

CALIFORNIA LEGISLATURE  
2005–06 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, June 27, 2006**  
**FIRST SESSION DAY**  
**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  
Tuesday, June 27, 2006

At 9:59 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2005–06 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Sue Parker, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Leland Y. Yee, Speaker pro Tempore of the Assembly for the 2005–06 Regular Session, presiding.

Assistant Clerk Elizabeth Potter reading.

#### ROLL CALL

The roll was called and the following answered to their names—77:

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

**PRAYER**

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Member Mark Leno:

Baruch a'tah adonoi, eloheynu melech ha'olam,  
Blessed are you, Creator of the Universe,

Help us to recognize that the respect, dignity and validation of all human life is worthy of your blessing and protection.

Help us to transcend blind prejudices with moderated grace.

Your limitless majesty challenges our human frailties.

Help us to see that which our limited vision keeps us from loving and honoring in your creation.

Let us remember the words of the prophet Micah, "to act justly, to love mercy and to walk humbly with your God".

Baruch a'tah adonoi, eloheynu melech ha'olam, sh'asani kir'tso'no.

Blessed are you, Creator of the Universe, who has made me according to thy will and desire.

Baruch a'tah adonoi, eloheynu melech ha'olam, she'he'che'yanu, v'ke'yimanu, v'higi'yanu, laz'man ha'ze.

Blessed are you, Creator of the Universe, who has given us life, sustained us and brought us to this time and place.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Yee, Assembly Member Baca then led the Assembly in the pledge of allegiance to the Flag.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness: Assembly Member Evans.*

*Because of a death in his family: Assembly Member Nation.*

**PROCLAMATION OF THE GOVERNOR**

Speaker pro Tempore Yee directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

**A PROCLAMATION**

by

The Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 27th day of June 2006, at a time to be determined, for the following purpose and to legislate upon the following subjects:

1. To consider and act upon legislation to transfer low-risk women inmates out of state prison and into community correctional facilities.
2. To consider and act upon legislation to appropriate funds, including appropriations for lease-revenue bonds, to build additional prisons.
3. To consider and act upon legislation to establish and fund secure re-entry facilities.
4. To consider and act upon legislation to expedite and streamline the state contracting process for implementing programs and construction of additional prisons and secure re-entry facilities.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 26th day of June, 2006.

ARNOLD SCHWARZENEGGER  
Governor of California

ATTEST:

BRUCE MCPHERSON  
Secretary of State



**ELECTION OF SPEAKER**

Assembly Member Frommer was granted unanimous consent that the election of Speaker Fabian Núñez on December 6, 2004, to the Office of Speaker of the Assembly for the 2005–06 Regular Session, and the Oath of Office administered (Assembly Journal, page 7), be substituted in the 2005–06 Second Extraordinary Session.

**OATH OF OFFICE FOR SPEAKER OF THE ASSEMBLY**

The following oath of office was administered to Speaker-elect Fabian Núñez, on Monday, December 6, 2004 by the Honorable Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles:

**OATH**

*for the Office of Speaker of the Assembly*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the state of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**ANNOUNCEMENT**

Speaker pro Tempore Yee announced that Senator Harman, a Member of the Assembly in December 2004 will not be recorded on any substitute roll calls. In addition, Assembly Member Ted Lieu, who took Oath of Office on September 21, 2005, will be added to all substitute resolutions and motions for today's session.

**ADOPTION OF STANDING RULES**

Assembly Member Frommer requested unanimous consent that the permanent Standing Rules of the Assembly for the 2005–06 Regular Session be adopted as the Rules for 2005–06 Second Extraordinary Session and that the roll call vote taken December 6, 2004 be substituted.

Assembly Member Cogdill withheld unanimous consent.

**RESOLUTIONS**

The following resolution was offered:

**HOUSE RESOLUTION NO. 1**

By Assembly Member Frommer.

Relative to the Standing Rules of the Assembly for the 2005–06 Second Extraordinary Session.

*Resolved by the Assembly of the State of California*, That the Standing Rules of the Assembly for the 2005–06 Regular Session are hereby adopted as the Standing Rules of the Assembly for the 2005–06 Second Extraordinary Session.

**HOUSE RESOLUTION NO. 1 TAKEN UP**

On motion of Assembly Member Frommer, House Resolution No. 1 was taken up.

**HOUSE RESOLUTION NO. 1 (Frommer)**—Relative to the Standing Rules of the Assembly for the 2005–06 Second Extraordinary Session.

