

CALIFORNIA LEGISLATURE
2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 9, 2006

**ONE HUNDRED EIGHTY-SEVENTH SESSION DAY
FIVE HUNDRED TWENTIETH 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
Tuesday, May 9, 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—77:

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

Quorum present.

At 12:06 p.m., Hon. John Laird, 27th 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 Jerome E. Horton and Oropeza.

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

(NOTE: For letters explaining the absences of Assembly Members Jerome E. Horton and Oropeza on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 8, 2006.)

COMMUNICATIONS

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

May 5, 2006

Mr. E. Dotson Wilson
Chief Clerk, California State 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 May 24, 2006 only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 8, 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 Joe Canciamilla to fill the Democratic vacancy on the Assembly Business and Professions Committee for the Tuesday, May 9 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 8, 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 Simón Salinas to replace Assemblymember Karen Bass on the Assembly Business and Professions Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 8, 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 Assemblymembers Ted Lieu and Pedro Nava to replace Assemblymembers Jenny Oropeza and Lori Saldaña on the Veterans Affairs Committee for today's hearing.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 9, 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 removed Assemblymember Juan Arambula as Chair of the Assembly Jobs, Economic Development and the Economy Committee. Assemblymember Arambula remains as a member of the committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 9, 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 Mark Leno to replace Assemblymember Jerome Horton on the Assembly Utilities and Commerce committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 9, 2006

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

RE: Appointment of Patrick Whitesell to California Film Commission

Dear Mr. Wilson: Please be advised I have appointed Mr. Patrick Whitesell to the California Film Commission. This is a pleasure appointment starting May 9, 2006 and the expiration date is May 9, 2008.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 9, 2006

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

RE: Appointment of Robert Lamb to Contractors' State License Board

Dear Mr. Wilson: Please be advised I have appointed Mr. Robert Lamb to the Contractors' State License Board, This is a term appointment starting May 9, 2006 and the expiration date is June 1, 2008.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 9, 2006

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 132
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar

Assembly Chamber, May 9, 2006

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 2156
Assembly Bill No. 2234
Assembly Bill No. 2564
Assembly Bill No. 2667

Assembly Bill No. 2720
Assembly Bill No. 2870
Assembly Bill No. 2932

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 9, 2006

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

Assembly Bill No. 2406

Assembly Bill No. 2867

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 9, 2006

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

Assembly Bill No. 1784

Assembly Bill No. 2065

Assembly Bill No. 2098

Assembly Bill No. 2154

Assembly Bill No. 2210

Assembly Bill No. 2312

Assembly Bill No. 2553

Assembly Bill No. 2632

Assembly Bill No. 2651

Assembly Bill No. 2919

Assembly Bill No. 2979

Assembly Bill No. 3030

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 151—Matthews. Relative to grade separation projects.

AUTHOR'S AMENDMENTS

Committee on Education

May 9, 2006

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

Assembly Bill No. 2606

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

GOLDBERG, Chair

ASSEMBLY BILL NO. 2606—An act to amend Section 41503 of the Education Code, relating to categorical education programs.

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 9, 2006

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

Assembly Bill No. 2393

Assembly Bill No. 3050

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

CHU, Chair

ASSEMBLY BILL NO. 2393—An act to add Sections 776, 2872.5, and 2892.1 to the Public Utilities Code, relating to telecommunications.

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. 3050—An act to add Chapter 6 (commencing with Section 8460) to Part 2 of Division 5 of the Water Code, relating to flood control.

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 9, 2006

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

Assembly Bill No. 1847

Assembly Bill No. 2616

Assembly Bill No. 1887

Assembly Bill No. 2621

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.

ASSEMBLY BILL NO. 1887—An act to add Section 23690 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.

ASSEMBLY BILL NO. 2616—An act to add and repeal Section 17288 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. 2621—An act to amend Sections 6011 and 6012 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 Appropriations

May 9, 2006

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

Assembly Bill No. 2627

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

CHU, Chair

ASSEMBLY BILL NO. 2627—An act to amend Section 82011 of the Government Code, relating to the Political Reform Act of 1974.

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 9, 2006

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

Assembly Bill No. 2319

Assembly Bill No. 2341

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

KLEHS, Chair

ASSEMBLY BILL NO. 2319—An act to amend Sections 17935, 17941, 17948, and 23153 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. 2341—An act to amend Section 23332 of, and to add Sections 17937, 17947, 17948.3, and 19432 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.

REPORTS OF STANDING COMMITTEES
Committee on Education

Date of Hearing: May 3, 2006

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 2768

Assembly Bill No. 2871

With amendments with the recommendation: Amend, and do pass, as amended.

GOLDBERG, Chair

Above bills 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. 2366

With amendments with the recommendation: Amend, and do pass, as amended.

TORRICO, Chair

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: May 9, 2006

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2385

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

JONES, Chair

Above bill ordered to second reading.

Date of Hearing: May 9, 2006

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2581

With the recommendation: Do pass.

JONES, Chair

Above bill ordered to second reading.

Date of Hearing: May 9, 2006

Mr. Speaker: Your Committee on Judiciary reports:

- Assembly Bill No. 2392
- Assembly Bill No. 2517
- Assembly Bill No. 2864

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 bills be placed on the Consent Calendar.

JONES, Chair

Above bills ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 8, 2006

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- Assembly Bill No. 3075

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

KLEHS, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing: May 9, 2006

Mr. Speaker: Your Committee on Public Safety reports:

- Assembly Bill No. 2129
- Assembly Bill No. 2229
- Assembly Bill No. 2356
- Assembly Bill No. 2819

With the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: May 9, 2006

Mr. Speaker: Your Committee on Public Safety reports:

- Assembly Bill No. 2066

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

LENO, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: May 9, 2006

Mr. Speaker: Your Committee on Public Safety reports:

- Assembly Bill No. 2586

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.

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: May 9, 2006

Mr. Speaker: Your Committee on Public Safety reports:

- Assembly Bill No. 2858

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.

LENO, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 8, 2006

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 2171

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.

KLEHS, Chair

Above bill ordered to second reading.

**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. 2667 and 2564, ordered to third reading;**Assembly Bills Nos. 2156, 2234, 2720, 2870, and 2932**, ordered to the Consent Calendar.**SECOND READING OF ASSEMBLY BILLS****ASSEMBLY BILL NO. 2459**—An act to amend Sections 102, 104, 9022, 9209, and 9307 of the Elections Code, relating to initiatives.

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

ASSEMBLY BILL NO. 2951—An act to amend Section 54999.1 of, to add Section 54999.7 to, and to add and repeal Section 54999.8 of, the Government Code, relating to local government.

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. 2140—An act to amend Section 65302 of the Government Code, relating to local planning.

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

ASSEMBLY BILL NO. 2340—An act to add Section 4712 to the Probate Code, relating to health care decisions.

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.

ASSEMBLY BILL NO. 2624—An act to amend Sections 882.020, 1367.1, 1367.4, 2924a, and 2924h of, the Civil Code, and to amend Sections 729.020, 729.035, 729.040, 729.050, 729.060, 729.070, and 729.080 of, the Code of Civil Procedure, relating to common interest developments.

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.

ASSEMBLY BILL NO. 2122—An act to amend Sections 501 and 506 of the Corporations Code, relating to corporations.

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

ASSEMBLY BILL NO. 2504—An act to amend Sections 2151, 2152, 2154, 2187, 8400, 12108, 13102, and 13230 of the Elections Code, relating to elections.

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

ASSEMBLY BILL NO. 2100—An act to amend Sections 1365 and 1365.2.5 of, and to add Sections 1365.4 and 1365.6 to, the Civil Code, relating to common interest developments.

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

ASSEMBLY BILL NO. 2753—An act to add Section 36503.5 to the Government Code, relating to local government.

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

ASSEMBLY BILL NO. 3024—An act to add and repeal Section 12242.5 of the Elections Code, relating to vote centers.

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

ASSEMBLY BILL NO. 2135—An act to add Section 53153.5 to the Government Code, relating to emergency services.

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.

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 1, ordered to third reading.

ADJOURNMENT

At 3:50 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 10, 2006.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

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

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

AB	RN
1847	0611385
1887	0611313
2100	0611222
2122	0611384
2135	0611228
2140	0611346
2319	0611416
2340	0611213
2341	0611234
2393	0611375
2459	0611241
2472	0611335
2504	0611239
2606	0611610
2616	0611415
2621	0611389
2624	0611226
2627	0611381
2753	0611240
2951	0611348
3024	0611243
3050	0611581

SB	RN
192	0611702

Daily Total:	23
Cumulative Total:	4471

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