

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 2, 2006

**ONE HUNDRED FIFTY-THIRD SESSION DAY
FOUR HUNDRED FIFTY-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
Thursday, March 2, 2006

The Assembly met at 9:31 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore 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 Cogdill moved a quorum call of the Assembly.
Motion carried.

At 9:32 a.m., Speaker pro Tempore Yee placed a quorum call upon the Assembly.

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

Quorum Present

At 9:40 a.m., Speaker pro Tempore Yee declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Chaplain Father Constantine C. Pappademos:

Lord, It seems that what we think determines the direction and quality of our life. You have encouraged us to think on things that are pure, wholesome and of a good report. Help us, Lord, to filter what we watch, read and listen to. Don't allow evil influences to deceive us into lowering our standards and desensitizing us to what is good and pure. Instead, Lord, fill our thoughts with Your promises of peace, joy and freedom, promises of a future and a hope that are found only through You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Negrete McLeod 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 Member was granted leave of absence for the day:

On legislative business: Assembly Member Calderon.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

March 1, 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 Session on Thursday, March 2, 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

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 2, 2006

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Roger Niello to the Assembly Budget Committee, increasing the size of the committee from 25 to 26 members. Additionally, I am appointing Assemblymember Niello to replace Assemblymember Rick Keene as a member of the Budget Subcommittee No. 1 on Health and Human Services.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 2, 2006

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

Dear Dotson: This is to advise you that I have removed Assemblymember Dario Frommer from the Assembly Business and Professions Committee, creating a Democratic vacancy on the committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 2, 2006

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Carol Liu to replace Assemblymember Jenny Oropeza on the Assembly Jobs, Economic Development and the Economy Committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 2, 2006

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tim Leslie to replace Assemblymember Sam Blakeslee on the Assembly Public Employees, Retirement and Social Security Committee. Additionally, I have removed Assemblymember Roger Niello from the Committee, creating a Republican vacancy.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 2, 2006

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Sam Blakeslee to replace Assemblymember Russ Bogh as Vice Chair of the Assembly Utilities and Commerce Committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 2, 2006

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Roger Niello to replace Assemblymember Tim Leslie as a member of the Joint Legislative Audit Committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

Bill No.

Committee

2015 ----- Nat. Res. and L. Gov.

2091 ----- L. Gov.

2098 ----- J., E.D. & E.

2100 ----- H. & C.D. and E. & R.

2112 ----- E. & R.

2117 ----- Ed. and Jud.

2127 ----- E.S. & T.M.

2129 ----- Pub. S.

2131	-----	Pub. S.
2134	-----	Nat. Res.
2135	-----	Jud.
2137	-----	Trans. and L. Gov.
2140	-----	L. Gov.
2141	-----	Health
2142	-----	Trans.
2143	-----	Trans.
2146	-----	W.,P. & W.
2147	-----	Nat. Res.
2148	-----	Ed.
2149	-----	Ed.
2151	-----	Nat. Res.
2152	-----	B. & P.
2153	-----	Ed.
2154	-----	Trans.
2157	-----	H. & C.D. and L. Gov.
2158	-----	L. Gov. and H. & C.D.
2159	-----	Pub. S.
2161	-----	Hum. S.
2162	-----	W.,P. & W.
2163	-----	Ed.
2164	-----	L. Gov.
2165	-----	Higher Ed. and A.,E.,S.,T. & I.M.
2166	-----	W.,P. & W.
2168	-----	Higher Ed.
2170	-----	Health
2174	-----	Pub. S.
2175	-----	Trans.
2177	-----	G.O.
2181	-----	Pub. S.
2183	-----	Pub. S.
2187	-----	Jud.
2189	-----	U. & C. and Nat. Res.
2190	-----	Pub. S.
2191	-----	E. & R.
2192	-----	Hum. S.
2193	-----	Hum. S.
2195	-----	Hum. S.
2196	-----	Hum. S.
2197	-----	H. & C.D. and L. Gov.
2199	-----	Pub. S.
2200	-----	E. & R.
2202	-----	Nat. Res. and E.S. & T.M.
2204	-----	Ed.
2211	-----	Nat. Res.
2212	-----	Health
2215	-----	Ed.
2216	-----	Hum. S. and Jud.
2217	-----	L. & E.
2218	-----	Rev. & Tax.
2221	-----	Ed.
2222	-----	Ed.
2223	-----	L. Gov.

