### CALIFORNIA LEGISLATURE 2005–06 REGULAR SESSION

## ASSEMBLY DAILY JOURNAL

### Wednesday, May 3, 2006

# ONE HUNDRED EIGHTY-FOURTH SESSION DAY FIVE HUNDRED FOURTEENTH 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 Wednesday, May 3, 2006

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th 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:

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

Quorum present.

### At 12:59 p.m., Hon. Bill Emmerson, 63rd 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 Bogh, Chavez, Nation, and Oropeza.

On personal business, and waiving per diem: Assembly Members Garcia and Wyland.

On paternity leave: Assembly Member Spitzer.

#### **EXPLANATIONS OF ABSENCE**

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

May 2, 2006

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

Dear Assembly Speaker Núñez,

This letter is a request to be excused from Check-In Session on Wednesday, May 3, 2006 for Legislative business.

Thank you for your consideration of this matter.

Sincerely,

RUSS BOGH, Assembly Member Sixty-fifth District

April 28, 2006

The Honorable Fabian Núñez Speaker

California State Assembly State Capitol, Room 219 Sacramento, California

Dear Speaker Núñez: I respectfully request permission to be excused from check-in session on Wednesday, May 3, 2006. The purpose is to tend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member Fifty-seventh District

April 27, 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 May 3, 2006 due to legislative business in my district. Please contact Jim DeBoo, my Chief of Staff with any questions.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member Sixth District

(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 May 1, 2006.)

#### COMMUNICATIONS

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

May 2, 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 Assemblymember Ira Ruskin to replace Assemblymember Jenny Oropeza on the Assembly Appropriations Committee for the Wednesday, May 3 hearing only.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

May 2, 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 Audra Strickland to replace Assemblymember George Plescia on the Assembly Governmental Organization Committee for the Wednesday, May 3 hearing only.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

May 2, 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 Dennis Mountjoy to fill the Republican vacancy on the Assembly Public Employees, Retirement and Social Security Committee for the Wednesday, May 3 hearing only.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

May 3, 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 Professional Sports and have appointed Assemblymember Mark Ridley-Thomas as the Chair.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

May 3, 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 Assemblymember Karen Bass to replace Assemblymember Joe Nation on the Assembly Local Government Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

#### SPECIAL COMMITTEE MEETINGS

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

Insurance, on Monday, May 8, 2006, upon adjournment of Floor Session.

### **REPORTS**

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

#### California State Auditor

2005-002 April 27, 2006

The Honorable Speaker of the Assembly The Honorable Members of the Assembly of the Legislature of California State Capitol, Room 3196 Sacramento, California

Members of the Assembly: As required by California Government Code, Section 8542 et seq., the Bureau of State Audits presents its audit report concerning our review of the State of California's internal controls and compliance with state and federal laws and regulations for the year ended June 30, 2005.

This report concludes that the State did not materially comply with a requirement for one of its federal programs. Further, it continues to experience certain problems in accounting and administrative practices that affect its internal controls over financial reporting and over compliance with federal requirements. As a result, the State has not

always complied with some state and federal regulations. Although none of the problems we identified are significant to the State's financial statements, weaknesses in the State's internal control system could adversely affect its ability to provide accurate financial information and to administer federal programs in compliance with applicable requirements.

Respectfully submitted,

ELAINE M. HOWLE State Auditor

Above report referred to the Committee on Business and Professions.

California State Auditor

2006-103 May 2, 2006

The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the compensation practices of the University of California (university).

