

CALIFORNIA LEGISLATURE
2007–08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 12, 2007

NINTH SESSION DAY

FORTIETH 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
Friday, January 12, 2007

The Assembly met at 6 a.m.

Hon. Todd Spitzer, Assembly Member, 71st 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—50:

Aghazarian	Dymally	Karnette	Portantino
Anderson	Emmerson	Keene	Price
Arambula	Feuer	Krekorian	Runner
Beall	Gaines	Laird	Ruskin
Berg	Garcia	Leno	Salas
Blakeslee	Garrick	Levine	Silva
Brownley	Hancock	Lieber	Solorio
Calderon	Hayashi	Lieu	Spitzer
Cook	Houston	Ma	Tran
Coto	Huff	Mullin	Walters
De La Torre	Huffman	Nakanishi	Wolk
DeSaulnier	Jeffries	Niello	
Duvall	Jones	Parra	

Quorum present.

At 11:14 a.m., Hon. Patty Berg, 1st 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 Adams, Alarcón, Bass, Benoit, Berryhill, Carter, Davis, de León, DeVore, Eng, Evans, Fuller, Galgiani, Hernandez, Horton, La Malfa, Maze, Mendoza, Nava, Núñez, Plescia, Richardson, Smyth, Soto, Strickland, Swanson, Torrico, and Villines.

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

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

EXPLANATIONS OF ABSENCE

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

Monday, December 18, 2006

*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 Friday, January 12, 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 10, 2007

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

Dear Speaker Núñez: I would like to be excused for Friday, January 12, 2007 to allow me to attend to legislative business in my District. I shall be in attendance on Tuesday, January 16.

I thank you for your favorable consideration.

Yours truly,

RICHARD ALARCÓN, Assembly Member
Thirty-ninth District

January 8, 2007

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

Dear Speaker Núñez: Please grant me a waiver from session for January 12, 2007, to conduct legislative business in the district.

If you have any question regarding this request, please contact my Chief of Staff, Nolic Edwards at 319-2047.

Sincerely,

KAREN BASS, Assembly Member
Forty-seventh District

January 10, 2007

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

Dear Speaker Núñez,

Please excuse me from Check-in Session on Friday, January 12, 2007 as I will be in my district attending to legislative business.

Should you have any questions please contact me or my Capitol Director, David Duran at (951) 369-6644.

Sincerely,

JOHN J. BENOIT, Assembly Member
Sixty-fourth District

January 10, 2007

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

Dear Assembly Speaker Núñez,

This letter is a request to be excused from check in on Friday, January 12, 2007 for legislative business.

Thank you for your consideration of this matter.

Sincerely,

TOM BERRYHILL, Assembly Member
Twenty-fifth District

January 9, 2007

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

Dear Speaker Núñez: I am requesting to be excused from Assembly Floor Session on Friday, January 12, 2007, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMER AMINA CARTER, Assembly Member
Sixty-second District

January 11, 2007

*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 from Check-in Session on Friday, January 12, 2007, due to legislative business in my district. I will be returning to Sacramento on Tuesday, January 16, 2007, in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you have any questions, please contact me at 916.319.2048 or 213.744.2111.

Sincerely,

MIKE DAVIS, Assembly Member
Forty-eighth District

January 5, 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 check-in session on Friday, January 12, 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 10, 2007

*Assemblyman Fabian Núñez
Speaker of the Assembly
State Capitol, Room 3016
Sacramento, California*

Dear Speaker Núñez: I am writing to request your approval to be excused from the check-in session on Friday, January 12, 2007. I am scheduled to meet with the president of Taiwan in Los Angeles on Thursday afternoon after session. Instead of flying back to Sacramento for check-in that day, I would like to be excused and return to Sacramento after the weekend. Thank you for your consideration on this request.

If you have any questions, please do not hesitate to contact Rob Flanigan at (916) 319-2070.

