

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, March 1, 2006**

**ONE HUNDRED FIFTY-SECOND SESSION DAY  
FOUR HUNDRED FIFTY-FIRST 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  
Wednesday, March 1, 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—73:

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

Quorum present.

**At 1:35 p.m., Hon. Patty Berg, 1st 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 Bermúdez, Dymally, Harman, Jerome E. Horton, Levine, and Yee.*

*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:

March 1, 2006

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

Dear Mr. Speaker: This letter is to respectfully request your approval to be excused from Check-In Session on Wednesday, March 1, 2006, for legislative business in my district.

Your favorable consideration in this matter would be greatly appreciated. If you have any questions, please do not hesitate to contact me or my assistant, Beth Dacumos, at 319-2056.

Respectfully yours,

RUDY BERMÚDEZ, Assembly Member  
Fifty-sixth District

February 28, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from all legislative responsibilities on Wednesday March 1, 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

March 1, 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 today, March 1, 2006, due to legislative business in my district. I will be returning to Sacramento on Thursday, March 2, 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, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

February 23, 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 on Wednesday, March 1, 2006 as I will be holding a press conference in my district.

Should you have any questions please contact my office.

Sincerely,

LLOYD LEVINE, Assembly Member  
Fortieth District

February 28, 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, March 1, 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 Dymally on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 28, 2006.)

#### **SPECIAL COMMITTEE MEETINGS**

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

Joint Committee on Fisheries and Aquaculture, on Wednesday, March 15, 2006, at 1 p.m.

#### **COMMUNICATIONS**

##### **Proposed Initiatives**

The following communications were presented by the Chief Clerk from:

Patricia Galván, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated February 16, 2006 and February 23, 2006, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

##### **Government Acquisition of Private Property.**

##### **Initiative Constitutional Amendment. SA 2005RF0134, Amdt.# 1-S**

Referred by the Speaker to the Committees on Housing and Community Development and Judiciary.

##### **Workers' Compensation. Option to Sue.**

##### **Initiative Constitutional Amendment and Statute. SA 2005RF0143**

Referred by the Speaker to the Committees on Insurance and Judiciary.

**Workers' Compensation. Benefits. Choice of Medical Provider.  
Initiative Constitutional Amendment and Statute. SA 2005RF0144**

Referred by the Speaker to the Committee on Insurance.

**Open Multiple Listing Service.  
Initiative Statute. SA 2005RF0145**

Referred by the Speaker to the Committee on Business and Professions.

**Government Acquisition, Regulation of Private Property.  
Initiative Constitutional Amendment. SA 2005RF0146**

Referred by the Speaker to the Committees on Housing and Community Development and Judiciary.

**Product Liability. Immunity from Punitive Damages.  
Initiative Statute. SA 2005RF0147**

Referred by the Speaker to the Committee on Judiciary.

**Campaign Contribution Limits. State Office Candidates.  
Initiative Statute. SA 2006RF0002**

Referred by the Speaker to the Committee on Elections and Redistricting.

**California Border Police. Immigration.  
Initiative Statute. SA 2006RF0003**

Referred by the Speaker to the Committees on Governmental Organization and Public Safety.

**Redistricting.  
Initiative Constitutional Amendment. SA 2006RF0004**

Referred by the Speaker to the Committee on Elections and Redistricting.

## REPORTS

The following reports were presented by the Chief Clerk:

**2004–05 Vocational Education Carryover Funds  
(Pursuant to Budget Act 2005, Item 6110-166-0890, Provision 3)**

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.

**Foster Youth Services Program Report  
(Pursuant to Education Code Section 42923)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 15, 2006, referred by the Speaker to the Committee on Human Services.

**Hazard Evaluation System and Information Service  
Annual Report  
(Pursuant to Labor Code Section 147.2)**

Above transmitted report, together with letter of transmittal from John Rea, Acting Director, Department of Industrial Relations, dated February 17, 2006, referred by the Speaker to the Committee on Health.

**California State Rail Plan 2005–06 to 2015–16  
(Pursuant to Government Code Section 14036)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Division Chief, Division of Legislative and Local Government Affairs, Department of Transportation, dated February 23, 2006, referred by the Speaker to the Committee on Transportation.

**2005 Annual Report on the Status of  
Board Licensing-Exam Validation and Occupational Analysis  
(Pursuant to Business and Professions Code Section 139 (c)(d))**

Above transmitted report, together with letter of transmittal from Charlene Zettel, Director, Department of Consumer Affairs, dated February 22, 2006, referred by the Speaker to the Committee on Business and Professions.

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

Santa Clara County, Hope Ryan, Enterprise Fund and VHP Budget Manager, dated February 8, 2006;

Yolo County, John Freeby, Staff Services Analyst, dated February 24, 2006.

Referred by the Speaker to the Committee on Health.

**Annual DNA Identification Fund Report  
(Pursuant to Government Code Section 76104.6) from:**

San Benito County, Joe Paul Gonzalez, Accounting Manager, dated February 13, 2006;

Sonoma County, Erick Roeser, Accountant-Auditor, dated February 16, 2006.

Referred by the Speaker to the Committee on Public Safety.

**Indian Gaming Special Distribution Fund Report  
(Pursuant to Senate Bill 621, Chapter 858, Statutes of 2003) from:**

Amador County, Patrick Blacklock, County Administrative Officer, dated February 9, 2006.

Referred by the Speaker to the Committee on Governmental Organization.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 1, 2006

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

Assembly Bill No. 1870

Assembly Bill No. 1902

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 1, 2006

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

Assembly Concurrent Resolution No. 97

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 1, 2006

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 881

And reports the same correctly enrolled, and presented to the Governor on the 1st day of March, 2006, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS**  
**Committee on Veterans Affairs**

March 1, 2006

Mr. Speaker: The Chair of your Committee on Veterans Affairs reports:  
Assembly Bill No. 1843

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

NATION, Chair

**ASSEMBLY BILL NO. 1843**—An act to amend Section 179 of the Military and Veterans Code, relating to military, and making an appropriation therefor.

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 Business and Professions**

March 1, 2006

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Assembly Bill No. 1852

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

NEGRETE MCLEOD, Chair

**ASSEMBLY BILL NO. 1852**—An act to amend Section 9875 of, to amend, renumber, and add Section 9875.2 of, to add Sections 9875.3, 9875.4, and 9875.5 to, and to repeal and add Section 9875.1 of, the Business and Professions Code, relating to motor vehicle replacement parts.

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 Public Safety**

March 1, 2006

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Assembly Bill No. 1832  
Assembly Bill No. 1911

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

LENO, Chair

**ASSEMBLY BILL NO. 1832**—An act to amend Section 40000.15 of, and to add Section 23584 to, the Vehicle Code, relating to vehicles.

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.

**ASSEMBLY BILL NO. 1911**—An act relating to SAFE teams, 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.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 3049—Committee on Judiciary (Jones (Chair), Evans, Laird, Levine, Lieber, and Montanez).** An act to amend Section 631 of the Code of Civil Procedure, relating to civil actions.

**ASSEMBLY BILL NO. 3050—Committee on Judiciary (Jones (Chair), Evans, Laird, Levine, Lieber, and Montanez).** An act to add Section 8307 to the Water Code, relating to flood control.

**ASSEMBLY BILL NO. 3051—Committee on Labor and Employment (Koretz (Chair), Chan, Chu, Klehs, Laird, and Leno).** An act to add Section 90.6 to the Labor Code, relating to labor law enforcement.

**ASSEMBLY BILL NO. 3052—Committee on Labor and Employment (Koretz (Chair), Chan, Chu, Klehs, Laird, and Leno).** An act to amend Section 1205 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 3053—Committee on Labor and Employment (Koretz (Chair), Chan, Chu, Klehs, Laird, and Leno).** An act to amend Section 6409.1 of the Labor Code, relating to occupational injury or illness.

**ASSEMBLY BILL NO. 3054—Committee on Labor and Employment (Koretz (Chair), Chan, Chu, Klehs, Laird, and Leno).** An act to amend Sections 1684 and 1698 of the Labor Code, relating to the Farmworkers Remedial Account.

**ASSEMBLY BILL NO. 3055—Committee on Labor and Employment (Koretz (Chair), Chan, Chu, Laird, and Leno).** An act relating to employment.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 2, 2006.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 1, 2006**

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

<b>AB</b>	<b>RN</b>	
1832	0605494	
1843	0606058	
1852	0605705	
1911	0606190	
<b>Daily Total:</b>		<b>4</b>
<b>Cumulative Total:</b>		<b>3110</b>

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