This report concludes that the Corporate Personnel System (CPS) used by the university's Office of the President (president's office) to track the pay activity of university campuses contains inconsistencies and overly vague categories that did not allow us to determine the reliability of various compensation and funding source classifications contained within it and that limit its usefulness as an oversight tool. Despite the data reliability problems we found, the CPS is the most detailed and complete centrally maintained source of information, and in fiscal year 2004-05 it reflects that university employees earned approximately \$9.3 billion, comprised of \$8.9 billion in regular pay and \$334 million in additional compensation. CPS also indicates that the 4,071 university employees earning more than \$168,000 from all funding sources received 10 percent of total regular pay, but 26 percent of the additional compensation. Further, the regular granting of exceptions to university compensation policy by the president's office may weaken the credibility of the compensation policies it issues and create a culture of noncompliance. Indeed, in our review of 100 highly compensated employees we found that some university campuses circumvented or violated university policy, resulting in a significant overpayment to one employee, questionable forms of compensation provided to others, and improper increases to some employees' retirement-covered compensation. In addition, we found that the university did not consistently disclose its officers' nonsalary compensation, such as housing allowances, to the Board of Regents as required by policy.

Respectfully submitted,

ELAINE M. HOWLE State Auditor

Above report referred to the Committee on Higher Education.

### Emergency Medical Services (EMS) Report (Pursuant to Health and Safety Code Section 1797.98a) from:

Glenn County, Debbie Newman, Assistant Director of Finance, dated April 18, 2006;

Lake County, John W. Moore, Health Services Fiscal Officer, dated April 18, 2006;

San Bernardino County, Alma A. Sandoval, Healthcare Analyst, dated April 14, 2006.

Referred by the Speaker to the Committee on Health.

### Annual DNA Identification Fund Report (Pursuant to Government Code Section 76104.6) from:

Napa County, Pamela A. Kindig, Auditor Controller, dated April 6, 2006.

Referred by the Speaker to the Committee on Public Safety.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 3, 2006

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

Assembly Bill No. 2286

Assembly Bill No. 2867

Assembly Bill No. 3035

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 3, 2006

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

Assembly Bill No. 1796

Assembly Bill No. 2875

Assembly Bill No. 2618

Assembly Bill No. 2918

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 3, 2006

Mr. Speaker: Pursuant to your instructions, th	ne Chief Clerk has examined:
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Assembly Bill No. 1880	Assembly Bill No. 2218
Assembly Bill No. 2050	Assembly Bill No. 2226
Assembly Bill No. 2066	Assembly Bill No. 2227
Assembly Bill No. 2115	Assembly Bill No. 2231
Assembly Bill No. 2141	Assembly Bill No. 2245
Assembly Bill No. 2146	Assembly Bill No. 2267
Assembly Bill No. 2171	Assembly Bill No. 2281
Assembly Bill No. 2191	Assembly Bill No. 2337

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

#### Above bills re-referred to committee.

Assembly Chamber, May 3, 2006

ections, the Chief Clerk has examined
Assembly Bill No. 2584
Assembly Bill No. 2607
Assembly Bill No. 2634
Assembly Bill No. 2698
Assembly Bill No. 2732
Assembly Bill No. 2745
Assembly Bill No. 2746
Assembly Bill No. 2757

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

#### Above bills re-referred to committee.

Assembly Chamber, May 3, 2006

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

Assembly Bill No. 2775	Assembly Bill No. 2911
Assembly Bill No. 2784	Assembly Bill No. 2970
Assembly Bill No. 2791	Assembly Bill No. 3005
Assembly Bill No. 2799	Assembly Bill No. 3007
Assembly Bill No. 2846	Assembly Bill No. 3014
Assembly Bill No. 2889	Assembly Bill No. 3036

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

#### **RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 148—Plescia.** Relative to Hemophilia Awareness Month.

**ASSEMBLY CONCURRENT RESOLUTION NO. 149—Houston.** Relative to the Isleton Bridge.

### **AUTHOR'S AMENDMENTS Committee on Education**

May 3, 2006

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

Assembly Bill No. 2809

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

GOLDBERG, Chair

**ASSEMBLY BILL NO. 2809**—An act to amend Section 32282 of the Education Code, relating to school 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 Health

May 3, 2006

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

Assembly Bill No. 1964 Assembly Bill No. 2639 Assembly Bill No. 3000

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

CHAN, Chair

**ASSEMBLY BILL NO. 1964**—An act to add Sections 1265.6, 1507.7, 1569.626, and 1585.7 to the Health and Safety Code, relating to health care.

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. 2639**—An act to add Section 14526.5 to 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.

**ASSEMBLY BILL NO. 3000**—An act to add Part 3.5 (commencing with Section 15900) to Division 9 of the Welfare and Institutions Code, relating to health care.

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 Governmental Organization

May 3, 2006

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Assembly Bill No. 2841

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

JEROME HORTON, Chair

 $\textbf{ASSEMBLY BILL NO. 2841} \text{--} An \ \text{act to amend Section 12541 of the Health and Safety Code, relating to fireworks.}$ 

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

May 3, 2006

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Assembly Bill No. 1852 Assembly Bill No. 2381

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

NEGRETE McLEOD, Chair

**ASSEMBLY BILL NO. 1852**—An act to amend Section 128456 of the Health and Safety Code, relating to mental health.

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. 2381**—An act to amend Section 94999 of the Education Code, relating to private postsecondary education, and making an appropriation therefor.

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 Local Government

May 3, 2006

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 2882

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

SALINAS, Chair

**ASSEMBLY BILL NO. 2882**—An act to amend Section 53395.1 of the Government Code, relating to infrastructure financing districts.

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**

May 3, 2006

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

Assembly Bill No. 2174

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

LENO, Chair

**ASSEMBLY BILL NO. 2174**—An act to amend Section 977 of the Penal Code, relating to criminal procedure.

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

May 3, 2006

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

Assembly Bill No. 2128 Assembly Bill No. 2270

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

KLEHS, Chair

**ASSEMBLY BILL NO. 2128**—An act to add and repeal Sections 17053.67 and 23601 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.

**ASSEMBLY BILL NO. 2270**—An act to amend Sections 17276 and 24416 of, and to add Sections 17276.8, 24416.8, and 24416.9 to, 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 Appropriations**

May 3, 2006

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

Assembly Bill No. 2102
Assembly Bill No. 2509
Assembly Bill No. 2198
Assembly Bill No. 2387
Assembly Bill No. 2387
Assembly Bill No. 2638

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

CHU, Chair

**ASSEMBLY BILL NO. 2102**—An act to amend Section 8263.1 of, and to add Article 4.5 (commencing with Section 51250) to Chapter 2 of Part 28 of, the Education Code, relating to schoolage military dependents.

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. 2198**—An act to amend Sections 725, 2241, 2242, and 2242.1 of, and to repeal and add Section 2241.5 of, the Business and Professions Code, and to amend Section 11156 of the Health and Safety Code, relating to healing arts.

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. 2387 \$-\$An act to amend Section 1749 of the Insurance Code, relating to agents.

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. 2509**—An act to add Section 120392.9 to the Health and Safety Code, relating to immunizations.

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. 2541**—An act to amend Sections 927.1, 927.2, 927.3, 927.6, 927.7, 927.10, and 927.11 of the Government Code, relating to claims against the state.

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. 2638**—An act to amend Section 50843 of the Health and Safety Code, relating to housing.

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 Judiciary

May 3, 2006

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

Assembly Bill No. 2545 Assembly Bill No. 2851

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

JONES, Chair

**ASSEMBLY BILL NO. 2545**—An act to add Section 52.6 to the Civil Code, relating to civil actions.

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. 2851**—An act to amend Section 1351 of the Civil Code, relating to common interest developments.

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

May 3, 2006

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

Assembly Bill No. 2294 Assembly Bill No. 2374

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

MULLIN, Chair

**ASSEMBLY BILL NO. 2294**—An act to add Section 798.28.1 to the Civil Code, relating to mobilehomes.

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. 2374**—An act to amend Section 798.32 of the Civil Code, relating to mobilehome parks.

