

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 16, 2006**

**ONE HUNDRED SIXTY-FIRST SESSION DAY  
FOUR HUNDRED SIXTY-SIXTH 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  
Thursday, March 16, 2006

The Assembly met at 6:30 a.m.

Hon. Todd Spitzer, Assembly Member, 71st 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—72:

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

Quorum present.

**At 10:12 a.m., Hon. Rick Keene, 3rd 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 Benoit, Cogdill, Harman, Lieu, Montañez, Nation, and Yee.*

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

**EXPLANATIONS OF ABSENCE**

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

March 16, 2006

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

Dear Speaker Núñez: I am writing to be excused from Check-in Session on March 16, 2006. I inadvertently did not check in. I have legislative business to attend to in my district.

Should you have any questions please contact me or my Chief of Staff, Barry Nestande, at (951) 369-6644.

Sincerely,

JOHN J. BENOIT, Assembly Member  
Sixty-fourth District

March 15, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from Check-In Session for March 16, 2006 as I have legislative business to attend to in my district.

Thank you for your consideration of this request. If you have any questions, please contact me at 319-2025.

Sincerely,

DAVE COGDILL, Assembly Member  
Twenty-fifth District

March 16, 2006

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

Dear Mr. Speaker: I respectfully request to be excused on legislative business today, Thursday March 16, 2006. I inadvertently neglected to check in at the desk this morning.

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 16, 2006

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

Dear Speaker Núñez: I respectfully request permission to be excused from Check-In Session on Thursday, March 16, 2006, due to legislative business in my district.

If you have any questions regarding this request, please contact Meghan McKelvey at 319-2053.

Sincerely,

TED W. LIEU, Assembly Member  
Fifty-third District

March 15, 2006

*The Honorable Fabian Núñez  
Speaker, California State Assembly  
Sacramento, California*

Dear Speaker Núñez: I am requesting to be excused from check in session on March 16, 2006 for legislative business in my district.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

March 16, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Thursday, March 16, 2006, for legislative business.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2039.

Sincerely,

CINDY MONTAÑEZ, Assembly Member  
Thirty-ninth District

March 16, 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 Thursday, March 16, 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 communication was presented by the Speaker, and ordered printed in the Journal:

March 16, 2006

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

RE: Appointment of Gene Mullin to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Gene Mullin to the State Allocation Board for March 22, 2006 only.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Select Committee on Rural Economic Development, on Wednesday, March 22, 2006;

Joint Committee on Boards, Commissions and Consumer Protection, on Thursday, March 30, 2006, in Room 3191.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 16, 2006

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1782 | Assembly Bill No. 1915 |
| Assembly Bill No. 1789 | Assembly Bill No. 1953 |
| Assembly Bill No. 1849 | Assembly Bill No. 1956 |
| Assembly Bill No. 1868 | Assembly Bill No. 2000 |
| Assembly Bill No. 1872 | Assembly Bill No. 2011 |
| Assembly Bill No. 1895 |                        |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 16, 2006

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

- Assembly Concurrent Resolution No. 114
- Assembly Concurrent Resolution No. 121

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

March 16, 2006

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 1847

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

KLEHS, Chair

**ASSEMBLY BILL NO. 1847**—An act to amend Sections 17053.42 and 23642 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 Natural Resources**

March 16, 2006

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
Assembly Bill No. 1866

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

HANCOCK, Chair

**ASSEMBLY BILL NO. 1866**—An act to add Chapter 6.5 (commencing with Section 42380) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

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 16, 2006

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Assembly Bill No. 1963

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

NEGRETE McLEOD, Chair

**ASSEMBLY BILL NO. 1963**—An act to amend Section 10150.6 of the Business and Professions Code, relating to real estate brokers.

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 Insurance**

March 16, 2006

Mr. Speaker: The Chair of your Committee on Insurance reports:  
Assembly Bill No. 1946

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

VARGAS, Chair

**ASSEMBLY BILL NO. 1946**—An act to amend Sections 10102 and 10103 of the Insurance Code, relating to residential property insurance.

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 Human Services**

March 16, 2006

Mr. Speaker: The Chair of your Committee on Human Services reports:  
Senate Bill No. 1114

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

EVANS, Chair

**SENATE BILL NO. 1114**—An act to amend Section 19020 of the Welfare and Institutions Code, relating to blind individuals.

