

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 17, 2006**

**ONE HUNDRED NINETY-SECOND SESSION DAY  
FIVE HUNDRED TWENTY-EIGHTH 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 17, 2006

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th 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—72:

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

Quorum present.

**At 1:30 p.m., Hon. Joe Canciamilla, 11th 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, Frommer, Tran, and Vargas.*

*On personal business, and waiving per diem: Assembly Members Jerome E. Horton, 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 15, 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 Wednesday, May 17, 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 12, 2006

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

Dear Mr. Speaker: I respectfully request an excuse for Assembly Check In Session on May 17, 2006, for legislative business in my District.

Thank you for your attention to this request. If you have any questions, please telephone my Chief of Staff, Dan Reeves, at 319-2043.

Sincerely,

DARIO FROMMER, Assembly Member  
Forty-third District

May 15, 2006

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

Dear Mr. Speaker,

I respectfully request permission to be excused from Assembly session and all legislative matters in the Capitol for Wednesday, May 17, 2006. Further, I respectfully request permission to return to San Diego. I will be conducting legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JUAN VARGAS, Assembly Member  
Seventy-ninth District

(NOTE: For letter explaining the absence of Assembly Member Tran on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 16, 2006.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 17, 2006

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

Assembly Bill No. 2106  
 Assembly Bill No. 2294  
 Assembly Bill No. 2374  
 Assembly Bill No. 2425  
 Assembly Bill No. 2440  
 Assembly Bill No. 2482

Assembly Bill No. 2639  
 Assembly Bill No. 2751  
 Assembly Bill No. 2762  
 Assembly Bill No. 2851  
 Assembly Bill No. 2869  
 Assembly Bill No. 3004

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 17, 2006

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

Assembly Joint Resolution No. 49

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, May 17, 2006

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

Assembly Bill No. 2286  
 Assembly Bill No. 2391  
 Assembly Bill No. 2530  
 Assembly Bill No. 2656

Assembly Bill No. 2802  
 Assembly Bill No. 2846  
 Assembly Bill No. 2859

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

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

May 17, 2006

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

Assembly Bill No. 2594  
 Assembly Bill No. 2805

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

CHU, Chair

**ASSEMBLY BILL NO. 2594**—An act to amend and repeal Article 3 (commencing with Section 52053) of Chapter 6.1 of Part 28, and to add Article 3.2 (commencing with Section 52055.58) to Chapter 6.1 of Part 28 of, the Education Code, relating to public school accountability.

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. 2805**—An act to add Section 655.7 to the Business and Professions 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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Labor and Employment**

April 24, 2006

Mr. Speaker: Your Committee on Labor and Employment reports the following bills pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 1927
- Assembly Bill No. 2349

KORETZ, Chair

Above bills ordered filed with the Chief Clerk.

**Committee on Transportation**

May 1, 2006

Mr. Speaker: Your Committee on Transportation reports the following bills pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 1856
- Assembly Bill No. 2142
- Assembly Bill No. 2290

OROPEZA, Chair

Above bills ordered filed with the Chief Clerk.

**Committee on Public Safety**

April 28, 2006

Mr. Speaker: Your Committee on Public Safety reports the following bills pursuant to the provisions of Joint Rule 62(a):

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1913 | Assembly Bill No. 2558 |
| Assembly Bill No. 2353 | Assembly Bill No. 2605 |
| Assembly Bill No. 2368 | Assembly Bill No. 2808 |
| Assembly Bill No. 2534 | Assembly Bill No. 2976 |

LENO, Chair

Above bills ordered filed with the Chief Clerk.

**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. 2851, 2751, 2762, 2440, 2869, 2425, 2106, 2294, 2374, and 2639,** ordered to third reading;

**Assembly Bills Nos. 2482 and 3004,** ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 2645**—An act to amend Section 35183.5 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 returned to the second reading file.

**ASSEMBLY BILL NO. 2215**—An act to add Section 35120.1 to the Education Code, 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. 2780**—An act to amend Section 46190, and to amend, repeal, and add Sections 52517 and 78401 of, and to add Section 52616.25, and to add Article 10.2 (commencing with Section 17077.20) to Chapter 12.5 of Part 10 of, the Education Code, relating to adult 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. 3042**—An act to add Section 65584.7 to the Government Code, relating to regional housing.

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. 2218**—An act to add and repeal Section 6377 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 2829**—An act to amend Section 25110 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 2982**—An act to amend Sections 17276, 23802, 23803, and 23806 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 2415**—An act to add Chapter 34 (commencing with Section 22948.5) to Division 8 of the Business and Professions Code, relating to network security.

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

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

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. 2952**—An act to amend Sections 871.5 and 1238 of the Penal Code, relating to criminal procedure.

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. 1847**—An act to amend, repeal, and add Sections 17053.42 and 23642 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 2680**—An act to add Sections 17283 and 24343.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 2831**—An act to add Section 12939 to the Insurance Code, and to amend Sections 12209, 17053.57, and 23657 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, May 18, 2006.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 17, 2006**

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

<b>AB</b>	<b>RN</b>
1847	0612282
2174	0612020
2215	0611928
2218	0611883
2415	0612252
2594	0612149
2645	0611936
2680	0612291
2780	0611932
2805	0612044
2829	0611886
2831	0611860
2952	0612017
2982	0611870
3042	0612004

<b>Daily Total:</b>	<b>15</b>
<b>Cumulative Total:</b>	<b>4580</b>

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