

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 3, 2007
SECOND SESSION DAY
THIRTY-FIRST 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
Wednesday, January 3, 2007

The Assembly met at 12:04 p.m.
Hon. Sally J. Lieber, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Beall moved a quorum call of the Assembly.
Motion carried.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 12:19 p.m., Speaker pro Tempore Lieber declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—77:

Adams	DeSaulnier	Karnette	Richardson
Aghazarian	DeVore	Keene	Runner
Alarcón	Duvall	Krekorian	Ruskin
Anderson	Dymally	La Malfa	Salas
Arambula	Emmerson	Laird	Saldaña
Bass	Eng	Leno	Silva
Beall	Evans	Levine	Smyth
Benoit	Feuer	Lieber	Solorio
Berg	Fuller	Lieu	Soto
Berryhill	Gaines	Ma	Strickland
Blakeslee	Galgiani	Maze	Swanson
Brownley	Garcia	Mendoza	Torrico
Caballero	Garrick	Mullin	Tran
Calderon	Hayashi	Nakanishi	Villines
Carter	Hernandez	Nava	Walters
Cook	Horton	Niello	Wolk
Coto	Huff	Parra	Mr. Speaker
Davis	Huffman	Plescia	
De La Torre	Jeffries	Portantino	
De León	Jones	Price	

PRAYER

Upon invitation of Speaker pro Tempore Lieber, the following prayer was offered by Assembly Chaplain Father Constantine C. Pappademos:

Lord, As we begin this legislative session, we pray that we be ever more sensitive to the moving of Your Spirit in our lives. Help us to live with great expectation, standing on the firm ground of faith as we survey the vast panorama of our opportunities. Grant us strength to follow Your direction. May we be instruments of peace—first in our own homes and then elsewhere. Keep us free, Lord, from jealousy and envy, guard our hearts from evil influences and reward our labor in the coming year.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Tran then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Bass, seconded by Assembly Member Villines.

LEAVES OF ABSENCE FOR THE DAY

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

On personal business, and waiving per diem: Assembly Members Hancock, Houston, and Spitzer.

COMMUNICATIONS

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

January 3, 2007

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

Dear Mr. Wilson: This is to advise you that I've appointed the following members to the Republican Leadership Team for the 2007/2008 Regular Session:

- | | |
|---------------------------------|--|
| Assemblyman Michael N. Villines | Assembly Republican Leader |
| Assemblyman Bob Huff | 2nd Ranking Republican
Leader/Caucus Chair |
| Assemblyman Roger Niello | Assembly Budget Committee
Vice Chair and
Assistant Republican Leader |
| Assemblywoman Mimi Walters | Assembly Appropriations
Committee Vice Chair and
Assistant Republican Leader |
| Assemblyman Bill Emmerson | Assistant Republican Leader |
| Assemblyman Rick Keene | Assistant Republican Leader |
| Assemblyman Van Tran | Assistant Republican Leader |
| Assemblyman John J. Benoit | Chief Republican Whip |
| Assemblyman Doug La Malfa | Chief Republican Whip |
| Assemblyman Todd Spitzer | Chief Republican Whip |
| Assemblyman Chuck DeVore | Republican Whip |

Assemblyman Anthony Adams	Republican Whip
Assemblywoman Jean Fuller	Republican Whip
Assemblyman Ted Gaines	Republican Whip

If you have any questions regarding this letter, please contact Ivan Altamura at 319-2029.

It is an honor working with you in the California State Assembly.

Sincerely,

MICHAEL N. VILLINES
Assembly Republican Leader

FIRST READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 82—Evans. An act to add Section 65302.7 to the Government Code, relating to local planning.

