

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, August 9, 2006**

**TWO HUNDRED EIGHTEENTH SESSION DAY  
SIX HUNDRED TWELFTH 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, August 9, 2006

The Assembly met at 6 a.m.

Hon. John J. Benoit, Assembly Member, 64th 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	Evans	Levine	Ridley-Thomas
Arambula	Frommer	Lieber	Runner
Baca	Garcia	Lieu	Ruskin
Bass	Goldberg	Liu	Saldaña
Benoit	Hancock	Matthews	Salinas
Berg	Haynes	McCarthy	Strickland
Blakeslee	Horton, Jerome	Montañez	Torrico
Bogh	Horton, Shirley	Mountjoy	Tran
Calderon	Houston	Mullin	Umberg
Canciamilla	Huff	Nakanishi	Vargas
Chavez	Jones	Nation	Villines
Chu	Karnette	Nava	Walters
Cogdill	Keene	Negrete McLeod	Wolk
Cohn	Klehns	Niello	Wyland
Coto	La Malfa	Oropeza	Yee
De La Torre	La Suer	Parra	Mr. Speaker
DeVore	Laird	Pavley	
Dymally	Leno	Plescia	
Emmerson	Leslie	Richman	

Quorum present.

**At 11:30 a.m., Hon. Jay La Suer, 77th 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, Chan, Daucher, Koretz, and Spitzer.*

*On personal business, and waiving per diem: Assembly Member Maze.*

**EXPLANATIONS OF ABSENCE**

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

August 7, 2006

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

Dear Speaker Núñez: I am writing this letter to respectfully request to be excused from Check-in Session on Wednesday, August 9, 2006. I will be co-chairing the Governor's Sex Offender Task Force Hearing in Orange County.

Thank you in advance for your consideration to this important request. Should you have any questions, please feel free to contact my chief of staff Jennifer Magdaleno at 319-2056.

Sincerely,

RUDY BERMÚDEZ, Assembly Member  
Fifty-sixth District

August 8, 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 Check-In Session on Wednesday, August 9, 2006 due to Legislative Business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

July 31, 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 Wednesday, August 9, 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

August 7, 2006

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

Dear Speaker Núñez: I respectfully ask permission to be excused from check-in session on August 9, 2006 due to legislative business in the district. If you have any questions or concerns please contact Laura Liddicoet in my office at 319-2042.

Sincerely,

PAUL KORETZ, Assembly Member  
Forty-second District

July 18, 2006

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

Dear Mr. Speaker: I would like to be excused from check-in session on Wednesday, August 9, 2006, to co-chair the High Risk Sex Offender Task Force meetings in Fresno on August 8 and Orange County on August 9.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member  
Seventy-first District

#### COMMUNICATIONS

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

August 9, 2006

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

Dear Dotson: Please be advised that I have created the Select Committee on Animal Welfare and have appointed Assemblymember Lloyd Levine as the chair.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

#### SPECIAL COMMITTEE MEETINGS

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

Revenue and Taxation, on Tuesday, September 12, 2006, at 12 noon, in Room 4202;

Elections and Redistricting, on Wednesday, September 27, 2006, at 9 a.m., in Los Angeles.

### REPORTS

The following reports were presented by the Chief Clerk:

**Partnering to Promote Public Safety—  
Juvenile Justice Crime Prevention Act—Annual Report  
(Pursuant to Government Code Section 30061(4))**

Above transmitted report, together with letter of transmittal from C. Scott Harris Jr., Executive Director, Corrections Standards Authority, dated June 24, 2006, referred by the Speaker to the Committee on Public Safety.

**Juvenile Justice System Quarterly Status Report  
March 1, 2006 to June 1, 2006  
(Pursuant to Budget Act 2005, Item 5225-001-0001, Item 29 (A))**

Above transmitted report, together with letter of transmittal from James E. Tilton, Secretary (A), Department of Corrections and Rehabilitation, dated July 21, 2006, referred by the Speaker to the Committee on Public Safety.

**Religious Programs in California State Prisons  
(Pursuant to Budget Act 2005, Item 5225-001-0001, Provision 4)**

Above transmitted report, together with letter of transmittal from James E. Tilton, Secretary (A), Department of Corrections and Rehabilitation, dated July 28, 2006, referred by the Speaker to the Committee on Public Safety.

**Unemployment and Disability Insurance Benefits  
Determinations Involving Small Businesses  
(Pursuant to Assembly Bill 1643, Chapter 828, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Patrick W. Henning, Director, Employment Development Department, dated July 25, 2006, referred by the Speaker to the Committee on Labor and Employment.

**California State Teachers' Retirement System  
Comprehensive Annual Financial Report, Fiscal Year Ended June 30, 2005  
(Pursuant to Education Code Section 22324)**

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, California State Teachers' Retirement System, dated July 13, 2006, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**School Zone Fines Report  
(Pursuant to Assembly Bill 1886, Chapter 590, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from M.L. Brown, Commissioner, Department of California Highway Patrol, dated July 24, 2006, referred by the Speaker to the Committee on Transportation.

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 9, 2006

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

Assembly Joint Resolution No. 43

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 163—Parra.** Relative to Oceano Dunes State Vehicular Recreation Area.

**ASSEMBLY JOINT RESOLUTION NO. 58—Hancock.** Relative to the heroism of Marlin Coats and the residency of Jacqueline Coats.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 9, 2006

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

Senate Bill No. 1616  
Senate Bill No. 1773  
Senate Bill No. 1838

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

CHU, Chair

**SENATE BILL NO. 1616**—An act to add Sections 1764.7, 1764.8, and 14011.92 to the Welfare and Institutions Code, relating to incarcerated juveniles.

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.

**SENATE BILL NO. 1773**—An act to add and repeal Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to county penalties.

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.

**SENATE BILL NO. 1838**—An act to add Sections 129856 and 129880 to the Health and Safety Code, relating to health facilities.

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 Appropriations**

August 9, 2006

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

Senate Bill No. 175	Senate Bill No. 1208
Senate Bill No. 989	Senate Bill No. 1613
Senate Bill No. 1041	Senate Bill No. 1755

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

CHU, Chair

**SENATE BILL NO. 175**—An act to amend Sections 19962 and 19963 of, and to add Section 19858.5 to, the Business and Professions Code, relating to gaming.

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.

**SENATE BILL NO. 989**—An act to amend Sections 25395.84 and 25395.85 of, to add Article 7 (commencing with Section 25395.102) and Article 8 (commencing with Section 25395.109) to Chapter 6.82 of Division 20 of, and to repeal Article 7 (commencing with Section 25395.105) of Chapter 6.82 of Division 20 of, the Health and Safety Code, relating to hazardous materials.

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.

**SENATE BILL NO. 1041**—An act to add Section 3350 to the Food and Agricultural Code, relating to agricultural associations.

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.

**SENATE BILL NO. 1208**—An act to add Section 22964 to, and to repeal and add Section 22963 of, the Business and Professions Code, to amend Section 308.1 of the Penal Code, and to repeal Section 30101.7 of the Revenue and Taxation Code, relating to tobacco products.

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.

**SENATE BILL NO. 1613**—An act to add Sections 12810.3 and 23123 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.

**SENATE BILL NO. 1755**—An act to add Sections 14522.3, 14526.1, 14528.1, 14550.5, and 14550.6 to, and to repeal and add Section 14525 of, the Welfare and Institutions Code, relating to Medi-Cal.

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 Appropriations**

August 9, 2006

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

Senate Bill No. 1661

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

CHU, Chair

**SENATE BILL NO. 1661**—An act to amend Section 130060 of, and to add Section 130061 to, the Health and Safety Code, relating to health facilities.

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 Utilities and Commerce**

Date of Hearing: August 9, 2006

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 1250

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

LEVINE, Chair

Above bill re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE**  
**SENATE BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bills Nos. 928, 1818, 1056, 1489, 1311, and 1430**, ordered to third reading;

(NOTE: Later this day Senate Bill No. 1430 was re-referred to the Committee on Appropriations.)

**Senate Bill No. 1560**, ordered to the Consent Calendar.

**RE-REFERENCE OF BILLS PURSUANT TO THE RULES**

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

**Senate Bill No. 1430.**

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

**Senate Bill No. 463**, on request of Assembly Member Cohn.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, August 10, 2006.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 9, 2006**

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

<b>SB</b>	<b>RN</b>
175	0619377
989	0619664
1041	0619571
1208	0619648
1613	0619729
1616	0619438
1661	0619603
1755	0619527
1773	0619591
1838	0619622

<b>Daily Total:</b>	<b>10</b>
<b>Cumulative Total:</b>	<b>5394</b>

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