2224 ----- G.O.
2225 ----- Pub. S.
2226 ----- Ed. and Health
2229 ----- Pub. S.
2233 ----- J., E.D. & E.
2234 ----- Trans.
2235 ----- B. & F.
2238 ----- E. & R.
2240 ----- P.E.,R. & S.S.
2241 ----- P.E.,R. & S.S.
2242 ----- P.E.,R. & S.S.
2243 ----- P.E.,R. & S.S.
2244 ----- P.E.,R. & S.S.
2245 ----- Rev. & Tax.
2246 ----- P.E.,R. & S.S.
2248 ----- Ed.
2250 ----- H. & C.D.
2251 ----- Jud. and Pub. S.
2254 ----- Ed.
2255 ----- Ed.
2256 ----- B. & P.
2257 ----- B. & P.
2258 ----- Jud.
2259 ----- L. Gov.
2261 ----- Pub. S.
2262 ----- Higher Ed.
2263 ----- Pub. S.
2265 ----- Pub. S.
2266 ----- Pub. S.
2267 ----- Jud.
2268 ----- W.,P. & W.
2269 ----- E. & R.
2271 ----- Nat. Res. and Pub. S.
2272 ----- Pub. S.
2275 ----- E. & R.
2277 ----- L. & E.
2280 ----- Health
2281 ----- Health
2282 ----- Health
2283 ----- B. & P.
2285 ----- B. & P.
2289 ----- Nat. Res.
2290 ----- Trans.
2292 ----- Ins.
2293 ----- Ins.
2294 ----- H. & C.D.
2295 ----- Trans.
2299 ----- W.,P. & W.
2301 ----- Jud.
2302 ----- Jud.
2304 ----- Pub. S.
2305 ----- Jud.
2309 ----- P.E.,R. & S.S.
2313 ----- Higher Ed.

2314	-----	Nat. Res.
2317	-----	Health
2320	-----	Rev. & Tax.
2322	-----	Trans.
2323	-----	Ed.
2327	-----	L. & E.
2330	-----	J., E.D. & E.
2331	-----	L. & E.
2332	-----	Agri.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
123	----- Trans.
124	----- Trans.
125	----- Rls.
126	----- Rls.
127	----- Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
42	----- Rls.
45	----- Agri.
46	----- G.O.
47	----- H. & C.D.

Senate

<i>Bill No.</i>	<i>Committee</i>
403	----- Nat. Res.
696	----- Ed.
740	----- Jud.
767	----- Ed.
850	----- U. & C.
924	----- Trans.
1010	----- U. & C. and G.O.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 2, 2006

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

Assembly Bill No. 1832

Assembly Bill No. 1852

Assembly Bill No. 1843

Assembly Bill No. 1911

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: March 2, 2006

Mr. Speaker: Your Committee on Rules reports:

Senate Bill No. 858

With the recommendation: That the bill be re-referred to the Committee on Transportation.

MONTAÑEZ, Chair

Above bill re-referred to the Committee on Transportation.

Date of Hearing: March 2, 2006

Mr. Speaker: Your Committee on Rules reports:
Senate Bill No. 968

With the recommendation: That the bill be re-referred to the Committee on Judiciary.
MONTAÑEZ, Chair

Above bill re-referred to the Committee on Judiciary.

Date of Hearing: March 2, 2006

Mr. Speaker: Your Committee on Rules reports:
Senate Bill No. 847

With the recommendation: That the bill be re-referred to the Committee on Higher Education.

MONTAÑEZ, Chair

Above bill re-referred to the Committee on Higher Education.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Bogh was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber, whereupon he introduced his son, Charlie.

Assembly Member Saldaña was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor to her guests.

REQUEST FOR PHOTOGRAPHER

Assembly Member Saldaña was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 832, on request of Assembly Member Cohn.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Cohn announced her intention to request that Senate Bill No. 156 be removed from the inactive file.

RE-REFERENCE OF BILLS

Assembly Member Cohn was granted unanimous consent that Senate Bill No. 638 be re-referred from the Committee on Appropriations to the Committee on Education.

JOINT RULE 62(a) WAIVED

Assembly Member Cohn was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 699 and 1202 for hearing in the Committee on Appropriations today, upon adjournment of Floor session.

Assembly Member Cohn was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 858 for hearing in the Committee on Transportation on Monday, March 6, 2006.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS
MOTION TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 51, 109, and 646, and Assembly Bill No. 791 were continued until the next legislative day.

THIRD READING OF SENATE BILLS

SENATE BILL NO. 1062 (Bowen)—An act to amend Section 124250 of the Health and Safety Code, and to amend Section 13823.15 of the Penal Code, relating to domestic violence.

