

CALIFORNIA LEGISLATURE

2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 16, 2006

ONE HUNDRED NINETY-FIRST SESSION DAY

FIVE HUNDRED TWENTY-SEVENTH 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 16, 2006

The Assembly met at 7 a.m.

Hon. Simón Salinas, Assembly Member, 28th 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—68:

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

Quorum present.

At 1:37 p.m., Hon. Lloyd Levine, 40th 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 Baca, Chavez, DeVore, Jerome E. Horton, Klehs, Nation, Pavley, and Tran.

On legislative business, per diem waived for the 2005–2006 Session (See Assembly Journal, page 63): Assembly Member Wolk.

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

Because of illness in his family: Assembly Member Torrico.

EXPLANATIONS OF ABSENCE

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

May 11, 2006

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

Dear Speaker Núñez: I am writing to respectfully request permission to be excused from Check In Session on Tuesday, May 16, 2006. I will be attending to legislative business in my district.

If you have any questions, please do not hesitate to contact Maria Lerma in my Capitol Office at (916) 319-2062. Your consideration of this request is greatly appreciated.

Sincerely,

JOE BACA, JR., Assembly Member
Sixty-second District

May 15, 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 Tuesday, May 16, 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

May 15, 2006

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

Dear Mr. Speaker: I respectfully request a legislative excuse for May 16, 2006. I have legislative business to attend to in my district office.

If you have any questions regarding this matter, please contact John Hrabe at (916) 319-2070.

Sincerely,

CHUCK DE VORE, Assembly Member
Seventieth District

May 15, 2006

*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 Assembly Check-In Session on Tuesday, May 16, 2006, due to legislative business in my district. I will be returning to Sacramento on Wednesday, May 17, 2006, in time for Assembly Check-In Session.

I want to thank you in advance for your consideration of this request and if you have any questions, I can be reached at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member
Fifty-first District

May 12, 2006

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

Dear Speaker Núñez: I would like to request that I be excused from check-in session on Tuesday, May 16, 2006. I have district business to attend to.

Thank you for your attention to this matter. If you have any questions or comments please feel free to contact me at (916) 319-2018.

Sincerely,

JOHAN KLEHS, Assembly Member
Eighteenth District

May 15, 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, Tuesday, May 16, 2006 due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member
Sixth District

April 26, 2006

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

Dear Mr. Speaker: I respectfully request to be excused on legislative business, on May 16, 2006.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

FRAN PAVLEY, Assembly Member
Forty-first District

May 11, 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 Tuesday, Wednesday, and Thursday, May 16, 17, and 18, 2006, for legislative business.

Thank you for your consideration of this matter.

Sincerely,

VAN TRAN, Assembly Member
Sixty-eighth District

May 16, 2006

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

Dear Speaker Núñez: I respectfully request to be excused from Check-in Session today, Tuesday, May 16, 2006, due to legislative business in my district.

If you have any questions or concerns, please contact Jenn Short, my scheduler, at 319-2008.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 16, 2006

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1850 | Assembly Bill No. 2654 |
| Assembly Bill No. 1871 | Assembly Bill No. 2823 |
| Assembly Bill No. 2401 | Assembly Bill No. 2872 |
| Assembly Bill No. 2550 | Assembly Bill No. 2991 |
| Assembly Bill No. 2610 | Assembly Bill No. 2999 |
| Assembly Bill No. 2646 | |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 16, 2006

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

Assembly Bill No. 3014

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading file.

Assembly Chamber, May 16, 2006

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

Assembly Concurrent Resolution No. 142

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 16, 2006

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

Assembly Bill No. 2227

Assembly Bill No. 2254

Assembly Bill No. 2448

Assembly Bill No. 2536

Assembly Bill No. 2580

Assembly Bill No. 2611

Assembly Bill No. 2804

Assembly Bill No. 2919

Assembly Bill No. 2979

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 16, 2006

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

Assembly Concurrent Resolution No. 144

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Appropriations

May 16, 2006

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

Assembly Bill No. 2859

Assembly Bill No. 2902

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

CHU, Chair

ASSEMBLY BILL NO. 2859—An act to amend Sections 1240, 1240.1, 1240.2, and 52055.57 of, and to add Sections 52055.58, 52055.59, 52055.60, 52055.61, 52055.62, 52055.63, 52055.64, 52055.65, 52055.66, 52055.67, 52055.68, 52055.69, 52055.70, 52055.71, 52055.72, 52055.73, 52055.74, and 52055.75 to, the Education Code, relating to local educational agencies.

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. 2902—An act to add Section 17500 to the Elections Code, and to amend Section 84602 of the Government Code, relating to campaign disclosure.

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 16, 2006

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Senate Bill No. 151

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

LENO, Chair

SENATE BILL NO. 151—An act to amend Sections 374.2, 374.3, 374.4, 374.7, 374a, and 374d of the Penal Code, relating to public health and 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 Utilities and Commerce**

May 16, 2006

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Senate Bill No. 1059

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

LEVINE, Chair

SENATE BILL NO. 1059—An act to add Chapter 4.3 (commencing with Section 25330) to Division 15 of the Public Resources Code, relating to electricity transmission.

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 16, 2006

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 2530

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

KLEHS, Chair

ASSEMBLY BILL NO. 2530—An act to add and repeal Sections 17060 and 23660 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 16, 2006

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 2802

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

CHU, Chair

ASSEMBLY BILL NO. 2802—An act to add Section 44265.2 to the Education Code, relating to teacher credentialing.

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 16, 2006

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

Assembly Bill No. 2391

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

CHU, Chair

ASSEMBLY BILL NO. 2391—An act to add Section 384.2 to the Public Utilities Code, relating to the Public Utilities Commission.

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 16, 2006

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

Assembly Bill No. 2656

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

CHU, Chair

ASSEMBLY BILL NO. 2656—An act to add Section 52055.80 to the Education Code, relating to public school accountability, 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 Education

Date of Hearing: May 10, 2006

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 2645

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

GOLDBERG, Chair

Above bill ordered to second reading.

Date of Hearing: May 10, 2006

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 2215

Assembly Bill No. 2780

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

GOLDBERG, Chair

Above bills ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: May 10, 2006

Mr. Speaker: Your Committee on Housing and Community Development reports:
Assembly Bill No. 3042

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

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 15, 2006

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 2096 Assembly Bill No. 2709
Assembly Bill No. 2270 Assembly Bill No. 2806
Assembly Bill No. 2341 Assembly Bill No. 2830
Assembly Bill No. 2547 Assembly Bill No. 2953
Assembly Bill No. 2567

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

KLEHS, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 15, 2006

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 2218
Assembly Bill No. 2829
Assembly Bill No. 2982

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

KLEHS, Chair

Above bills ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: May 9, 2006

Mr. Speaker: Your Committee on Utilities and Commerce reports:
Assembly Bill No. 2415

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

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: May 11, 2006

Mr. Speaker: Your Committee on Public Safety reports:
Assembly Bill No. 2174
Assembly Bill No. 2952

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

Above bills ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 15, 2006

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 1847
Assembly Bill No. 2680
Assembly Bill No. 2831

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

KLEHS, Chair

Above bills 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. 2872, 2999, 2401, 2646, and 1871, ordered to third reading;

(NOTE: Later this day Assembly Bills Nos. 2999 and 1871 were re-referred to the Committee on Appropriations.)

Assembly Bills Nos. 1850, 2550, 2610, 2654, 2823, and 2991, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

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, and ordered to third reading.

ASSEMBLY BILL NO. 2851—An act to amend Section 1351 of the Civil Code, 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. 2751—An act to amend Section 66001 of the Government Code, relating to development fees.

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. 2762—An act to add Section 6530.5 to the Government Code, relating to joint powers authorities.

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. 2482—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. 2440—An act to add Section 1714.4 to the Civil Code, relating to child support.

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. 2869—An act to amend Sections 13952 and 13955 of the Government Code, relating to crime victims.

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

ASSEMBLY BILL NO. 2425—An act to add Chapter 14 (commencing with Section 6300) to Part 1 of Division 4 of the Food and Agricultural Code, relating to apple pests.

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

ASSEMBLY BILL NO. 2106—An act to amend Section 798.51 of the Civil Code, relating to mobilehomes.

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. 2294—An act to add Section 798.28.1 to the Civil Code, relating to mobilehomes.

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

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. 2286—An act to add Chapter 2.95 (commencing with Section 53399) to Part 1 of Division 2 of Title 5 of the Government Code, relating to infrastructure financing districts.

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. 2846—An act to add Sections 17551.5 and 17566 to the Government Code, relating to state-mandated local programs.

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. 2639—An act to add Section 14526.5 to the Welfare and Institutions Code, relating to Medi-Cal.

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. 49—Relative to pharmaceutical advertisements.

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

ASSEMBLY BILL NO. 3004—An act to amend Section 40800 of the Vehicle Code, relating to crimes.

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, 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. 1154, ordered to third reading.

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bills were ordered re-referred to the Committee on Appropriations:

Assembly Bills Nos. 2999 and 1871.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 17, 2006.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

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

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

AB	RN
2106	0611971
2286	0611953
2294	0611946
2374	0611992
2391	0612058
2425	0611931
2440	0611783
2482	0612054
2530	0611996
2639	0612060
2656	0612258
2751	0611960
2762	0611958
2802	0611980
2846	0611978
2851	0612056
2859	0612043
2869	0611303
2902	0612027
3004	0611826

AJR	RN
49	0611858

SB	RN
151	0611888
1059	0611801

Daily Total:	23
Cumulative Total:	4565

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