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 Utilities and Commerce

May 3, 2006

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports: Assembly Bill No. 2118

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

LEVINE, Chair

**ASSEMBLY BILL NO. 2118**—An act to amend Section 40116 of the Public Resources Code, relating to solid waste.

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 Veterans Affairs

May 3, 2006

Mr. Speaker: The Chair of your Committee on Veterans Affairs reports:

Assembly Bill No. 1778

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

NATION, Chair

**ASSEMBLY BILL NO. 1778**—An act to amend Section 49073.5 of the Education Code, relating to pupil 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 Education

May 3, 2006

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

Senate Bill No. 638

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

GOLDBERG, Chair

**SENATE BILL NO. 638**—An act to amend Sections 8482.5, 8483.55, 8483.75, 8483.75, 8483.75, 8483.75, 8484, and 8484.8 of, and to repeal Sections 8482.5 and 8483.7 of, the Education Code, relating to before and after school programs, and making an appropriation therefor.

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 Agriculture

Date of Hearing: April 26, 2006

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 2543

With the recommendation: Do pass, as amended.

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.

MATTHEWS, Chair

Above bill ordered to second reading.

#### Committee on Public Employees, Retirement and Social Security

Date of Hearing: May 3, 2006

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1951
Assembly Bill No. 2244
Assembly Bill No. 2309
Assembly Bill No. 2309
Assembly Bill No. 3033

Assembly Bill No. 2397

With the recommendation: Do pass.

TORRICO, Chair

Above bills ordered to second reading.

### **Committee on Governmental Organization**

Date of Hearing: April 19, 2006

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Joint Resolution No. 46

With amendments with the recommendation: Amend, and be adopted as amended.

JEROME HORTON, Chair

have resolution ordered to second reading

Above resolution ordered to second reading.

### Committee on Public Employees, Retirement and Social Security

Date of Hearing: May 3, 2006

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1797

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

TORRICO, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: May 3, 2006

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 146

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

TORRICO, Chair

Above bill ordered to unfinished business.

# CONSIDERATION OF DAILY FILE ASSEMBLY BILLS RETURNED TO SECOND READING FILE PURSUANT TO THE RULES

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

Assembly Bills Nos. 2918, 1796, and 2875, ordered to third reading;

Assembly Bill No. 2618, ordered to the Consent Calendar.

#### SECOND READING OF ASSEMBLY BILLS

 $\textbf{ASSEMBLY BILL NO. 2261} \\ - \text{An act to amend Section 7052 of the Health and Safety Code, relating to human remains.}$ 

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. 2310**—An act to amend Sections 12700, 12702, and 12721 of the Health and Safety Code, relating to public safety.

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. 2383**—An act to add Sections 7506 and 7507 to the Penal Code, relating to inmates.

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. 2537**—An act to amend Section 626.10 of the Penal Code, relating to weapons.

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. 2559**—An act to amend Sections 191.5, 192, 192.5, 193, and 193.5 of the Penal Code, relating to vehicles.

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. 2629**—An act to amend Section 3003.5 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. 2702**—An act to amend Section 803 of the Penal Code, relating to statutes of limitations.

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. 2854**—An act to amend Section 1810.7 of, and to add Section 1810.8 to, the Insurance Code, to amend Section 1305 of, and to add Sections 1276.7, 1276.8, and 1309 to the Penal Code, relating to bail bonds.

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. 3026**—An act to amend Section 4604.5 of the Labor Code, relating to workers' compensation.

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

**ASSEMBLY BILL NO. 2786**—An act to add Section 19585 to the Revenue and Taxation Code, relating to taxation.

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

**ASSEMBLY BILL NO. 2326**—An act to amend Sections 19521, 19734, 19736, and 19777.5 of, and to add Sections 19777.6, 19777.7, and 19777.8 to, the Revenue and Taxation Code, relating to taxation.

