

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 11, 2007**

**EIGHTH SESSION DAY**

**THIRTY-NINTH 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  
Thursday, January 11, 2007

The Assembly met at 9:33 a.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 Davis 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 9:46 a.m., Speaker pro Tempore Lieber declared a quorum of the  
Assembly present.

The roll call was completed, and the following answered to their  
names—74:

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

**PRAYER**

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

*Lord, You want us to live a satisfied life. You have promised to restore all the things that the enemy of our souls has stolen. But we have to expect things to change and to remember that obstacles are simply opportunities for advancement. Lord, take every obstacle that comes into our life and turn it into a stepping-stone leading to greater blessings and deeper faith in You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Lieber, Assembly Member Silva 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 Blakeslee.

**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 Adams, de León, and Houston.*

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

*Because of a death in a family: Assembly Member Saldaña.*

*Because of illness: Assembly Member Jones.*

**EXPLANATIONS OF ABSENCE**

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

January 10, 2007

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

Dear Mr. Speaker: I respectfully request authorization to be absent from session on Thursday, January 11, 2007. I will be in my district on legislative business.

Thank you for your consideration of my request.

Sincerely,

ANTHONY ADAMS, Assembly Member  
Fifty-ninth District

January 9, 2007

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

Dear Mr. Speaker: I respectfully request to be excused from session on Thursday, January 11, 2007. I will be in my district on Legislative business.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2045.

Sincerely,

KEVIN DE LEÓN, Assembly Member  
 Forty-fifth District

January 5, 2007

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

Dear Mr. Speaker: So that I may conduct legislative business in my district, I respectfully request to be excused from Session on Thursday, January 11, 2007.

If you have any questions, please contact Aaron Bone in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member  
 Fifteenth District

#### REPORTS

The following reports were presented by the Chief Clerk:

**Quarterly Project Resourcing and Schedule Management System**  
**September 1, 2006 through November 30, 2006**  
**(Pursuant to Budget Act 2005, Item 2660-492)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Chief, Division of Legislative Affairs, Department of Transportation, dated December 15, 2006, referred by the Speaker to the Committee on Transportation.

**Seismic Safety Commission Assessment Report**  
**(Pursuant to Insurance Code Section 12975.9 (e))**

Above transmitted report, together with letter of transmittal from John Garamendi, Insurance Commissioner, Department of Insurance dated December 26, 2006, referred by the Speaker to the Committee on Insurance.

**Use of Resale Certificates Report**  
**(Pursuant to Supplemental Report of the Budget Act of 2006)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated December 28, 2006, referred by the Speaker to the Committee on Revenue and Taxation.

**Sixth Semiannual Report on  
Energy Settlements and Energy Litigation and Investigation Expenses  
(Pursuant to Government Code Section 16428.6)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated December 29, 2006, referred by the Speaker to the Committee on Utilities and Commerce.

**Homicide in California 2005  
(Pursuant to Penal Code Section 13014)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated January 2, 2007, referred by the Speaker to the Committee on Public Safety.

**2006–07 Strategic Plan for Enrollment Report**

Above transmitted report, together with letter of transmittal from Ada F. Carrillo, Acting Executive Director, Employment Training Panel, dated January 3, 2007, referred by the Speaker to the Committee on Labor and Employment.

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

Ventura County, Judith C. Collinge, Accounting Officer, County of Ventura Health Care Agency, dated December 22, 2006, referred by the Speaker to the Committee on Health.

**Indian Gaming Special Distribution Fund Report  
(Pursuant to Senate Bill 621, Chapter 858, Statutes of 2003) from:**

Sonoma County, Steve Sharpe, Administrative Analyst, December 29, 2006, referred by the Speaker to the Committee on Governmental Organization.

**2006–07 Annual Tax Expenditure Report  
(Pursuant to the Government Code Section 13305)**

Above report referenced in communication from Michael C. Genest, Director, Department of Finance, dated December 21, 2006, stating availability of report at <http://www.dof.ca.gov/>.

Referred by the Speaker to the Committee on Revenue and Taxation.

**ANNOUNCEMENTS**

Speaker pro Tempore Lieber announced the following session schedule:

Friday, January 12, 2007, Check-in Session, 6 a.m.–3 p.m.;

Tuesday, January 16, 2007, Floor Session, Noon;

Wednesday, January 17, 2007, Check-in Session, 7 a.m.–3 p.m.;

Thursday, January 18, 2007, Floor Session, 9:30 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 Paul Ames, of Palm Desert.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Karnette was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mario Christopher Danelo, of San Pedro.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Naomi Gray, of San Francisco.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anne W. Pursel, of Pasadena.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Members Dymally and Ruskin were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Darnell Cooley, of Elk Grove.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

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 Jack Tone, of Morada.

Assembly Member Davis was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Georgia V. Stuckey, of Los Angeles.

Assembly Members DeSaulnier and Hancock were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Henry LeRoy Clarke, of Martinez.

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

**MOTION TO ADJOURN**

At 10 a.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 10:01 a.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. 125—Ma.** An act to amend Section 17071.35 of the Education Code, relating to school facilities.

**ASSEMBLY BILL NO. 126—Beall.** An act to amend Sections 8698 and 8698.1 of, to add Section 8698.6 to, and to repeal Chapter 14.5 (commencing with Section 8698) of Division 3 of, the Business and Professions Code, relating to pests.

**ASSEMBLY BILL NO. 127—Beall.** An act relating to school finance.

**ASSEMBLY BILL NO. 128—Dymally.** An act to add and repeal Chapter 7 (commencing with Section 58810) of Part 31 of Division 4 of Title 2 of the Education Code, relating to pupils.

**ASSEMBLY BILL NO. 129—Emmerson.** An act to add Sections 417.5 and 417.55 to the Penal Code, relating to firearms.

**ASSEMBLY BILL NO. 130—Nakanishi.** An act to amend Section 19849.18 of the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 10—Cook (Coauthor: Senator Battin).** Relative to CDF Firefighter Chris Kanton Memorial Highway.

**HOUSE RESOLUTION NO. 4—Dymally (Coauthors: Bass, Carter, Davis, Price, Richardson, and Swanson).** Relative to National Black HIV/Aids Awareness Day.

**INTRODUCTION OF GUESTS**

Speaker pro Tempore Lieber, of the 22nd Assembly District, introduced Hon. John Garamendi, Lieutenant Governor.

Assembly Member Runner, of the 36th Assembly District, introduced Council Member Ron Smith, of Lancaster.

Assembly Member Strickland, of the 37th Assembly District, introduced Mayor Steve Conaway and Council Member Laurie Hernandez, of Fillmore.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 6 a.m., Friday, January 12, 2007, out of respect to the memory of Paul Ames, on motion of Assembly Member Benoit; out of respect to the memory of Mario Christopher Danelo, on motion of Assembly Member Karnette; out of respect to the memory of Naomi Gray, on motion of Assembly Member Leno; out of respect to the memory of Anne W. Pursel, on motion of Assembly Member Portantino; out of respect to the memory of Darnell Cooley, on motion of Assembly Members Dymally and Ruskin; out of respect to the memory of Jack Tone, on motion of Assembly Member Aghazarian; out of respect to the memory of Georgia V. Stuckey, on motion of Assembly Member Davis; out of respect to the memory of Henry LeRoy Clarke, on motion of Assembly Members DeSaulnier and Hancock; and out of respect to the memory of Lena Ormonde, on motion of Assembly Member Leno.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

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