# CALIFORNIA LEGISLATURE 2005–06 REGULAR SESSION

# ASSEMBLY DAILY JOURNAL

# Tuesday, March 14, 2006

# ONE HUNDRED FIFTY-NINTH SESSION DAY FOUR HUNDRED SIXTY-FOURTH 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.

### PROCEEDINGS OF THE ASSEMBLY

#### **IN ASSEMBLY**

Assembly Chamber, Sacramento Tuesday, March 14, 2006

The Assembly met at 7 a.m.

Hon. Johan Klehs, Assembly Member, 18th 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-77:

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

Quorum present.

#### At 1:37 p.m., Hon. Lynn Daucher, 72nd 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 Spitzer and Yee. Because of illness: Assembly Member Parra. Mar. 14, 2006

#### ASSEMBLY JOURNAL

#### **EXPLANATIONS OF ABSENCE**

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

March 2, 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 Tuesday and Wednesday, March 14 and 15, 2006 for legislative business in my district.

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

March 13, 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 Tuesday, March 14, 2006. I will be in my district during this time attending to legislative business.

Sincerely,

LELAND Y. YEE, PH.D. Speaker pro Tempore

#### COMMUNICATIONS

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

March 13, 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 Gene Mullin to replace Assemblymember Dario Frommer on the Assembly Health Committee for the Tuesday, March 14 hearing only.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

March 14, 2006

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

RE: Appointment of Robert Mackersie to Commission on Emergency Medical Services

Dear Mr. Wilson: Please be advised I have appointed Dr. Robert Mackersie to the Commission on Emergency Medical Services. This is a term appointment starting March 14, 2006 and the expiration date is January 1, 2008.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

#### SPECIAL COMMITTEE MEETINGS

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

Local Government on Wednesday, April 19, 2006, and on Wednesday, May 3, 2006, at 1:30 p.m.

#### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following resolution was introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 35—Nation. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to gaming.

#### RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 137—Maze (Coauthors: Bass, Benoit, Bermudez, Cogdill, DeVore, Garcia, Harman, Haynes, Huff, Karnette, La Suer, Liu, Mountjoy, Niello, Pavley, Spitzer, Strickland, and Wyland) (Coauthors: Senators Ackerman, Cox, Denham, Ducheny, Romero, and Speier). Relative to Sexual Assault Awareness Month.

#### **REFERENCE OF BILLS TO COMMITTEE**

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

Assembly

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Bill No.	Committee
2044	Pub. S.
2051	$\_\_\_\_Jud.$ and Pub. S.
2067	L. & E. and G.O.
2075	Pub. S.
2079	$\_\_\_\_$ Jud. and Pub. S.
2080	E.S. & T.M.
2093	Pub. S.
2099	Pub. S. and Trans.
2105	Pub. S.
2125	Ins.
2139	Jud.
2144	E.S. & T.M.
2145	Jud.

2155	E.S. & T.M.
2169	Jud.
2171	E. & R. and L. Gov.
2182	Rev. & Tax.
2203	Health
2205	Hum. S.
2206	Nat. Res.
2207	U. & C. and Nat. Res.
2209	Ins.
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2213	Trans.
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2352	Rev. & Tax.
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2381	_ Higher Ed. and B. & P.
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2387	_ Ins.
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2395	_ Rev. & Tax.
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2401	_ Trans.
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2404	_ B. & P.
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2868	 - B. & P.
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#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 14, 2006

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:Assembly Bill No. 1785Assembly Bill No. 1963Assembly Bill No. 1873Assembly Bill No. 1997Assembly Bill No. 1877Assembly Bill No. 2001Assembly Bill No. 1910Assembly Bill No. 2004

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 14, 2006

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Concurrent Resolution No. 121

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

#### AUTHOR'S AMENDMENTS Committee on Revenue and Taxation

March 14, 2006

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Assembly Bill No. 1798

Assembly Bill No. 1890

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

KLEHS, Chair

**ASSEMBLY BILL NO. 1798**—An act to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.101, 195.102, and 195.103 to, the Revenue and Taxation Code, relating to disaster relief, 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.

**ASSEMBLY BILL NO. 1890**—An act to amend Section 69 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 14, 2006

Mr. Speaker: The Chair of your Committee on Business and Professions reports: Assembly Bill No. 1793

Assembly Bill No. 1796

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

NEGRETE McLEOD, Chair

**ASSEMBLY BILL NO. 1793**—An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology, 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.

**ASSEMBLY BILL NO. 1796**—An act to amend Sections 2082, 2177, and 2221 of the Business and Professions Code, relating to physicians and surgeons.

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 14, 2006

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

Assembly Bill No. 1942

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

LENO, Chair

**ASSEMBLY BILL NO. 1942**—An act to add Sections 833.2 and 13517.7 to the Penal Code, relating to arrests.

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

March 14, 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 Transportation

March 14, 2006

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

Assembly Concurrent Resolution No. 104

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

OROPEZA, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 104—Relative to Officer Kenneth Wrede 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.

#### AUTHOR'S AMENDMENTS Committee on Education

March 14, 2006

Mr. Speaker: The Chair of your Committee on Education reports: Assembly Bill No. 2003

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

GOLDBERG, Chair

**ASSEMBLY BILL NO. 2003**—An act to add Chapter 6.4 (commencing with Section 52059.1) to Part 28 of the Education Code, and to add Chapter 3 (commencing with Section 5884.10) to Part 4 of Division 5 of the Welfare and Institutions Code, relating to pupils.

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 14, 2006

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

Assembly Bill No. 2059

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

CHAN, Chair

**ASSEMBLY BILL NO. 2059**—An act to amend Sections 16809 and 16809.4 of the Welfare and Institutions Code, relating to county health services.

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 Rules

March 14, 2006

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

Senate Concurrent Resolution No. 85

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

MONTAÑEZ, Chair

SENATE CONCURRENT RESOLUTION NO. 85—Relative to American Stroke Month.

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 Judiciary

March 14, 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 646.91 of the Penal 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 Rules

Date of Hearing: March 13, 2006

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 115

Assembly Concurrent Resolution No. 119 Assembly Concurrent Resolution No. 127

House Resolution No. 28

With the recommendation: Be adopted.

MONTAÑEZ, Chair

Above resolutions ordered to third reading.

#### Committee on Judiciary

Date of Hearing: March 14, 2006

Mr. Speaker: Your Committee on Judiciary reports: Assembly Bill No. 1897

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

JONES, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 14, 2006

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Joint Resolution No. 41

With the recommendation: Be adopted.

JONES, Chair

#### Above resolution ordered to third reading.

Date of Hearing: March 14, 2006

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 262

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

JONES, Chair

Above bill ordered to second reading.

#### **Committee on Public Safety**

Date of Hearing: March 7, 2006

Mr. Speaker: Your Committee on Public Safety reports: Assembly Bill No. 1849

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

LENO, Chair

Above bill ordered to second reading.

#### CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

**ASSEMBLY BILL NO. 1791**—An act to amend Section 3003 of the Penal Code, relating to parole.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 1900**—An act to amend Section 290 and 290.95 of the Penal Code, relating to sex offenders.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

#### ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 15, 2006.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE **ASSEMBLY ON MARCH 14, 2006**

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

AB	RN	
1787	0606644	
1791	0606457	
1793	0606184	
1796	0606516	
1798	0606620	
1870	0606658	
1890	0606432	
1900	0606491	
1942	0606651	
2003	0606314	
2059	0606642	
ACR	RN	
104	0606510	
SCR	RN	
85	0606355	
Daily Total: Cumulative Total:		13 3163

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