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

**ASSEMBLY BILL NO. 1925**—An act to add Section 25216.7 to the Public Resources Code, relating to energy.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations. **ASSEMBLY BILL NO. 2431**—An act to amend Sections 52122, 52122.6, 52122.8, 52123, 52124, 52124.5, 52126, and 52127 of, to add Section 52126.5 to, to repeal Section 52122.5 of, and to repeal and add Section 52122.1 of, the Education Code, relating to class size reduction.

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

**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; amendments proposed by the Committee on Education read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 2787**—An act to amend Section 60605 of the Education Code, relating to pupil instruction.

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

**ASSEMBLY BILL NO. 2975**—An act to add Article 4.3 (commencing with Section 52060) to Chapter 6.1 of Part 28 of the Education Code, relating to academic accountability.

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

**ASSEMBLY BILL NO. 2445**—An act to amend and repeal Section 44253.7 of, and to add Section 44259.4 to the Education Code, relating to teacher credentialing.

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

**ASSEMBLY BILL NO. 2489**—An act to amend Sections 42921 and 69435 of, to add Section 90001.5 to, and to add Chapter 3.5 (commencing with Section 89348) to Part 55 of, and to add Article 6.5 (commencing with Section 92660) to Chapter 6 of Part 57 of Division 9 of, the Education Code, relating to foster youth.

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

**ASSEMBLY BILL NO. 2510**—An act to add Article 11.5 (commencing with Section 32410) to Chapter 3 of Part 19 of the Education Code, and to amend Section 11605 of the Health and Safety Code, relating to pupils.

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

**ASSEMBLY BILL NO. 2513**—An act to add Chapter 7.5 (commencing with Section 56846) to Part 30 of the Education Code, relating to pupils.

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

**ASSEMBLY BILL NO. 2717**—An act to amend Sections 17171, 17173, 17180, 17183, 17183.5, 17184, 17185, 17193, 17193.5, 17194, 17195, 17199.1, and 17199.4 of the Education Code, relating to charter schools.

Bill read second time; amendments proposed by the Committee on Education read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations. **ASSEMBLY BILL NO. 2127**—An act to add and repeal Section 25150.9 of the Health and Safety Code, relating to hazardous waste.

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

**ASSEMBLY BILL NO. 2901**—An act to add Chapter 26 (commencing with Section 14990) to Division 7 of the Water Code, relating to water.

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

**ASSEMBLY BILL NO. 2365**—An act to add Section 22.5 to the Insurance Code relating to insurance.

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

**ASSEMBLY BILL NO. 2524**—An act to amend Section 5307.1 of, and to add Section 4608.1 to, the Labor Code, relating to workers' compensation.

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

**ASSEMBLY BILL NO. 2034**—An act to amend Section 21351 of the Probate Code, relating to donative transfers.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 2853**—An act to add Section 3150.5 to the Family Code, relating to family law.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 3017**—An act to amend Section 1037.2 of the Penal Code, relating to changes of venue.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY CONCURRENT RESOLUTION NO. 139—Relative to NASCAR.

Resolution read; amendments proposed by the Committee on Transportation read and adopted; resolution ordered reprinted and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 1995**—An act to amend Section 71660 of the Government Code, relating to trial court employees.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 3049**—An act to amend Section 631 of the Code of Civil Procedure, relating to civil actions.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1891**—An act to add Section 632.2 to the Penal Code, and to amend Section 7903 of the Public Utilities Code, relating to telephone records.

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

**ASSEMBLY BILL NO. 2321**—An act to add Article 7.3 (commencing with Section 12078) to Chapter 2 of Part 2 of Division 3 of Title 2 of the Government Code, relating to energy.

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

**ASSEMBLY BILL NO. 2388**—An act to add Section 41514.15 to the Health and Safety Code, relating to air pollution.

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

**ASSEMBLY BILL NO. 2576**—An act to amend Section 739.1 of the Public Utilities Code, relating to public utilities.

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

**ASSEMBLY BILL NO. 2723**—An act to add and repeal Chapter 5.6 (commencing with Section 25460) of Division 15 of the Public Resources Code, relating to energy.

