

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 22, 2006

**ONE HUNDRED SIXTY-FOURTH SESSION DAY
FOUR HUNDRED SEVENTY-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
Wednesday, March 22, 2006

The Assembly met at 7 a.m.

Hon. Wilma Chan, Assembly Member, 16th 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	De La Torre	La Suer	Pavley
Arambula	DeVore	Laird	Plescia
Baca	Dymally	Leno	Richman
Bass	Emmerson	Leslie	Ridley-Thomas
Benoit	Evans	Levine	Runner
Berg	Garcia	Lieber	Ruskin
Bermúdez	Goldberg	Lieu	Saldaña
Blakeslee	Hancock	Matthews	Salinas
Bogh	Haynes	Maze	Spitzer
Calderon	Horton, Jerome	McCarthy	Strickland
Canciamilla	Horton, Shirley	Mountjoy	Torrico
Chan	Houston	Mullin	Tran
Chavez	Huff	Nakanishi	Umberg
Chu	Jones	Nation	Villines
Cogdill	Karnette	Nava	Walters
Cohn	Keene	Negrete McLeod	Wolk
Coto	Klehns	Niello	Wyland
Daucher	La Malfa	Parra	Mr. Speaker

Quorum present.

At 11:24 a.m., Hon. Juan Arambula, 31st 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 Frommer, Harman, Koretz, Montañez, Oropeza, Vargas, and Yee.

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

EXPLANATIONS OF ABSENCE

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

March 21, 2006

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

Dear Mr. Speaker: I respectfully request an excuse for Assembly Check In Session on March 22, 2006, for legislative business in my District.

Thank you for your attention to this request. If you have any questions, please telephone my Chief of Staff, Dan Reeves, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member
Forty-third District

February 23, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from all legislative responsibilities on Wednesday March 22, 2006 due to legislative business in the district.

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

February 27, 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, Wednesday, March 22, 2006 due to legislative business in my district. If you have any questions or concerns please contact Jeanette Garcia in my office at 319-2042.

Sincerely,

PAUL KORETZ, Assembly Member
Forty-second District

March 20, 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 Wednesday, March 22, 2006. I will be in my district on 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 20, 2006

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

Dear Mr. Speaker,

I respectfully request permission to be excused from all legislative matters in the Capitol on March 22, 2006. I will be conducting legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JUAN VARGAS, Assembly Member
Seventy-ninth District

March 22, 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 Wednesday, March 22, 2006. I will be in my district during this time attending to legislative business.

Sincerely,

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

(NOTE: For letter explaining the absence of Assembly Member Oropeza on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for March 21, 2006.)

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Housing and Community Development, on Wednesday, April 19, 2006, at 9 a.m., in Room 126.

COMMUNICATIONS

The following communication was presented by the Chief Clerk from:

B. B. Blevins, Executive Director, California Energy Commission, dated March 15, 2006, relative to a delay in submitting a report on the Public Interest Research Program (pursuant to Senate Bill 71, Chapter 81, Statutes of 2005).

Referred by the Speaker to the Committee on Utilities and Commerce.

REPORTS

The following reports were presented by the Chief Clerk:

**California Alternative Energy and Advanced Transportation Financing
Authority Annual Report of Activities
(Pursuant to Public Resources Code, Section 26017)**

Above transmitted report, together with letter of transmittal from Donna Ferebee, Counsel, California Alternative Energy and Advanced Transportation Financing Authority, dated February 27, 2006, referred by the Speaker to the Committee on Utilities and Commerce.

**CSU 2005–06 Enrollment Report
(Pursuant to Budget Act 2005)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated March 8, 2006, referred by the Speaker to the Committee on Budget.

**Electronic Recording Equipment Purchased or Leased by
the Superior Courts
(Pursuant to Senate Bill 1102, Chapter 227, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated March 9, 2006, referred by the Speaker to the Committee on Judiciary.

**Air Quality Concerns Relating to
the North American Free Trade Agreement (NAFTA) and
Free Commercial Vehicle Travel in California
(Pursuant to Supplemental Budget Act of 2005
Item 3900-001-0115)**

Above transmitted report, together with letter of transmittal from Robert F. Sawyer, Ph.D., Chair, Air Resources Board, dated March 9, 2006, referred by the Speaker to the Committee on Transportation.