Bill read third time.

Motion to Amend

Assembly Member Jones moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

ADJOURN IN MEMORY

Assembly Member Emmerson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul Cable, of Hacienda Heights.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Koretz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Superior Court Judge Robert J. Sandoval, of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Walters was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James L. Davy, of Dana Point.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Louise Uland, of San Francisco.

Assembly Member Pavley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carl Gibbs, of Topanga.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tammy Estrada, of Palmdale.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of June Day, of Dixon; Virginia Lee Henthorn, of Fairfield; Ella Marjorie Blair, Hattie Irene Crawford, Ann S. Flippin, and James Edward Ladyman, of Vacaville.

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker pro Tempore Yee in extending best wishes to Ron Pane and Jon Waldie on the occasion of their birthdays.

ANNOUNCEMENTS

Speaker pro Tempore Yee announced the following session schedule:
Monday, March 6, 2006, Check-in Session, 7 a.m.–3 p.m.

COMMITTEE MEETING ANNOUNCEMENTS

Speaker pro Tempore Yee announced that the Committee on Appropriations would meet today, upon adjournment of Floor session.

MOTION TO ADJOURN

At 9:56 a.m., Assembly Member Cohn moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Negrete McLeod, La Malfa, Cohn, Spitzer, and Bermúdez arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Cohn that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:05 a.m., Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 3056—Committee on Natural Resources (Hancock (Chair), La Malfa (Vice Chair), Keene, Koretz, Saldana, and Wolk). An act to amend Sections 14524, 14549.1, 14560, and 14581 of the Public Resources Code, relating to beverage containers, and making an appropriation therefor.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 129—Torrico. Relative to the Rosa Parks Memorial Building.

ASSEMBLY CONCURRENT RESOLUTION NO. 130—Hancock. Relative to Kidney Cancer Awareness Month.

**AUTHOR'S AMENDMENTS
Committee on Public Safety**

March 2, 2006

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Joint Resolution No. 28

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

LENO, Chair

ASSEMBLY JOINT RESOLUTION NO. 28—Relative to Mexican extradition.

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

AUTHOR'S AMENDMENTS
Committee on Public Safety

March 2, 2006

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Senate Bill No. 151

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

LENO, Chair

SENATE BILL NO. 151—An act to amend Section 92 of the Penal Code, relating to bribery.

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 Health

March 2, 2006

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

Senate Bill No. 103

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

CHAN, Chair

SENATE BILL NO. 103—An act to amend Sections 1212 and 1218.1 of the Health and Safety Code, relating to clinics.

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

March 2, 2006

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

Assembly Bill No. 1787

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

JONES, Chair

ASSEMBLY BILL NO. 1787—An act to amend Section 6273 of, and to add Section 6250.3 to, the Family Code, relating to protective orders.

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.

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Date of Hearing: March 2, 2006

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1202

With the recommendation: Do pass.

CHU, Chair

Above bill ordered to second reading.

INTRODUCTION OF GUESTS

Assembly Member Villines, of the 29th Assembly District, introduced students from Temperance Kutner Elementary School.

Assembly Member Saldaña, of the 76th Assembly District and Assembly Member Vargas, of the 79th Assembly District, introduced visitors from Mexico who are participating in the Legislative Forum of the three Californias: California, Baja California, and Baja California Sur.

Assembly Member Negrete McLeod, of the 61st Assembly District, introduced Hon. Michael Jackson, a Louisiana House of Representatives member.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Cohn, the Assembly adjourned until 7 a.m., Monday, March 6, 2006, out of respect to the memory of Paul Cable, on motion of Assembly Member Emmerson; out of respect to the memory of Judge Robert J. Sandoval, on motion of Assembly Member Koretz; out of respect to the memory of James L. Davy, on motion of Assembly Member Walters; out of respect to the memory of Mary Louise Uland, on motion of Assembly Member Leno; out of respect to the memory of Carl Gibbs, on motion of Assembly Member Pavley; out of respect to the memory of Tammy Estrada, on motion of Assembly Member Runner; and out of respect to the memory of June Day, Virginia Lee Henthorn, Ella Marjorie Blair, Hattie Irene Crawford, Ann S. Flippin, and James Edward Ladyman, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 2, 2006**

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

AB RN
1787 0606160

AJR RN
28 0606228

SB RN
103 0603068
151 0605968
1062 0522835

Daily Total: 5
Cumulative Total: 3115

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