

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 16, 2007**

**TENTH SESSION DAY**

**FORTY-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

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Tuesday, January 16, 2007

The Assembly met at 12:05 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 Bass 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 12:14 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—79:

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

**PRAYER**

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

*Lord, No one can stand before You on the basis of how good or bad, spiritual or unspiritual they are. No one is “good enough” to stand before You and make claims of self-worth. On the other hand, everyone is precious in Your eyes! What makes it possible to present ourselves to You is faith. Not by doing this or that, but by faith that You care about us and that You will fulfil our every need as a loving Father. Bless us this day, Lord, and fill our hearts with abiding faith in You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Lieber, Assembly Member Swanson 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 Member was granted leave of absence for the day:

*On legislative business: Assembly Member Gaines.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

December 21, 2006

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

Dear Mr. Speaker,

I write to you today to respectfully request an excuse from session on January 16, 2007. I have legislative business in my district.

If you have any questions please contact Steve Davey at 319-2004. Thank you for your prompt attention.

Sincerely,

TED GAINES, Assembly Member  
Fourth District

**JOINT RULE 62(a) WAIVED**

Assembly Member Bass was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 108 for hearing in the Committee on Rules on Thursday, January 18, 2007.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3  
BY UNANIMOUS CONSENT**

Assembly Member Hayashi was granted unanimous consent to take up Assembly Concurrent Resolution No. 3 without reference to file, for purpose of consideration.

**ASSEMBLY CONCURRENT RESOLUTION NO. 3 (Torrico)**—Relative to Korean-American Day.

Resolution read, and presented by Assembly Member Hayashi.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 3**

Assembly Member Hayashi was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 3.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Adams, Aghazarian, Alarcón, Anderson, Arambula, Bass, Beall, Benoit, Berg, Berryhill, Blakeslee, Brownley, Cabellero, Calderon, Carter, Cook, Coto, Davis, De La Torre, de León, DeSaulnier, DeVore, Duvall, Dymally, Emmerson, Evans, Feuer, Fuller, Galgiani, Garcia, Garrick, Hancock, Hernandez, Houston, Huff, Huffman, Jeffries, Jones, Karnette, Keene, Krekorian, La Malfa, Laird, Leno, Levine, Lieber, Maze, Mendoza, Mullin, Nava, Niello, Núñez, Parra, Plescia, Portantino, Price, Richardson, Runner, Ruskin, Salas, Saldaña, Silva, Smyth, Solorio, Soto, Spitzer, Strickland, Swanson, Villines, Walters, and Wolk.

**Request for Unanimous Consent**

Assembly Member Hayashi was granted unanimous consent to take up Assembly Concurrent Resolution No. 3, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 3, as Amended**  
**ASSEMBLY CONCURRENT RESOLUTION NO. 3**—Relative to Korean-American Day.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

**RECESS**

By unanimous consent, at 12:43 p.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Hayashi introduced and presented a resolution to the Korean American Association of San Francisco and Greater Bay Area represented by Hong Il Kim, President of the association; Jeong Eun Shin, Vice President of the association; Sarah Kim-lee, Claims Authorizer, Social Security Administration; and Hon. Jang-Hyun Kim, Consul, Korean Consulate General in San Francisco.

**RECONVENED**

At 12:45 p.m., the Assembly reconvened.

Hon. Sally Lieber, Speaker pro Tempore of the Assembly, presiding.

**ANNOUNCEMENTS**

Speaker pro Tempore Lieber announced the following session schedule:

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 De La Torre was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Army Spc. Luis G. Ayala, of South Gate.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member de León was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charupha Wongwisetiri, of Los Angeles.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Garcia was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Army Pfc. Ming Sun, of Cathedral City.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Members Hancock and Swanson were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Susan Duncan, of Oakland.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Nava was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Beatrice Rubio Cordeiro, of Ventura.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Members Richardson and Karnette were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Quincy Beavers, of Carson.

(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 Martin D. Yerby, of Turlock.

Assembly Member Feuer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Fotie, of Van Nuys.

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 Andrew J. “Andy” Becwar, of La Cañada Flintridge.

Assembly Member Smyth was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Taylor Means, of North Tustin.

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” Adler, Charles Van Court, and Fay Rosenberg, of Davis.

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 Marvin E. Crist, Sr., of Lancaster.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record her vote on the following item:

**Assembly Concurrent Resolution No. 3, Coauthors: Saldaña–Aye.**

**MOTION TO ADJOURN**

At 12:59 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 1 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. 135—Houston (Coauthor: Galgiani).** An act to add Sections 17276.9 and 24416.9 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 136—Emmerson (Coauthors: Benoit, Carter, Cook, Garcia, Horton, Huff, Jeffries, Maze, Sharon Runner, Soto, Spitzer, and Strickland) (Coauthor: Senator Dutton).** An act to add Section 14628 to the Government Code, relating to the State Capitol.

**ASSEMBLY BILL NO. 137—DeVore (Coauthor: Duvall).** An act to repeal and add Sections 38136, 44932, 44939, 45303, 51530, and 88122 of the Education Code, and to repeal and add Sections 1027.5, 1028, and 1028.1 of the Government Code, relating to terrorist organizations.

**ASSEMBLY BILL NO. 138—Bass.** An act to add Section 22511.3 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 139—Bass.** An act to amend Section 12517.2 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 140—Garcia.** An act to amend Section 15.1 of Chapter 1069 of the Statutes of 1961, relating to the Desert Water Agency.

#### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 11—Beall.** Relative to Domestic Violence Awareness Month.

**HOUSE RESOLUTION NO. 5—Nakanishi.** Relative to glaucoma.

#### INTRODUCTION OF GUESTS

Assembly Member Lieber, of the 22nd Assembly District, introduced Hon. Kevin Murray, (State Senator 1999–2006; Assembly Member 1995–1998).

#### ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Wednesday, January 17, 2007, out of respect to the memory of Army Spc. Luis G. Ayala, on motion of Assembly Member De La Torre; out of respect to the memory of Charupha Wongwisetiri, on motion of Assembly Member de León; out of respect to the memory of Army Pfc. Ming Sun, on motion of Assembly Member Garcia; out of respect to the memory of Susan Duncan, on motion of Assembly Members Hancock and Swanson; out of respect to the memory of Beatrice Rubio Cordeiro, on motion of Assembly Member Nava; out of respect to the memory of Quincy Beavers, on motion of Assembly Members Richardson and Karnette; out of respect to the memory of Martin D. Yerby, on motion of Assembly Member Aghazarian; out of respect to the memory of William Fotie, on motion of Assembly Member Feuer; out of respect to the memory of Andrew J. “Andy” Becwar, on motion of Assembly Member Portantino; out of respect to the memory of Robert Taylor Means, on motion of Assembly Member Smyth; out of respect to the memory of Sonya “Sonnie” Adler, Charles Van Court and Fay Rosenberg, on motion of Assembly Member Wolk; and out of respect to the memory of Marvin E. Crist, Sr., on motion of Assembly Member Runner.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk