

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 11, 2005**

**SIXTY-NINTH SESSION DAY**

**ONE HUNDRED FIFTY-SEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

(Please Direct Any Inquiries and Report Any Omissions or Errors to  
Sue Parker, Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, May 11, 2005

The Assembly met at 7 a.m.

Hon. Sam Blakeslee, Assembly Member, 33rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Neva Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—74:

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

Quorum present.

**At 10:10 a.m., Hon. Juan Vargas, 79th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Spitzer and Wyland.*

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

*Because of illness: Assembly Members Gordon, Hancock, and Koretz.*

**EXPLANATIONS OF ABSENCE**

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

April 28, 2005

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

Dear Mr. Speaker: I would like to be excused from check-in session on Wednesday, May 11, and Thursday, May 12, 2005 for legislative business in my district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member  
Seventy-first District

May 11, 2005

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-In Session on May 11, 2005, due to Legislative Business.

Thank you for your prompt attention to this request.

Sincerely,

MARK WYLAND, Assembly Member  
Seventy-fourth District

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

May 11, 2005

*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 John Laird to serve as the Democratic alternate and Assemblymember Rick Keene to serve as the Republican alternate on each of the Budget subcommittees for the 2005–06 Regular Session.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 11, 2005

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

Assembly Bill No. 333  
 Assembly Bill No. 499  
 Assembly Bill No. 707  
 Assembly Bill No. 733  
 Assembly Bill No. 765  
 Assembly Bill No. 768

Assembly Bill No. 875  
 Assembly Bill No. 1062  
 Assembly Bill No. 1304  
 Assembly Bill No. 1664  
 Assembly Bill No. 1700  
 Assembly Bill No. 1739

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 11, 2005

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

Assembly Bill No. 548  
 Assembly Bill No. 617  
 Assembly Bill No. 717  
 Assembly Bill No. 927  
 Assembly Bill No. 953  
 Assembly Bill No. 1219

Assembly Bill No. 1244  
 Assembly Bill No. 1316  
 Assembly Bill No. 1375  
 Assembly Bill No. 1420  
 Assembly Bill No. 1548  
 Assembly Bill No. 1770

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 11, 2005

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

Assembly Concurrent Resolution No. 56

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 24—Calderon.** Relative to Ryan White CARE Act.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

May 11, 2005

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

Assembly Bill No. 416  
 Assembly Bill No. 966

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

CHU, Chair

**ASSEMBLY BILL NO. 416**—An act to amend Sections 38131, 38133, and 38134 of the Education Code, relating to schools.

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. 966**—An act to add Article 14 (commencing with Section 25251) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous 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 Rules**

May 11, 2005

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

Assembly Bill No. 1565

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

MONTAÑEZ, Chair

**ASSEMBLY BILL NO. 1565**—An act relating to child 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 Appropriations**

May 11, 2005

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

Assembly Bill No. 399

Assembly Bill No. 1459

Assembly Bill No. 1508

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

CHU, Chair

**ASSEMBLY BILL NO. 399**—An act to amend Sections 41821 and 41850 of, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, the Public Resources Code, relating to recycling.

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

**ASSEMBLY BILL NO. 1459**—An act to amend Sections 116.240 and 116.940 of, and to add Sections 116.221, 116.222, and 116.232 to, the Code of Civil Procedure, relating to small claims court.

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. 1508**—An act to amend Sections 52254, 52260, 52351, 52354, 52361, 52391, 52451, 52453, 52455, 52481, 52482, 52483, 52484, 52487, and 52511 of the Food and Agricultural Code, relating to agriculture.

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 11, 2005

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

Assembly Bill No. 294

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

KLEHS, Chair

**ASSEMBLY BILL NO. 294**—An act to add Section 17053.76 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 Revenue and Taxation**

Date of Hearing: May 9, 2005

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

Assembly Constitutional Amendment No. 14

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

KLEHS, Chair

Above resolution ordered to second reading.

**Committee on Human Services**

Date of Hearing: May 10, 2005

Mr. Speaker: Your Committee on Human Services reports:

Assembly Concurrent Resolution No. 58

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

EVANS, Chair

Above resolution re-referred to the Committee on Appropriations.

**Committee on Agriculture**

Date of Hearing: May 11, 2005

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 295

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

MATTHEWS, Chair

Above bill re-referred to the Committee on Appropriations.

**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. 499, 765, 1062, 1700, 1739, 768, 1664, 875, and 707**, ordered to third reading;

**Assembly Bills Nos. 1304, 333, and 733**, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1075**—An act to amend Sections 101680, 101685, 101750, 101755, and 101765 of, and to repeal Section 101785 of, the Health and Safety Code, relating to health care.

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

**ASSEMBLY BILL NO. 1772**—An act to amend Sections 45240, 45262, 45272.5, 45278, and 45387 of the Education Code, relating to classified school employees.

Bill read second time; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 259**—An act to add Section 25847 to the Government Code, relating to solid waste collection liens.

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. 738**—An act to add Section 101.5 to the Elections Code, relating to voting.

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. 112**—An act to amend Section 136.2 of the Penal Code, relating to protective orders.

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. 1622**—An act to add Section 3260.3 to the Civil Code, relating to works of improvement.

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. 569**—An act to add Section 49437 to, and to add Article 12.5 (commencing with Section 49575) to Chapter 9 of Part 27 of, the Education Code, relating to pupil nutrition.

Bill read second time; amendments proposed by the Committee on Education 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. 829**—An act to add and repeal Section 56509 of the Education Code, relating to special 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. 1662**—An act to amend Sections 33590, 56001, 56028, 56028.5, 56138, 56171, 56172, 56173, 56175, 56176, 56177, 56205, 56301, 56304, 56320, 56321, 56325, 56329, 56341, 56341.1, 56341.5, 56345.1, 56363, 56380, 56381, 56385, 56500.3, 56500.4, 56502, 56505, 56506, 56507, 56515, 56838, and 56841 of, to add Sections 56040.5, 56302.1, 56321.1, 56380.1, 56501.5, 56509, 56843, and 56844 to, to add Article 3.9 (commencing with Section 56058) to Chapter 1 of Part 30 of, and to repeal and add Sections 56337, 56345, 56346, 56837, and 56842 of, the Education Code, and to amend Section 7579.5 of, and to add Section 7579.6 to, the Government Code, relating to special education.

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. 1314**—An act to add and repeal Section 54963.5 of the Government Code, relating to neighborhood councils.

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. 835**—An act to amend Section 5019 of the Education Code, relating to school districts.

Bill read second time; amendments proposed by the Committee on Education 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. 1642**—An act to amend Sections 5019, 5020, 35555, 35566, 35710, 35710.1, 35710.5, 35722, 35753, and 35756, of, and to add Sections 35517 and 35710.1 to, the Education Code, relating to school districts.

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. 1131**—An act to amend Section 32126 of, and to repeal and amend Section 32121 of, the Health and Safety Code, relating to health care districts.

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

**ASSEMBLY BILL NO. 1155**—An act to add Section 32126.3 to the Health and Safety Code, relating to health care districts.

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

**ASSEMBLY JOINT RESOLUTION NO. 20**—Relative to agricultural workers.

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

**ASSEMBLY BILL NO. 1310**—An act to add Section 2929.5 to the Labor Code, relating to employment termination agreements.

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

**ASSEMBLY BILL NO. 1095**—An act to add Section 8274 to the Education Code, relating to child care.

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. 415**—An act to amend and repeal Section 1282.4 of the Code of Civil Procedure, relating to arbitration.

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. 1574**—An act to add and repeal Section 12994 of the Government Code, relating to housing discrimination.

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

**ASSEMBLY BILL NO. 1529**—An act to amend Sections 6036, 6140, 6140.5, 6140.55, 6140.6, 6140.9, 6141, and 6141.1 of the Business and Professions Code, relating to attorneys.

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. 570**—An act to amend Sections 2800.2 and 2800.3 of, and to add Section 2800.25 to, the Vehicle 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 returned to the second reading file.

**ASSEMBLY BILL NO. 719**—An act to add Section 31520.12 to the Government Code, relating to county employees' retirement.

Bill read second time; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted; bill ordered reprinted and to be returned to the second reading file.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 6 a.m., Thursday, May 12, 2005.

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FABIAN NUÑEZ, Speaker

TRESHA PETIT-PHAR, Acting Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 11, 2005**

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

<b>AB</b>	<b>RN</b>
112	0513389
259	0513504
294	0513735
399	0513622
415	0513395
416	0513671
569	0513517
570	0513355
719	0513507
738	0513408
829	0513551
835	0513539
966	0513661
1075	0513467
1095	0513625
1131	0513465
1155	0513464
1310	0513509
1314	0513647
1459	0513514
1508	0513263
1529	0513584
1565	0513541
1574	0513437
1622	0513392
1642	0513494
1662	0513500
1772	0513454

<b>AJR</b>	<b>RN</b>
20	0513505

<b>Daily Total:</b>	<b>29</b>
<b>Cumulative Total:</b>	<b>1567</b>