All the best,

CHUCK DE VORE, Assembly Member
Seventieth District

January 5, 2007

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

Dear Speaker Núñez: I respectfully request to be excused from Session on Friday, January 12, 2007, so that I may be in the district to attend to legislative business.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please feel free to contact me or my Chief of Staff, Julio Martinez, at 916/319-2049.

Kind regards,

MIKE ENG, Assembly Member
Forty-ninth District

January 10, 2007

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

Dear Speaker Núñez: Please excuse me from Session on Friday, January 12, 2007, for legislative business in my district.

I greatly appreciate your consideration.

Very truly yours,

NOREEN EVANS, Assembly Member
Seventh District

January 10, 2007

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

Dear Assembly Speaker Núñez,

This letter is a request to be excused from Check-In Session on Friday, January 12, 2007 for legislative business in the district.

Thank you for your consideration of this matter.

Sincerely,

JEAN FULLER, Assembly Member
Thirty-second District

January 12, 2007

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

Dear Speaker Núñez: I would like to request that I be excused from Check-In Session on January 12, 2007, as I will be in my district office on legislative business.

If you have any questions, please contact Reichel Feicht of my staff at 319-2017.

Thank you.

Sincerely,

KATHLEEN GALGIANI, Assembly Member
Seventeenth District

January 10, 2007

*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 Friday, January 12, 2007. 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) 319-2057. Your consideration of this request is greatly appreciated.

Sincerely,

ED HERNANDEZ, Assembly Member
Fifty-seventh District

January 10, 2007

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

Dear Speaker Núñez: This letter is to request permission to be excused from check-in session on Friday, January 12, 2007 to attend to legislative business in my district.

Please feel free to contact me regarding any requests or concerns you may have. Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY HORTON, Assembly Member
Seventy-eighth District

January 10, 2007

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 from check-in session on Friday January 12, 2007. I will be in my district attending to legislative business.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

DOUG LA MALFA, Assembly Member
Second District

January 3, 2007

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

Dear Speaker Núñez,

This is a request to be excused from Floor Session on January 12, 2007 for legislative business, as I have numerous commitments in my district.

Thank you in advance for your assistance in this matter.

Sincerely,

BILL MAZE, Assembly Member
Thirty-fourth District

January 8, 2007

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 from Check-In Session on Friday, January 12, 2007, due to legislative business in my district. I will be returning to Sacramento on Tuesday, January 16, 2007, in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you have any questions I can be reached at (916) 319-2056.

Sincerely,

TONY MENDOZA, Assembly Member
Fifty-sixth District

December 19, 2006

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

Dear Speaker Núñez: I am requesting approval to be excused from session on Friday, January 12, 2007 to attend a Goods Movement Tour, sponsored by the Los Angeles Metropolitan Transportation Authority. Your attention to this matter is very much appreciated.

Sincerely,

PEDRO NAVA, Assembly Member
Thirty-fifth District

January 5, 2007

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

Dear Dotson: This is to advise you that I will absent from Session on Friday, January 12, 2007, on legislative business.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

January 4, 2007

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

Dear Mr. Speaker, This letter is to respectfully request an excuse from session on Friday, January 12, 2007. I will be in the district on legislative business.

If you have any questions, please call me at 319-2032.

Thank you for your prompt attention.

Sincerely,

GEORGE A. PLESCIA, Assembly Member
Seventy-fifth District

January 10, 2007

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

Dear Assembly Speaker Núñez: I am requesting to be excused from check in session on Friday January 12, 2007 on legislative business.

Your attention to this matter is appreciated.

Sincerely,

LAURA RICHARDSON, Assembly Member
Fifty-fifth District

January 11, 2007

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

Dear Mr. Speaker: I am requesting a legislative excuse for Friday, January 12, 2007, in order to tend to legislative business in my district.

