

CALIFORNIA LEGISLATURE  
2005-06 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, May 23, 2006**

**ONE HUNDRED NINETY-FIFTH SESSION DAY  
FIVE HUNDRED THIRTY-FOURTH 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  
Tuesday, May 23, 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—71:

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

Quorum present.

**At 1:45 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, Houston, Klehs, Nation, Ridley-Thomas, and Yee.*

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

*Because of illness: Assembly Member Laird.*

**EXPLANATIONS OF ABSENCE**

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

May 16, 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 and Wednesday, May 23 and 24, 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 22, 2006

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Tuesday, May 23, 2006 in order to conduct legislative business in my district.

If you have any questions, please contact Gerrit Buddingh in my office at 319-2015.

Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member  
Fifteenth District

May 22, 2006

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

Dear Speaker Núñez: I would like to request permission to be excused from Check-in Session on May 23, 2006. I have District business to attend to.

If you have any questions please feel free to contact me at 319-2018.

Sincerely,

JOHAN KLEHS, Assembly Member  
Eighteenth District

May 22, 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 on Tuesday, May 23, 2006 due to legislative business in my district office.

Thank you for your consideration of this request.

Sincerely,

JOE NATION, Assembly Member  
Sixth District

May 19, 2006

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

Dear Mr. Speaker: I write to request permission to be excused from Check-In Session on Tuesday, May 23, 2006, on legislative business.

Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Lourdes Machado, at (916) 319-2048.

With hope,

MARK RIDLEY-THOMAS, Assembly Member  
Forty-eighth District

May 22, 2006

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

Dear Speaker Núñez: I respectfully request that I be excused from the Assembly Check-In Session on Tuesday, May 23, 2006. I will be in my district during this time attending to legislative business.

Sincerely,

LELAND Y. YEE, PH.D.  
Speaker pro Tempore

#### REPORTS

The following reports were presented by the Chief Clerk:

##### **Jury Sanctions Procedure Report (Pursuant to Civil Procedure Code Section 209(b))**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated April 28, 2006, referred by the Speaker to the Committee on Judiciary.

**2005 Annual Report for the California Oil Transfer and  
Transportation Emission and Risk Reduction Act Program  
(Pursuant to Public Resources Code Section 8784 (a))**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated April 28, 2006, referred by the Speaker to the Committee on Natural Resources.

**2005 Annual Report on the State Worker's Compensation System  
(Pursuant to Labor Code Section 77(a))**

Above transmitted report, together with letter of transmittal from Christine Baker, Executive Officer, Commission on Health and Safety and Worker's Compensation, Department of Industrial Relations, referred by the Speaker to the Committee on Insurance.

**Rural Investment Tax Exemption (RITE) Program  
July 1, 2005 through December 31, 2005  
(Pursuant to Assembly Bill 511, Chapter 107, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Stanton C. Hazelroth, Executive Director, California Infrastructure and Economic Development Bank, dated May 4, 2006, referred by the Speaker to the Committee on Revenue and Taxation.

**Linking Education, Activity and Food Evaluation Report  
(Pursuant to Senate Bill 19, Chapter 913, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated May 8, 2006, referred by the Speaker to the Committee on Health.

**2005 Language Need and Interpreter Use Study Report  
(Pursuant to Government Code Section 68563)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated May 8, 2006, referred by the Speaker to the Committee on Judiciary.

**Expenditure Data Report for  
Costs of Drugs Purchased by Regional Centers  
between January 1, 2006 and March 31, 2006  
(Pursuant to Senate Bill 77, Chapter 38, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Terri Delgadillo, Chief Deputy Director/Interim Director, Department of Developmental Services, dated May 11, 2006, referred by the Speaker to the Committee on Health.

**Disenrolled Students Report  
(Pursuant to Supplemental Report to the 2001 Budget Act)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated May 11, 2006, referred by the Speaker to the Committee on Higher Education.

**Report on the Plan for the Closure of Agnews Developmental Center  
(Pursuant to Senate Bill 77, Chapter 38, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Terri Delgadillo, Chief Deputy Director/Interim Director, Department of Developmental Services, dated May 12, 2006, referred by the Speaker to the Committee on Human Services.

**Mental Health Services Act Expenditure Report  
Fiscal Year 2005–2006, Addendum  
(Pursuant to Assembly Bill 131, Chapter 80, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Mental Health, dated May 12, 2006, referred by the Speaker to the Committee on Health.

**Clean Beaches Initiative Program—2005 Progress Report  
on Using Environmental Protection Indicators in  
Administration of Bond Funds  
(Pursuant to Supplemental Report of the 2003 Budget Act  
Item 3940-101-6031)**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated May 15, 2006, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Sales and Use Tax Gap—Resale Certificate Pilot Report  
(Pursuant to Supplemental Report of the 2005 Budget Act  
Item 0860-001-0001-2)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated May 15, 2006, referred by the Speaker to the Committee on Revenue and Taxation.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 23, 2006

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

Assembly Bill No. 1784  
Assembly Bill No. 1857  
Assembly Bill No. 2221  
Assembly Bill No. 2296

Assembly Bill No. 2511  
Assembly Bill No. 2573  
Assembly Bill No. 2702

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 23, 2006

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

Assembly Bill No. 1962

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading file.

Assembly Chamber, May 23, 2006

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

Assembly Concurrent Resolution No. 150

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 23, 2006

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

Assembly Concurrent Resolution No. 138

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, May 23, 2006

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 2633

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, May 23, 2006

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 139

And reports the same correctly enrolled, and presented to the Secretary of State on the 23rd day of May, 2006, at 10:15 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, May 23, 2006

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 385

And reports the same correctly enrolled, and presented to the Governor on the 23rd day of May, 2006, at 1:15 p.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

May 23, 2006

Mr. Speaker: The Chair of your Committee on Insurance reports:  
Senate Bill No. 603

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

VARGAS, Chair

**SENATE BILL NO. 603**—An act to add Section 676.11 to the Insurance Code, relating to credit information.

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 23, 2006

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:  
Senate Bill No. 204

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

UMBERG, Chair

**SENATE BILL NO. 204**—An act to amend Section 25205 of the Public Resources Code, and to amend Section 303 of, and to add Section 303.5 to, the Public Utilities Code, relating to commission memberships.

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 Health**

May 23, 2006

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

Senate Bill No. 1339

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

CHAN, Chair

**SENATE BILL NO. 1339**—An act relating to emergency medical services.

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:

Senate Bill No. 638

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

GOLDBERG, 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. 1784, 2221, 2296, 2511, and 2573**, ordered to third reading;

**Assembly Bills Nos. 1857 and 2702**, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 2586**—An act to amend Section 1170.9 of the Penal Code, relating to sentencing.

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. 2968**—An act to add Section 14132.24 to the Welfare and Institutions Code, relating to Medi-Cal.

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. 2281**—An act to add Section 1346.2 to, and Article 4.7 (commencing with Section 1366.5) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to add Chapter 2.7 (commencing with Section 10238) to Part 2 of Division 2 of the Insurance Code, relating to health care coverage.

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.



**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 75**—An act making an appropriation in augmentation of the Budget Act of 2005, relating to contingencies and emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time, and ordered to third reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 24, 2006.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 23, 2006**

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

<b>AB</b>	<b>RN</b>
2281	0612637
2586	0612402
2968	0612423

<b>SB</b>	<b>RN</b>
204	0612217
603	0612566
1339	0612307

<b>Daily Total:</b>	<b>6</b>
<b>Cumulative Total:</b>	<b>4610</b>

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