ASSEMBLY BILL NO. 83—Lieber (Principal coauthor: Senator Ashburn) (Coauthors: Dymally and Jones). An act to add and repeal Section 95.36 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 84—Nakanishi. An act to amend Sections 17072, 17215, and 19184 of, and to add Sections 17138.5, 17138.6, and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 85—Nakanishi. An act to add and repeal Sections 17053.77 and 23677 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 86—Lieu. An act to amend Sections 49431, 49431.2, and 49433.9 of the Education Code, relating to pupil nutrition.

ASSEMBLY BILL NO. 87—Blakeslee. An act to amend Section 25240 of, and to add Section 25244 to, the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 88—Lieu. An act to add Chapter 5.8 (commencing with Section 51950) to Part 28 of Division 4 of Title 2 of the Education Code, relating to pupil instruction.

ASSEMBLY BILL NO. 89—Garcia. An act to add and repeal Chapter 8.3 (commencing with Section 8715) of Division 1 of Title 2 of the Government Code, relating to economic development.

ASSEMBLY BILL NO. 90—Huffman. An act to add Section 49431.7 to the Education Code, relating to pupil nutrition.

ASSEMBLY BILL NO. 91—Garcia. An act to amend Section 12012.90 of the Government Code, relating to gaming.

ASSEMBLY BILL NO. 92—Garcia. An act to add Section 49550.4 to the Education Code, relating to school meals.

ASSEMBLY BILL NO. 93—Garcia. An act to add Article 6.6 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

ASSEMBLY BILL NO. 94—Levine. An act to amend Section 25740 of the Public Resources Code, and to amend Sections 399.11 and 399.15 of the Public Utilities Code, relating to renewable energy.

ASSEMBLY BILL NO. 95—Beall. An act to amend Sections 243, 273.5, 1202.8, and 1203.097 of the Penal Code, relating to domestic violence.

ASSEMBLY BILL NO. 96—Feuer. An act relating to school administrators.

ASSEMBLY BILL NO. 97—Mendoza. An act to add Article 6.6 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

ASSEMBLY BILL NO. 98—Niello. An act to amend Section 11322.9 of the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 99—Feuer. An act to add Article 7.1 (commencing with Section 43885) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to vehicular air pollution control.

ASSEMBLY BILL NO. 100—Nunez. An act to amend Sections 17070.40, 17078.52, 17078.54, and 17078.58 of, and to add Part 69.2 (commencing with Section 102000) to Division 14 of Title 3 of, the Education Code, relating to education facilities, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds.

ASSEMBLY BILL NO. 101—Ma. An act to add Section 126 to the Streets and Highways Code, relating to transportation.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

Thursday, January 4, 2007, Check-in Session, 7 a.m.–3 p.m.

Friday, January 5, 2007, Floor Session, 9 a.m.

ADJOURN IN MEMORY

Assembly Member Benoit was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Desiree Ann Benoit, of Riverside.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Alarcón was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his father, Anthony Alarcón, of Sun Valley.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Arambula was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Cruz Bustamante Jr., of Fresno.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Huffman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Norman B. Livermore, of San Rafael.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Coto was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Luisa E. Sustaita, of Sacramento.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Benoit and Garcia were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the 38th President of the United States, Gerald R. Ford, of Rancho Mirage.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Speaker Núñez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Henry Dixon, Sr., of Los Angeles.

Assembly Member Aghazarian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alice Panzer and Mark Tollini, of Stockton, and Bruno E. Trombella, of Farmington.

Assembly Member Arambula was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Urbano Francisco Zamora, Jr., of Reedley.

Assembly Member Bass was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ronald Maurice Whiten, of Elk Grove.

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arlene M. Banducci, Gilbert A. Hunter, and Robert M. "Bob" Maxon, of Eureka.

Assembly Member Krekorian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Isgo Lepejian, of Burbank; Tom Miller and Serge Papayans, of Glendale.

Assembly Members Lieber and Ruskin were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Raymond P. Meyer Sr., of Los Altos.

Assembly Members Lieber, Coto, and Ruskin were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Valodia Pirayou, of Santa Clara.