Sincerely,

CAMERON SMYTH, Assembly Member
 Thirty-eighth District

January 5, 2007

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

Dear Speaker Núñez: I respectfully request to be excused from Check-In Session on Friday, January 12, 2007. I would like to be excused on legislative business as I will be participating in a two-day Health Policy Fellowship Seminar in my district on January 12 and 13.

If you have any questions, please contact Elaine Knight in my Capitol office at 319-2061.

Thank you in advance for your consideration.

Sincerely,

NELL SOTO, Assembly Member
 Sixty-first District

January 10, 2007

The Honorable Fabian Núñez
State Capitol
Sacramento, California

Dear Speaker Núñez: I am requesting a legislative excuse for Friday, January 12, 2007 in order to tend to legislative business in the district.

Sincerely,

AUDRA STRICKLAND, Assembly Member
 Thirty-seventh District

January 10, 2007

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

Dear Mr. Speaker: I would like to respectfully request permission to be excused from check-in session on Friday, January 12, 2007 on legislative business.

Your attention to this matter will be greatly appreciated.

Sincerely,

SANDRÉ SWANSON, Assembly Member
 Sixteenth District

January 11, 2007

Office of Assembly Speaker Fabian Núñez

Please excuse me from check-in session Friday, January 12, 2007. I will be conducting legislative business.

Thank you,

ALBERTO TORRICO, Assembly Member
Twentieth District

January 11, 2007

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

Dear Mr. Speaker: This letter is a request to be excused from Check-In Session on Friday, January 12, 2007 for legislative business in the district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2029.

Sincerely,

MIKE VILLINES
Assembly Republican Leader
Twenty-ninth District

COMMUNICATIONS

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

January 12, 2007

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

Dear Dotson: This is to advise you that, at the request of Minority Leader Villines, I have appointed the following Republican members to the Assembly Rules Committee for the 2007–08 Regular Session:

Assemblymember Sam Blakeslee, Vice Chair
Assemblymember Anthony Adams
Assemblymember Greg Aghazarian
Assemblymember John Benoit

Additionally, these members are appointed to the Joint Committee on Rules for the 2007–08 Regular Session.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

January 12, 2007

E. Dotson Wilson
Chief Clerk

State Capitol, Room 3196
Sacramento, California

Dear Dotson: Please be advised that I have appointed the following vice chairs to Assembly committees for the 2007–08 Regular Session:

Aging and Long-Term Care:

Assembly Member Joel Anderson, Vice Chair

Agriculture:

Assemblymember Doug La Malfa, Vice Chair

Appropriations:

Assemblymember Mimi Walters, Vice Chair

Arts, Entertainment, Sports, Tourism and Internet Media:

Assemblymember Sharon Runner, Vice Chair

Banking and Finance:

Assemblymember Ted Gaines, Vice Chair

Budget:

Assemblymember Roger Niello, Vice Chair

Business and Professions:

Assemblymember Bill Emmerson, Vice Chair

Education:

Assemblymember Martin Garrick, Vice Chair

Elections and Redistricting:

Assemblymember Anthony Adams, Vice Chair

Environmental Safety and Toxic Materials:

Assemblymember Cameron Smyth, Vice Chair

Governmental Organization:

Assemblymember George Plescia, Vice Chair

Health:

Assemblymember Alan Nakanishi, Vice Chair

Higher Education:

Assemblymember Shirley Horton, Vice Chair

Housing and Community Development:

Assemblymember Bonnie Garcia, Vice Chair

Human Services:

Assemblymember Tom Berryhill, Vice Chair

Insurance:

Assemblymember John Benoit, Vice Chair

Jobs, Economic Development and the Economy:

Assemblymember Jim Silva, Vice Chair

Judiciary:

Assemblymember Van Tran, Vice Chair

Labor and Employment:

Assemblymember Audra Strickland, Vice Chair

Local Government:

Assemblymember Guy Houston, Vice Chair

Natural Resources:

Assemblymember Jean Fuller, Vice Chair

Public Employees, Retirement and Social Security:

Assemblymember Kevin Jeffries, Vice Chair

Public Safety:

Assemblymember Greg Aghazarian, Vice Chair

Revenue and Taxation:

Assemblymember Chuck DeVore, Vice Chair

Rules:

Assemblymember Sam Blakeslee, Vice Chair

Transportation:

Assemblymember Mike Duvall, Vice Chair

Utilities and Commerce:

Assemblymember Rick Keene, Vice Chair

Veterans' Affairs:

Assemblymember Paul Cook, Vice Chair

Water, Parks and Wildlife:

Assemblymember Bill Maze, Vice Chair

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

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

January 10, 2007

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

Dear Speaker Núñez: The Senate Rules Committee has appointed the following members to serve on the Joint Rules Committee: Senators Ackerman, Cedillo, Dutton, Hollingsworth, Kuehl, Machado, Margett, McClintock, Padilla, Perata, Scott, Torlakson and Vincent (Senator Ashburn serves as Vice Chair).

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

REPORTS

The following reports were presented by the Chief Clerk:

**2006 California Physical Fitness Test Report
(Pursuant to Assembly Bill 265, Chapter 975, Statutes of 1995)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated December 20, 2006, referred by the Speaker to the Committee on Education.

**California State University
San Bernardino Center for the Study of Correctional Education
Report on Deliverables to the California Department of Education
Interim Status Report
(Pursuant to Senate Bill 505, Chapter 536, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated January 4, 2007, referred by the Speaker to the Committee on Public Safety.

**21st Century Community Learning Centers for High Schools Report
Fiscal Year 2005-06
(Pursuant to Budget Act 2006, Item 6110-197-0890, Provision 1(b))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated January 4, 2007, referred by the Speaker to the Committee on Education.

**Comprehensive Annual Financial Report (CAFR) of
the California State Lottery for the Fiscal Year Ended June 30, 2006**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Director, Finance and Administration Division, California Lottery Commission, dated December 29, 2006, referred by the Speaker to the Committee on Governmental Organization.

**Department of Corporations Report on the Level of Non-Compliance
(Pursuant to Assembly Bill 2693, Chapter 940, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Preston DuFauchard, California Corporations Commissioner, Department of Corporations, dated January 10, 2007, referred by the Speaker to the Committee on Banking and Finance.

**Loan and Grant Programs 2005-2006 Annual Report
(Pursuant to Health and Safety Code Section 50408)**

Above transmitted report, together with letter of transmittal from Lynn L. Jacobs, Director, Housing and Community Development, dated January 5, 2007, referred by the Speaker to the Committee on Business and Professions.

**California Safe at Home 2006 Annual Report
(Pursuant to Government Code Section 6210(a))**

Above transmitted report, together with letter of transmittal from Debra Bowen, Secretary of State, dated January 10, 2007, referred by the Speaker to the Committee on Public Safety.

**Update Plan for the Closure of Agnews Developmental Center
(Pursuant to Assembly Bill 1801, Chapter 47, Statutes of 2006)**

Above transmitted report, together with letter of transmittal from Terri Delgadillo, Director, Department of Developmental Services, dated January 10, 2007, referred by the Speaker to the Committee on Human Services.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 131—Beall. An act to amend Sections 52378, 52379, and 52380 of the Education Code, relating to pupils.

ASSEMBLY BILL NO. 132—Garcia. An act to amend Section 12012.85 of the Government Code, relating to gaming.

ASSEMBLY BILL NO. 133—Garcia. An act to amend Section 12012.45 of the Government Code, relating to gaming.

ASSEMBLY BILL NO. 134—Wolk. An act to add Section 17071.77 to the Education Code, relating to school facilities.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 12 noon, Tuesday, January 16, 2007.

SALLY LIEBER, Speaker pro Tempore

SUE PARKER, Minute Clerk

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