Resolution read, and adopted by the following vote:

**AYES—45**

Arambula	Dymally	Lieber	Ruskin
Baca	Frommer	Lieu	Saldaña
Bass	Goldberg	Liu	Salinas
Berg	Hancock	Matthews	Torrico
Bermúdez	Horton, Jerome	Montañez	Umberg
Calderon	Jones	Mullin	Vargas
Canciamilla	Karnette	Nava	Wolk
Chan	Klehs	Negrete McLeod	Yee
Chavez	Koretz	Oropeza	Mr. Speaker
Chu	Laird	Parra	
Cohn	Leno	Pavley	
Coto	Levine	Ridley-Thomas	

**NOES—28**

Aghazarian	Garcia	La Suer	Runner
Benoit	Haynes	McCarthy	Spitzer
Bogh	Horton, Shirley	Mountjoy	Strickland
Cogdill	Houston	Nakanishi	Tran
Daucher	Huff	Niello	Villines
DeVore	Keene	Plescia	Walters
Emmerson	La Malfa	Richman	Wyland

**MOTION RELATIVE TO ORGANIZATION OF THE ASSEMBLY**

Assembly Member Frommer was granted unanimous consent that House Resolution No. 3 in the 2005–06 Regular Session, relative to payment of Members, officers, and attaches of the Assembly, distribution of Assembly Weekly Histories be substituted in the 2005–06 Second Extraordinary Session, and that the roll call vote taken on December 6, 2004 be substituted:

**AYES—79**

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

**NOES—None**

\*(NOTE: Assembly Members Berg, Lieu, and Oropeza were granted unanimous consent to add on to the December 6, 2004 roll call. Assembly Member Berg took and subscribed to the Oath of Office on Monday, January 3, 2005. Assembly Member Lieu took and subscribed to the Oath of Office on September 21, 2005. Assembly Member Oropeza took and subscribed to the Oath of Office on December 20, 2004. Assembly Member Umberg was present when the above vote was taken on December 6, 2004, but was excused on this day. Senator Tom Harman, a member of the Assembly in December of 2004, will not be recorded on the substitute roll call. Senator Harman resigned from the Assembly on June 12, 2006, see Assembly Journal for June 12, 2006 for the Regular Session, page 6034.)

(NOTE: For the text of House Resolution No. 3, see Assembly Journal for December 6, 2004 for the Regular Session, page 58; for roll call vote 78–0, see page 58.)

#### **ELECTION OF OFFICERS OF THE ASSEMBLY**

Assembly Member Frommer was granted unanimous consent that the non-member Officers in the 2005–06 Regular Session be deemed the non-member Officers in the 2005–06 Second Extraordinary Session and that their Oaths of Office in the Regular Session be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant-at-Arms; Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

(NOTE: For the roll call election of non-member officers for the 2005–06 Regular Session, see Journal for December 6, 2004, page 57.)

#### **OATH OF OFFICE**

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 6, 2004, by the Honorable Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles.

#### **OATH**

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the state of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

June 27, 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 the following members to the Democratic Leadership for the 2005–06 Second Extraordinary Session, consistent with the First Extraordinary Session:

Speaker pro Tempore	Hon. Leland Yee
Assistant Speaker pro Tempore	Hon. Sally Lieber
Majority Floor Leader	Hon. Dario Frommer
Assistant Majority Floor Leader	Hon. Rebecca Cohn
Majority Whip	Hon. Karen Bass
Assistant Whip	Hon. Lori Saldaña
Democratic Caucus Chair	Hon. Mark Ridley-Thomas
Rules Committee Chair	Hon. Cindy Montañez

Sincerely,

FABIAN NUÑEZ  
 Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

June 27, 2006

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

Dear Mr. Wilson: This is to advise you that I've appointed the following members to the Republican Leadership Team for the 2005/2006 2nd Extraordinary Session consistent with the Regular Session:

Assemblyman Greg Aghazarian	2nd Ranking Republican Leader/Caucus Chair
Assemblyman Rick Keene	Assembly Budget Committee Vice Chair and Assistant Republican Leader
Assemblywoman Sharon Runner	Assembly Appropriations Committee Vice Chair and Assistant Republican Leader
Assemblywoman Mimi Walters	Assistant Republican Leader
Assemblyman Mike Villines	Assistant Republican Leader
Assemblyman Van Tran	Assistant Republican Leader
Assemblyman Bill Emmerson	Chief Republican Whip
Assemblyman Doug La Malfa	Chief Republican Whip
Assemblyman John J. Benoit	Republican Whip
Assemblyman Bob Huff	Republican Whip
Assemblyman Roger Niello	Republican Whip
Assemblyman Todd Spitzer	Republican Whip



If you have any questions regarding this letter, please contact Shaun Flanigan at 319-2075.

It is an honor working with you in the California State Assembly.

Sincerely,

GEORGE A. PLESCIA  
Assembly Republican Leader

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 1—Lieber and Goldberg.** An act to add Section 3409.25 of the Penal Code, relating to corrections.

**MESSAGES FROM THE SENATE**

Senate Chamber, June 27, 2006

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1

GREGORY P. SCHMIDT, Secretary of the Senate  
By David Valverde, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 1—**Relative to the Joint Rules for the 2005–06 Second Extraordinary Session.

**ADJOURNMENT**

At 10:05 p.m., pursuant to the motion by Assembly Member Frommer and in accordance with Article IV, Section 7(d) of the State Constitution, the Assembly adjourned the Second Extraordinary Session for the Summer Recess until Monday, August 7, 2006 and consent for the Senate to do the same.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk