utilities and Commerce.

Mobile Equipment Expenditures Report for the 2004–05 Fiscal Year (Pursuant to Supplemental Report to the 2005 Budget Act Item 3540-001-0001)

Above transmitted report, together with letter of transmittal from Ruben Grijalva, Acting Director, Department of Forestry and Fire Protection, dated February 15, 2006, referred by the Speaker to the Committee on Budget.

California Law Revision Commission's 2005–2006 Annual Report (Pursuant to Government Code Sections 8291 and 9795)

Above transmitted report, together with letter of transmittal from Nathaniel Sterling, Executive Secretary, California Law Revision Commission, dated February 16, 2006, referred by the Speaker to the Committee on Judiciary.

Taxpayer's Bill of Rights—Annual Certification (Pursuant to Revenue and Taxation Code Section 21008)

Above transmitted report, together with letter of transmittal from Selvi Stanislaus, Executive Officer, Franchise Tax Board, dated February 24, 2006, referred by the Speaker to the Committee on Revenue and Taxation.

**Report to the Legislature on
the Progress of the Development of the Standards-based Tests in Spanish
(Pursuant to Education Code Section 60640 (f)(3)(F))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 22, 2006, referred by the Speaker to the Committee on Education.

**Report on Investment Holdings
in Companies that May Owe Compensation
to Victims of Slave or Forced Labor during World War II
(Pursuant to Senate Bill 1245, Chapter 216, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Anne Stausboll, Interim Chief Investment Officer, California Public Employees' Retirement System, dated February 17, 2006, referred by the Speaker to the Committee on Judiciary.

**California Public Employees' Retirement System's (CalPERS)
Report on Investment Holdings
in Domestic and International Corporations Operating in Northern Ireland
(Pursuant to Senate Bill 105, Chapter 341, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Anne Stausboll, Interim Chief Investment Officer, California Public Employees' Retirement System, dated February 17, 2006, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**California Water Plan Update 2005
(Pursuant to Water Code Section 10004(a))**

Above transmitted report, together with letter of transmittal from Lester A. Snow, Director, Department of Water Resources, dated February 21, 2006, referred by the Speaker to the Committee on Water, Parks and Wildlife.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Higher Education to convene jointly with the Senate Committee on Education, on Wednesday, March 8, 2006, at 9 a.m., in Room 4203.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Speaker Núñez was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and at the Rostrum.

REQUEST FOR PHOTOGRAPHER

Speaker Núñez was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RECESS

By unanimous consent, at 4:56 p.m., Speaker Fabian Núñez declared the Regular Session of the Assembly recessed.

IN JOINT CONVENTION

At 4:56 p.m., the Senate and Assembly met in Joint Convention. Hon. Fabian Núñez, Speaker of the Assembly, presiding.

APPOINTMENT OF JOINT COMMITTEE ON ESCORT

Speaker Núñez appointed Assembly Members Jones, Harman, Leno, La Suer, and Mountjoy and Senators Dunn, Ackerman, Migden, and Poochigian as a Joint Committee on Escort to escort the Honorable Ronald M. George, Chief Justice of California, to the Rostrum.

INTRODUCTION OF SPECIAL GUESTS

Speaker Núñez introduced Hon. Bill Lockyer, Attorney General, the Members of the Judicial Council of California, and Mr. William Vickrey, Administrative Director of the Courts.

Speaker Núñez then introduced Mrs. Barbara George, wife of Chief Justice Ronald M. George.

PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE

Speaker Núñez then presented the Honorable Don Perata, President pro Tempore of the Senate, whereupon the following Associate Justices of the Supreme Court were introduced: Hon. Joyce L. Kennard, Hon. Marvin R. Baxter, Hon. Kathryn M. Werdeger, Hon. Carlos R. Moreno, and Hon. Carol A. Corrigan. Associate Justice Ming Chin was unable to attend today's proceedings.

SPECIAL RECOGNITION

President pro Tempore Perata and Speaker Núñez presented Chief Justice George with a Joint Members' Resolution in recognition of the 10th anniversary of his appointment as the 27th Chief Justice of California.

PRESENTATION OF THE HONORABLE RONALD M. GEORGE

President pro Tempore Perata then presented the Honorable Ronald M. George, Chief Justice of California, to the Joint Convention.

ADDRESS BY THE HONORABLE RONALD M. GEORGE

Chief Justice Ronald M. George then delivered the "State of the Judiciary" address to the Joint Convention.

ADJOURNMENT OF JOINT CONVENTION

At 5:32 p.m., there being no further business, Speaker Núñez declared the Joint Convention adjourned, *sine die*.

IN ASSEMBLY

At 5:33 p.m., the Assembly reconvened.

Hon. Fabian Núñez, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Speaker Núñez was granted unanimous consent that the “State of the Judiciary” address by Chief Justice Ronald M. George be printed as a separate appendix to the Assembly Journal.

MOTION TO ADJOURN

At 5:33 p.m., Assembly Member Cohn moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:33 p.m., Speaker Núñez declared the quorum call of the Assembly dispensed with.

AUTHOR’S AMENDMENTS
Committee on Transportation

February 28, 2006

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

Assembly Bill No. 1870

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

OROPEZA, Chair

ASSEMBLY BILL NO. 1870—An act to add Section 44012.1 to the Health and Safety Code, relating to air pollution.

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 Judiciary

February 28, 2006

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

Assembly Bill No. 1902

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

JONES, Chair

ASSEMBLY BILL NO. 1902—An act to amend Section 3154 of the Civil Code, relating to mechanics’ liens.

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 28, 2006

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

Assembly Concurrent Resolution No. 97

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

OROPEZA, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 97—Relative to Alex Madonna Memorial Highway.

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

ADJOURNMENT

At 5:34 p.m., pursuant to the motion by Assembly Member Cohn, the Assembly adjourned until 7 a.m., Wednesday, March 1, 2006.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 28, 2006**

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

AB RN

1870 0606146

1902 0606003

ACR RN

97 0606131

Daily Total: 3

Cumulative Total: 3106

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