Assembly Members Lieber and Beall were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Mahan, of Santa Clara and Lance Jeffrey Michaelis, of San Jose.

Assembly Member Mendoza was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Cindy Anderson, of Cerritos.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dick Noftsgger and Paul Wendler, of South San Francisco, and Verna Teglia, of Daly City.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Ellen Harler and Andy P. Eliopulos, of Lancaster and Tom Smith, of Palmdale.

Assembly Members Ruskin and Lieber were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rabbi Sidney Akselrad, of Palo Alto.

Assembly Member Swanson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carter Gilmore, of Oakland and Lucille Delores Larkith, of Waco, Texas.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sonya “Sonnie” Clairfield Adler, Marjorie Marie Becket, and Fay Rosenberg, of Davis and Amy Barrow, of Woodland.

MOTION TO ADJOURN

At 12:41 p.m., Assembly Member Bass moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:41 p.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 102—Ma. An act to amend Section 355 of the Family Code, and to amend Sections 103175 and 103180 of the Health and Safety Code, relating to marriage.

ASSEMBLY BILL NO. 103—Soto. An act to add Chapter 4.7 (commencing with Section 50980) to Part 1 of Division 1 of Title 5 of the Government Code, relating to state military reservists, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 104—Solorio. An act to amend Sections 11105 and 13300 of the Penal Code, relating to criminal records.

ASSEMBLY BILL NO. 105—Lieu. An act to amend Sections 22705 and 22706 of the Business and Professions Code, relating to tanning facilities.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 5—Berg. Relative to American Heart Month and Wear Red Day.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Thursday, January 4, 2007, out of respect to the memory of Desiree Ann Benoit, on motion of Assembly Member Benoit; out of respect to the memory of his father, Anthony Alarcón, on motion of Assembly Member Alarcón; out of respect to the memory of Cruz Bustamante Jr., on motion of Assembly Member Arambula; out of respect to the memory of Norman B. Livermore, on motion of Assembly Member Huffman; out of respect to the memory of Luisa E. Sustaita, on motion of Assembly Member Coto; out of respect to the memory of Gerald R. Ford, 38th President of the United States, on motion of Assembly Members Benoit and Garcia; out of respect to the memory of Henry Dixon, Sr., on motion of Speaker Núñez; out of respect to the memory of Alice Panzer, Mark Tollini, and Bruno E. Trombella, on motion of Assembly Member Aghazarian; out of respect to the memory of Urbano Francisco Zamora, Jr., on motion of Assembly Member Arambula; out of respect to the memory of Ronald Maurice Whiten, on motion of Assembly Member Bass; out of respect to the memory of Arlene M. Banducci, Gilbert A. Hunter, and Robert M. “Bob” Maxon, on motion of Assembly Member Berg; out of respect to the memory of Isgo Lepejian, Serge Papayans, and Tom Miller, on motion of Assembly Member Krekorian; out of respect to the memory of Raymond P. Meyer Sr., on motion of Assembly Members Lieber and Ruskin; out of respect to the memory of Valodia Pirayou, on motion of Assembly Members Lieber, Coto, and Ruskin; out of respect to the memory of John Mahan and Lance Jeffrey Michaelis, on motion of Assembly Members Lieber and Beall; out of respect to the memory of Cindy Anderson, on motion of Assembly Member Mendoza; out of respect to the memory of Dick Noftsgger, Paul Wendler, and Verna Teglia, on motion of Assembly Member Mullin; out of respect to the memory of Mary Ellen Harler, Andy P. Eliopoulos, and Tom Smith, on motion of Assembly Member Runner; out of respect to the memory of Rabbi Sidney Akselrad, on motion of Assembly Members Ruskin and Lieber; out of respect to the memory of Carter Gilmore and Lucille Delores Larkith, on motion of Assembly Member Swanson; and out of respect to the memory of Sonya “Sonnie” Clairfield Adler, Marjorie Marie Becket, Fay Rosenberg, and Amy Barrow, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk