

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Tuesday, May 17, 2005**

**SEVENTY-SECOND SESSION DAY**

**ONE HUNDRED SIXTY-THIRD 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 17, 2005

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 Neva Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—76:

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	Hancock	McCarthy	Spitzer
Bogh	Harman	Montañez	Strickland
Calderon	Horton, Shirley	Mountjoy	Torrico
Canciamilla	Houston	Mullin	Tran
Chan	Huff	Nakanishi	Umberg
Chavez	Jones	Nation	Vargas
Chu	Karnette	Nava	Villines
Cogdill	Keene	Negrete McLeod	Walters
Cohn	Klehs	Niello	Wolk
Coto	Koretz	Oropeza	Wyland
Daucher	La Malfa	Parra	Yee
De La Torre	La Suer	Pavley	Mr. Speaker

Quorum present.

**At 1:23 p.m., Hon. Tim Leslie, 4th 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 Haynes and Jerome E. Horton.*

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

*Because of illness: Assembly Member Gordon.*

**EXPLANATIONS OF ABSENCE**

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

May 12, 2005

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

Dear Mr. Speaker: Please excuse me, from Assembly Check-in Session on Tuesday, May 17, 2005, due to legislative business in my district.

Sincerely,

RAY HAYNES, Assembly Member  
Sixty-sixth District

May 17, 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 today from Assembly Check-In Session, due to legislative business in my district. I will be returning to Sacramento tomorrow, May 18, 2005, 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, please contact me at (916) 319-2051 or (310) 413-0635.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

**COMMUNICATIONS**

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

May 12, 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 the following members to the Special Committee on Rail Safety:

- Assemblymember Karen Bass
- Assemblymember Rudy Bermúdez
- Assemblymember Joe Coto
- Assemblymember Dennis Mountjoy
- Assemblymember Jenny Oropeza
- Assemblymember Sharon Runner

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

May 17, 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 Gene Mullin to replace Assemblymember Mike Gordon on the Assembly Appropriations Committee for the Wednesday, May 18 hearing only.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

May 17, 2005

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

RE: Appointment of Lloyd Levine  
to California Task Force on Youth and Workplace Wellness

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Lloyd Levine to the California Task Force on Youth and Workplace Wellness. This is a pleasure appointment starting May 17, 2005. Assemblymember Levine will be replacing Assemblymember Frommer.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

May 17, 2005

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

RE: Appointment of Lori Saldaña  
to California Task Force on Youth and Workplace Wellness

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Lori Saldaña to the California Task Force on Youth and Workplace Wellness as an alternate Member. This is a pleasure appointment starting May 17, 2005.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

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

**2004 Annual DNA Identification Fund Report  
(Pursuant to Government Code Section 76104.6) from:**

Imperial County, Kenton R. Taylor, Assistant Auditor-Controller, dated March 29, 2005;

Lake County, Tanya Michel, Supervising Accountant, dated May 5, 2005.

Referred by the Speaker to the Committee on Public Safety.

**2003–04 Emergency Medical Services (EMS) Report  
(Pursuant to Health and Safety Code Section 1797.98) from:**

Marin County, Department of Health and Human Services, Celia Allen, Assistant Chief Fiscal Officer, Public Health, dated May 4, 2005.

Referred by the Speaker to the Committee on Health.

**SPECIAL COMMITTEE MEETINGS**

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

Judiciary, on Thursday, May 19, 2005, in the Tom Bane Rules Committee Room.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 17, 2005

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

Assembly Bill No. 302

Assembly Bill No. 979

Assembly Bill No. 346

Assembly Bill No. 1027

Assembly Bill No. 354

Assembly Bill No. 1035

Assembly Bill No. 971

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 17, 2005

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

Assembly Bill No. 352

Assembly Bill No. 1540

Assembly Bill No. 695

Assembly Bill No. 1595

Assembly Bill No. 938

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, May 17, 2005

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

Assembly Concurrent Resolution No. 59

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, May 17, 2005

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 44  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 17, 2005

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 427  
Assembly Bill No. 1383  
And reports the same correctly engrossed.

Assembly Bill No. 1753  
Assembly Bill No. 1769

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Elections and Redistricting**

May 17, 2005

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:  
Senate Bill No. 784  
With author's amendments with the recommendation: Amend, and re-refer to the committee.

UMBERG, Chair

**SENATE BILL NO. 784**—An act to amend Section 82015 of the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

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

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

May 17, 2005

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 371  
With author's amendments with the recommendation: Amend, and re-refer to the committee.

CHU, Chair

**ASSEMBLY BILL NO. 371**—An act to amend Section 5415 of the Health and Safety Code, and to amend Sections 13260, 13521, and 13523 of, and to add Sections 13552.1, 13552.5, 13555.5, and 13557 to, the Water Code, relating to water.

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 17, 2005

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 1377  
With author's amendments with the recommendation: Amend, and re-refer to the committee.

CHU, Chair

**ASSEMBLY BILL NO. 1377**—An act to amend Sections 41601, 42238.5, and 46305 of, and to add Section 46010.4 to, the Education Code, relating to 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 Elections and Redistricting**

May 17, 2005

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:  
Assembly Bill No. 1140

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

UMBERG, Chair

**ASSEMBLY BILL NO. 1140**—An act to add Section 52 to the Food and Agricultural Code, to add Section 27 to the Government Code, to add Section 37 to the Streets and Highways Code, and to add Section 541 to the Water Code, relating to elections.

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 17, 2005

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 757

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

CHU, Chair

**ASSEMBLY BILL NO. 757**—An act to amend Section 511.3 of, and to amend, repeal, and add Section 511.1 of, the Business and Professions Code, to amend Section 1375.7 of, and to amend, repeal, and add Section 1395.6 of, the Health and Safety Code, to amend Section 10178.4 of, and to amend, repeal, and add Section 10178.3 of, the Insurance Code, and to add Section 4609.5 to, and to amend, repeal, and add Section 4609 of, the Labor 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 Education**

May 17, 2005

Mr. Speaker: The Chair of your Committee on Education reports:  
Senate Concurrent Resolution No. 41

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

GOLDBERG, Chair

**SENATE CONCURRENT RESOLUTION NO. 41**—Relative to school crossing guards.

Resolution read; author’s amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Revenue and Taxation**

Date of Hearing: May 16, 2005

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

Assembly Bill No. 34	Assembly Bill No. 666
Assembly Bill No. 115	Assembly Bill No. 838
Assembly Bill No. 164	Assembly Bill No. 1030
Assembly Bill No. 294	Assembly Bill No. 1525
Assembly Bill No. 298	Assembly Bill No. 1618
Assembly Bill No. 441	Assembly Bill No. 1766

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.

**Committee on Appropriations**

Date of Hearing: May 11, 2005

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 910

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

CHU, Chair

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, May 16, 2005

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Concurrent Resolution No. 60

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate  
 By David Valverde, Assistant Secretary

Above resolution ordered to unfinished business file.

**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. 302, 346, and 971**, ordered to third reading;

**Assembly Bills Nos. 354, 979, 1027, and 1035**, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

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

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1548**—An act to add Sections 60063 and 60064 to the Education Code, relating to instructional materials.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 54**—An act to amend Section 11011.21 of the Government Code, to amend Section 12 of Chapter 1087 of the Statutes of 1985, to amend Section 10 of Chapter 974 of the Statutes of 2002, and to repeal Chapter 761 of the Statutes of 2001, relating to state property.

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. 1446**—An act to amend Section 2912 and 5028 of the Penal Code, relating to foreign prisoners.

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. 652**—An act to add Section 12315 to the Welfare and Institutions Code, relating to in-home supportive services, and declaring the urgency thereof, to take effect immediately.

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.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

**Assembly Bill No. 1536**, on request of Assembly Member Bass.

**MOTION TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill Nos. 709 and 996 were continued until Thursday, May 19, 2005.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 18, 2005.

---

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 17, 2005**

---

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

<b>AB</b>	<b>RN</b>
54	0513799
371	0513786
652	0513762
757	0513946
1140	0513450
1377	0513734
1446	0513560

<b>SB</b>	<b>RN</b>
784	0512844

<b>SCR</b>	<b>RN</b>
41	0513420

<b>Daily Total:</b>	<b>9</b>
<b>Cumulative Total:</b>	<b>1604</b>

O