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

**ASSEMBLY BILL NO. 3023**—An act to add Section 7662 to, and to add Article 7.3 (commencing with Section 7665) to Chapter 1 of Division 1 of, the Public Utilities Code, relating to railroads.

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

ASSEMBLY BILL NO. 1916 \$-\$An act to add Section 49550.2 to the Education Code, relating to school meals.

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

**ASSEMBLY BILL NO. 2107**—An act to amend Sections 42238.15, 42238.23, 52301, 52314, 52314.5, 52321, and 52335.4 of, to add Sections 41533 and 60421.5 to, to repeal Section 52335.7 of, and to repeal and add Section 52335.10 of, the Education Code, relating to career technical education, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 2163**—An act to amend Sections 37252.8 and 51745 of, to add Sections 46145.3, 46145.5, 48200.3, and 51747.2 to, and to repeal and add Section 46145 of, the Education Code, relating to pupils.

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

 $\textbf{ASSEMBLY BILL NO. 2323} \color{red} \textbf{A} \textbf{n} \ \text{act to amend Section 47614.5 of the Education Code, relating to charter schools.}$ 

Bill read second time; amendments proposed by the Committee on Education read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations. **ASSEMBLY BILL NO. 2448**—An act to amend Sections 46160, 52301, 52302.3, 52302.5, 52303, 52314, 52314.5, and 52315 of, to amend and repeal Section 52302.7 of, to add Sections 52302.2, 52302.8, 52334.5, 52335.11, and 52335.12 to, to repeal Sections 52314.6, 52314.7, 52325, and 52326 of, and to repeal and add Section 52302 of, the Education Code, relating to regional occupational centers and programs.

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

**ASSEMBLY BILL NO. 2825**—An act to amend Section 17213 of the Education Code, to amend Section 65302 of the Government Code, and to amend Sections 21151.2 and 21151.8 of the Public Resources Code, relating to school sites.

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

ASSEMBLY BILL NO. 2921—An act relating to school district governance.

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

**ASSEMBLY BILL NO. 1952**—An act to add Section 1375 and Division 100 (commencing with Section 100000) to the Health and Safety Code, and to add Section 10112.55 to the Insurance Code, relating to health care, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 2308**—An act to amend Sections 2472 and 4190 of the Business and Professions Code, to amend Sections 1204, 1206, 1214.1, 1226, 1226.5, 1233, 1242, and 1248.1 of, and to add Section 1204.2 to, the Health and Safety Code, and to amend Section 139.3 of the Labor Code, relating to health clinics.

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

**ASSEMBLY BILL NO. 2742**—An act to amend Sections 14132 and 14503 of, and to add Section 14501.5 to, the Welfare and Institutions Code, relating to family planning.

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

**ASSEMBLY BILL NO. 2651**—An act to amend Sections 124116.5, 124118, and 124119 of the Health and Safety Code, relating to public health.

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

**ASSEMBLY BILL NO. 2416**—An act to amend Section 22317 of the Financial Code, relating to loans.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2602**—An act to add Section 854.2 to the Financial Code, relating to real estate brokers.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2956**—An act to amend Sections 502.6 and 530.5 of the Penal Code, relating to identity.

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. 2449**—An act to add Chapter 5.1 (commencing with Section 42247) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the third reading file.

**ASSEMBLY BILL NO. 2296**—An act to amend Sections 43500, 43501, 43502, 43505, 43506, 43509, 43510, 43600, 43601, 43602, 43606, and 43610.1 of, and to add Section 43611 to, the Public Resources Code, relating to solid waste.

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

**ASSEMBLY BILL NO. 2573**—An act to amend Section 2828 of the Public Utilities Code, relating to electricity.

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

**ASSEMBLY BILL NO. 2596**—An act to amend Section 48000 of the Education Code, relating to pupil admission.

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

**ASSEMBLY BILL NO. 2472**—An act to amend Section 68075 of the Education Code, relating to public postsecondary education.

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

**ASSEMBLY BILL NO. 1873**—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to child protection, and making an appropriation therefor.

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

ASSEMBLY BILL NO. 1983—An act relating to foster children.

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

**ASSEMBLY BILL NO. 2469**—An act to add Sections 12300.3 and 12300.4 to the Welfare and Institutions Code, relating to public social services.

Bill read second time; amendments proposed by the Committee on Human Services read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations. **ASSEMBLY BILL NO. 2176**—An act to amend Section 17556 of, and to add Section 17556.1 to, the Government Code, relating to state mandates.

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

**ASSEMBLY BILL NO. 2444**—An act to add Chapter 2.66 (commencing with Section 65089.20) and Chapter 2.67 (commencing with Section 65089.30) to Division 1 of Title 7 of the Government Code, and to add Sections 9250.3 and 9250.4 to the Vehicle Code, relating to transportation.

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

**ASSEMBLY BILL NO. 2511**—An act to amend Sections 65008, 65400, 65589.5, 65863, 65909, and 65950 of, to add Sections 65589.2 and 65801 to, and to repeal Sections 65852.1 and 66037 of, the Government Code, relating to land use.

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

ASSEMBLY BILL NO. 2601—An act relating to international trade and investment.

Bill read second time; amendments proposed by the Committee on Jobs, Economic Development, and the Economy read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 2364**—An act to amend Section 130307 of the Health and Safety Code, relating to health care coverage.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1836**—An act to add Chapter 3.8 (commencing with Section 44790) to Part 25 of the Education Code, relating to teachers.

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

**ASSEMBLY BILL NO. 2221**—An act to amend Section 17213 of the Education Code, relating to school facilities.

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

**ASSEMBLY BILL NO. 2898**—An act to add Article 4 (commencing with Section 54680) is added to Chapter 9 of Part 29 of the Education Code, relating to pupil instruction.

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

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 3, 2006

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

Assembly Bill No. 2416 Assembly Bill No. 3049

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, May 3, 2006

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

Assembly Bill No. 2602 Assembly Bill No. 3017

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, May 4, 2006.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

### **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MAY 3, 2006**

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

AB	RN	AB	RN
1778	0609955	2445	0610665
1836	0610652	2448	0610682
1852	0610943	2449	0610447
1873	0610564	2469	0610421
1891	0610361	2472	0610269
1916	0610180	2489	0610616
1925	0610444	2509	0611189
1952	0610505	2510	0610643
1964	0610631	2511	0610895
1983	0610568	2513	0610629
2020	0610607	2524	0610653
2034	0610752	2537	0610508
2102	0610693	2541	0610427
2107	0610707	2545	0610621
2118	0610809	2559	0610503
2127	0610226	2573	0610691
2128	0610912	2576	0610388
2163	0610617	2596	0611258
2174	0611185	2601	0611191
2176	0610759	2629	0610510
2198	0610905	2638	0610944
2221	0610659	2639	0610830
2261	0610496	2651	0610914
2270	0611268	2702	0610483
2294	0611042	2717	0610648
2296	0610442	2723	0610417
2308	0610576	2742	0610457
2310	0610487	2786	0610684
2321	0610390	2787	0610681
2323	0610700	2809	0610870
2326	0610676	2825	0610651
2365	0610812	2841	0610184
2374	0610936	2851	0610822
2381	0610670	2853	0609577
2383	0610813	2854	0610492
2387	0610807	2882	0610808
2388	0610437	2898	0610650
2431	0610649	2901	0610504
2444	0610596	2921	0610274

5240		Assembly Journal		May 3, 2006	
AB	RN	ACR	RN		
	2956	0610926	139	0610627	
	2975	0610710			
	3000	0610836	SB	RN	
	3023	0610424	638	0610713	
	3026	0610657			

Daily Total: 85 Cumulative Total: 4393