**Santa Clara County Office of the Sheriff
Transit Patrol Division's Citation Report
(Pursuant to Public Utilities Code Section 99170(6)(f))**

Above transmitted report, together with letter of transmittal from Raymond H. Frank, Chief of Security, Protective Services, Santa Clara Valley Transportation Authority, dated March 13, 2006, referred by the Speaker to the Committee on Transportation.

**California State Lottery Fund:
Financial Statements, December 31, 2005
(Prepared from Books Without Audit)
(Pursuant to Government Code Section 8880.22)**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Director, Finance and Administration Division, California Lottery Commission, dated March 14, 2006, referred by the Speaker to the Committee on Governmental Organization.

**Jenkins Act Compliance and Enforcement Report
(Pursuant to Revenue and Taxation Code Section 30101.7(g))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated March 14, 2006, referred by the Speaker to the Committee on Revenue and Taxation.

**State Water Resources Control Board
Fiscal Year 2004–05 Annual Fees Report
(Pursuant to Water Code Section 13260.3)**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated March 16, 2006, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Report on the Incompetent to Stand Trial
Commitments Exceeding the 10-Day Limit
(Pursuant to Senate Bill 391, Chapter 294, Statutes of 1997)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated March 15, 2006, referred by the Speaker to the Committee on Health.

**Medical Staff Membership and Privileges for Clinical Psychologists
(Pursuant to Assembly Bill 947, Chapter 717, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated February 17, 2006, referred by the Speaker to the Committee on Health.

**2005 Status of California Case Management System and
Court Accounting and Reporting System
(Pursuant to Government Code Section 68511.8(a))**

Above transmitted report, together with letter of transmittal from Sheila Calabro, Regional Administrative Director, Southern Region, Judicial Council of California, referred by the Speaker to the Committee on Budget.

**2005–06 Tax Expenditure Report
(Pursuant to Government Code Section 13305)**

Above report referenced in communication from Michael C. Genest, Director, Department of Finance, dated March 10, 2006 stating availability of report at <http://www.dof.ca.gov/>.

Referred by the Speaker to the Committee on Revenue and Taxation.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 22, 2006

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

Assembly Bill No. 1832
 Assembly Bill No. 1848
 Assembly Bill No. 1896
 Assembly Bill No. 1906
 Assembly Bill No. 1920
 Assembly Bill No. 1941
 Assembly Bill No. 1943

Assembly Bill No. 2015
 Assembly Bill No. 2046
 Assembly Bill No. 2049
 Assembly Bill No. 2058
 Assembly Bill No. 2077
 Assembly Bill No. 2084

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 22, 2006

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

Assembly Concurrent Resolution No. 120
 Assembly Concurrent Resolution No. 135

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, March 22, 2006

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

Assembly Concurrent Resolution No. 112
 Assembly Concurrent Resolution No. 37

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 3074—Committee on Local Government (Salinas (Chair), Emmerson (Vice Chair), De La Torre, Houston, Lieber, Nation, and Wolk). An act to amend Sections 56036, 56074, 56128, 56661, 56663, and 56668 of the Government Code, to amend Sections 4730.4, 6480.1, and 32100.05 of the Health and Safety Code, to amend Section 9301.1 of the Public Resources Code, and to amend Sections 21552.1, 30500.1, and 71250.1 of the Water Code, relating to local government.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 139—Emmerson (Principal coauthor: Senator Dutton). Relative to NASCAR.

ASSEMBLY JOINT RESOLUTION NO. 48—Nation. Relative to the Veterans Remembered Flag.

AUTHOR'S AMENDMENTS**Committee on Governmental Organization**

March 22, 2006

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:
 Assembly Bill No. 2116

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

JEROME HORTON, Chair

ASSEMBLY BILL NO. 2116—An act to amend Section 8592.4 of the Government Code, relating to public safety.

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 Education

March 22, 2006

Mr. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 1874
Assembly Bill No. 2020

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

GOLDBERG, Chair

ASSEMBLY BILL NO. 1874—An act to add Article 8 (commencing with Section 41575) to Chapter 3.2 of Part 24 of the Education Code, relating to education finance.

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. 2020—An act to add Article 4.2 (commencing with Section 42289.7) to Chapter 7 of Part 24 of the Education Code, relating to education finance.

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 22, 2006

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 2005

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

LENO, Chair

ASSEMBLY BILL NO. 2005—An act to amend Section 6254.24 of the Government Code, and to amend Section 1808.4 of the Vehicle Code, relating to records.

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 Employees, Retirement and Social Security

March 22, 2006

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 2069

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

TORRICO, Chair

ASSEMBLY BILL NO. 2069—An act to add Article 5 (commencing with Section 1390) to Chapter 2 of Division 4 of Title 1 of the Government Code, relating to public employment.

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 Housing and Community Development**

March 22, 2006

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 521

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

MULLIN, Chair

SENATE BILL NO. 521—An act to amend Sections 65460.2 and 65460.4 of the Government Code, and to amend Sections 33031 and 33320.1 of, and to add Section 33032 to, the Health and Safety Code, relating to transit village plans.

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 Revenue and Taxation**

March 22, 2006

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

Assembly Bill No. 2001

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

KLEHS, Chair

ASSEMBLY BILL NO. 2001—An act to amend and repeal Sections 30142, 30168, and 30182 of, and to add Section 30142.5 to, the Revenue and Taxation Code, relating to taxation.

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 Aging and Long-Term Care**

March 22, 2006

Mr. Speaker: The Chair of your Committee on Aging and Long-Term Care reports:

Assembly Bill No. 1928

Assembly Bill No. 2014

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

BERG, Chair

ASSEMBLY BILL NO. 1928—An act to add Section 9400.5 to the Welfare and Institutions Code, relating to aging, 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. 2014—An act to amend Sections 4362.5, 4364, 4364.5, 4367.5, 4368.5, 4521, 4521.5, 4521.6, 9000, 9002, 9011, 9012, 9100, 9115, 9116, 9118.5, 9591, 9660, 9665, 9710.5, 9757.5, 12303, 12303.7, 12304, 14552.2, 14554, 14573, 14574, 14574.1, 14575, 14585, 15301, 15325, 15610.50, 15630, 15653, 15658, 15763, 18326, 18327.3, 18330, 18331, 18332, 19800, 19801, 19805, 19806, and 22008 of, and to add Sections 12300.3, 15750.1 and 19802.5 to, the Welfare and Institutions Code, relating to programs for the seniors and independent adults.

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 Health**

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1888

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

CHAN, Chair

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

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Health reports:

Assembly Concurrent Resolution No. 114

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

CHAN, Chair

Above resolution re-referred to the Committee on Appropriations.

Committee on Human Services

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1795

Assembly Bill No. 1982

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

EVANS, Chair

Above bills ordered to second reading.

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1859

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

EVANS, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1907

With the recommendation: Do pass.

EVANS, Chair

Above bill ordered to second reading.

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 2031

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

EVANS, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 1114

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

EVANS, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1980

Assembly Bill No. 2035

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

LENO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1789

Assembly Bill No. 1792

Assembly Bill No. 1942

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

LENO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1996

With the recommendation: Do pass.

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2057

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.

Date of Hearing: March 21, 2006

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 202

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

LENO, Chair

Above bill re-referred to the Committee on Utilities and Commerce.

Committee on Local Government

Date of Hearing: March 22, 2006

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 2011

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

SALINAS, Chair

Above bill re-referred to the Committee on Banking and Finance.

Date of Hearing: March 22, 2006

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1864

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

SALINAS, Chair

Above bill re-referred to the Committee on Water, Parks and Wildlife.

Date of Hearing: March 22, 2006

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 245

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

SALINAS, Chair

Above bill ordered to unfinished business.

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

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, and ordered to third reading.

ASSEMBLY CONCURRENT RESOLUTION NO. 121—Relative to the 1906 San Francisco earthquake.

Resolution read; amendments proposed by the Committee on Governmental Organization read and adopted; resolution ordered reprinted, and to be placed upon the third reading file.

ASSEMBLY BILL NO. 1968—An act to amend Section 76361 of the Education Code, relating to community colleges.

Bill read second time; amendments proposed by the Committee on Higher Education read and adopted; bill ordered reprinted and to be returned to the second reading file.

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

Bill read second time, and ordered to Consent Calendar.

ADJOURNMENT

At 3:40 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 23, 2006.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 22, 2006**

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

AB RN

1874 0606219
1928 0606976
1968 0606782
2001 0607127
2005 0606962
2014 0606982
2020 0606537
2069 0607103
2116 0607099

ACR RN

121 0607108

SB RN

521 0605997

Daily Total: 11
Cumulative Total: 3227

O