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 Budget**

March 16, 2006

Mr. Speaker: The Chair of your Committee on Budget reports:  
Assembly Constitutional Amendment No. 19

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

LAIRD, Chair

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 19**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article II thereof, by amending, repealing, and adding Sections 3, 8, 10, and 12 of Article IV thereof, by amending Section 10.5 of, adding Section 14 to, and amending, repealing, and adding Sections 1, 2, 3, and 8 of, Article XIII B thereof, and by amending, repealing, and adding Sections 8 and 8.5 of, and amending Section 20 of, Article XVI thereof, relating to legislative sessions.

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

**REPORTS OF STANDING COMMITTEES**  
**Committee on Education**

Date of Hearing: March 15, 2006

Mr. Speaker: Your Committee on Education reports:  
Assembly Bill No. 1758

With the recommendation: That the Senate amendments be concurred in.

GOLDBERG, Chair

Above bill ordered to unfinished business.

Date of Hearing: March 15, 2006

Mr. Speaker: Your Committee on Education reports:  
Assembly Bill No. 1950

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

GOLDBERG, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing: March 13, 2006

Mr. Speaker: Your Committee on Transportation reports:  
Senate Bill No. 858

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

OROPEZA, Chair

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 15, 2006

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

Assembly Bill No. 245

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, March 15, 2006

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 288

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

Senate Chamber, March 15, 2006

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

- Assembly Concurrent Resolution No. 101
- Assembly Concurrent Resolution No. 106
- Assembly Concurrent Resolution No. 109
- Assembly Concurrent Resolution No. 110
- Assembly Concurrent Resolution No. 113

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

Above resolutions ordered enrolled.

Senate Chamber, March 15, 2006

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

- Senate Bill No. 1121
- Senate Bill No. 1122

- Senate Bill No. 1123
- Senate Bill No. 1196

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

Senate Chamber, March 15, 2006

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

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| Senate Concurrent Resolution No. 67 | Senate Concurrent Resolution No. 94  |
| Senate Concurrent Resolution No. 77 | Senate Concurrent Resolution No. 97  |
| Senate Concurrent Resolution No. 79 | Senate Concurrent Resolution No. 100 |
| Senate Concurrent Resolution No. 86 | Senate Concurrent Resolution No. 101 |
| Senate Concurrent Resolution No. 90 | Senate Concurrent Resolution No. 102 |
| Senate Concurrent Resolution No. 92 |                                      |

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



**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 1121**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 1122**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 1123**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

**SENATE BILL NO. 1196**—An act to amend Sections 53234, 54984.4, 54984.7, 54984.8, 58950, 61107, 65457, 66016, and 66499.7 of, and to repeal Sections 54984.5 and 54984.6 of, the Government Code, to amend Section 2051 of the Health and Safety Code, to amend Sections 22032 and 22034 of the Public Contract Code, to repeal Chapter 5 (commencing with Section 5790) of Division 5 of the Public Resources Code, and to amend Section 2215 of the Revenue and Taxation Code, relating to local government.

The following resolutions were read:

**SENATE CONCURRENT RESOLUTION NO. 67**—Relative to Shaken Baby Syndrome Awareness Week.

**SENATE CONCURRENT RESOLUTION NO. 77**—Relative to Lymphedema Awareness Day.

**SENATE CONCURRENT RESOLUTION NO. 79**—Relative to Crime Victims' Rights Week.

**SENATE CONCURRENT RESOLUTION NO. 86**—Relative to Assisted Living Week.

**SENATE CONCURRENT RESOLUTION NO. 90**—Relative to 10 Steps to a Healthy California.

**SENATE CONCURRENT RESOLUTION NO. 92**—Relative to nonprofit and philanthropic organizations.

**SENATE CONCURRENT RESOLUTION NO. 94**—Relative to Cinco de Mayo Week.

**SENATE CONCURRENT RESOLUTION NO. 97**—Relative to Child Abuse Prevention Month.

**SENATE CONCURRENT RESOLUTION NO. 100**—Relative to Prostate Cancer Awareness Month.

**SENATE CONCURRENT RESOLUTION NO. 101**—Relative to Motorcycle Awareness Month.

**SENATE CONCURRENT RESOLUTION NO. 102**—Relative to Construction Career Awareness Day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 10:30 a.m., Monday, March 20, 2006.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 16, 2006**

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

**AB RN**

1847 0606823

1866 0606847

1946 0606772

1963 0606783

**ACA RN**

19 0606543

**SB RN**

1114 0606944

**Daily Total: 6****Cumulative Total: 3185**

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