

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 18, 2007

TWELFTH SESSION DAY

FORTY-SIXTH 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
Thursday, January 18, 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 Laird 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 9:47 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—76:

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

PRAYER

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

Lord, You have blessed us with family and friends, creativity and a positive outlook on life. Grant that everything we put our hand to will prosper and succeed. Lord, bless us and keep us. Make Your face shine upon us and be gracious to us. Lord, lift up Your countenance upon us, and give us peace. (Numbers 6: 24–6).—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Cook 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 Benoit.

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 Blakeslee, Huff, and Levine.

Because of a death in his family: Assembly Member Aghazarian.

EXPLANATIONS OF ABSENCE

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

January 17, 2007

The Honorable Fabian Núñez

Speaker

California State Assembly

State Capitol, Room 219

Sacramento, California

Dear Speaker Núñez: The purpose of this letter is to respectfully request to be excused from session on Thursday, January 18, 2007. I must be in my district for an emergency meeting related to the freeze.

Thank you for your consideration. Please contact me at (916) 319-2033 with any questions.

Sincerely,

SAM BLAKESLEE, Assembly Member
Thirty-third District

January 16, 2007

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

Dear Mr. Speaker: I write you today to respectfully request permission to be excused from Session on January 18, 2007, in order to attend meetings in my district. Should you require further information, please contact my legislative aide, Kris Goldstein, at (916) 319-2060.

Sincerely,

BOB HUFF, Assembly Member
Sixtieth District

January 10, 2007

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

Dear Speaker Núñez: This letter is to respectfully request to be excused from Assembly Session on Thursday, January 18, 2007. I will be in San Jose for the first meeting of the Broadband Taskforce, of which I am an appointee.

Thank you in advance for your attention to this request.

Sincerely,

LLOYD LEVINE, Assembly Member
Fortieth District

COMMUNICATIONS

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

January 17, 2007

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

Dear Dotson: This is to advise you that I have appointed Assemblymembers Bill Emmerson and Shirley Horton to replace Assemblymembers Sam Blakeslee and Greg Aghazarian on the Assembly Rules Committee for the Thursday, January 18 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

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

January 17, 2007

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

Dear Mr. Wilson: Please be advised that the following has been donated to the Assembly and received and processed by the Assembly Committee on Rules pursuant to Fair Political Practices Commission Regulation 18944.2 (Title 2, California Code of Regulations):

Source	City of Los Angeles
Value:	\$25 a month/\$300 a year per parking pass
Purpose:	Airport parking for Assembly Members traveling on Assembly business to and from Ontario Airport.

Person for Whom
Donations Used

Assemblymember Anthony Adams
Assemblymember John Benoit
Assemblymember Paul Cook
Assemblymember Bill Emmerson
Assemblymember Bonnie Garcia
Assemblymember Ed Hernandez
Assemblymember Bob Huff
Assemblymember Kevin Jeffries
Assemblymember Sharon Runner
Assemblymember Todd Spitzer
Assemblymember Mimi Walters

Please cause this letter to be printed in the Assembly Journal in accordance with HR 37.

Sincerely,

JON WALDIE
Chief Administrative Officer
California State Assembly

The following communication was presented by the Chief Clerk from:

Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated January 8, 2007, regarding authorization of three community college districts to enter into design-build contracts for facilities construction projects (pursuant to Assembly Bill 1000, Chapter 637, Statutes of 2002).

Referred by the Speaker to the Committee on Business and Professions.

REPORTS

The following reports were presented by the Chief Clerk:

**Electronic Waste Recycling Account Report
(Pursuant to Budget Act 2006, Item 0860-001-3065)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated January 10, 2007, referred by the Speaker to the Committee on Natural Resources.

**Judicial Branch Information Technology Procurement
(Pursuant to Budget Act 2006, Item 0250-001-0001)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated January 11, 2007, referred by the Speaker to the Committee on Budget.

**Law Revision Commission 2005–2006 Recommendations
(Pursuant to Government Code Sections 8291 and 9795)**

Above transmitted report, together with letter of transmittal from Brian Hebert, Executive Secretary, California Law Revision Commission, dated January 10, 2007, referred by the Speaker to the Committee on Judiciary.

**2005–2006 Court Reporter Fees Collected and
Expenditures for Court Reporter Services
in Superior Court Civil Proceedings
(Pursuant to Government Code Section 68086(c))**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated January 12, 2007, referred by the Speaker to the Committee on Judiciary.

**Surveys of Local Assessment Procedures
(Pursuant to Government Code Sections 9795 and 15646)**

From: Ramon J. Hirsig, Executive Director, State Board of Equalization, dated January 4, 2007:

Alameda County, Assessment Practices Survey, August 2006; Amador County, Assessment Practices Survey, July 2006; Kern County, Assessment Practices Survey, August 2006; Lake County, Assessment Practices Survey, January 2006; Mendocino County, Assessment Practices Survey, July 2006; Orange County, Assessment Practices Survey, September 2006; Plumas County, Assessment Practices Survey, May 2006; San Diego County, Assessment Practices Survey, February 2006; San Joaquin County, Assessment Practices Survey, April 2006; Solano County, Assessment Practices Survey, October 2006; and Tehama County, Assessment Practices Survey, December 2006.

Referred by the Speaker to the Committee on Local Government.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Assembly</i>	
<i>Bill No.</i>	<i>Committee</i>
108 -----	Rls.

**REQUEST TO CONSIDER AND ACT ON BILLS
WITHIN 30 CALENDAR DAYS**

The following request was submitted:

Assembly Chamber, January 18, 2007

Mr. Speaker: I request permission to introduce a resolution providing that Assembly Bill No. 108 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

JOHN J. BENOIT

Recommendation of Rules Committee

January 18, 2007

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member Benoit for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 8(a), of the Constitution and suspending Joint Rule 55 as they pertain to Assembly Bill No. 108 be granted.

DE LA TORRE, Chair

**Resolution to Dispense with Article IV, Sec. 8(a) of the Constitution
and Suspend Joint Rule 55**

Resolved, That, pursuant to Article IV, Section 8(a) of the Constitution, Assembly Bill No. 108 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read.

Resolution read, and adopted by the following vote:

AYES—76

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

NOES—None

Article IV, Section 8(a) of the Constitution was declared dispensed with, and Joint Rule 55 suspended.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member De La Torre announced that the Committee on Rules would meet today, in the Tom Bane Rules Committee Room.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 9:52 a.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

ADJOURN IN MEMORY

Assembly Member Jones was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elizabeth “Betty” Keown, of Sacramento.

(Assembly Rule 45.5 suspended.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: January 18, 2007

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 108

With amendments with the recommendation: Amend, and do pass, as amended.

DE LA TORRE, Chair

Above bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Benoit.

Resolved, That Assembly Bill No. 108 presents a case of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

AYES—76

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

NOES—None

Article IV, Section 8 (b) of the Constitution was declared dispensed with.

Second Reading of Assembly Bill No. 108

ASSEMBLY BILL NO. 108—An act to add Section 23709.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Rules read and adopted; bill ordered reprinted.

**CONSIDERATION OF ASSEMBLY BILL NO. 108
BY UNANIMOUS CONSENT**

Assembly Member Benoit was granted unanimous consent to take up Assembly Bill No. 108 without reference to file, for purpose of consideration.

ASSEMBLY BILL NO. 108 (Benoit)—An act relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

AYES—76

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

NOES—None

Bill ordered transmitted to the Senate immediately.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

Monday, January 22, 2007, Floor Session, noon;

Tuesday, January 23, 2007, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, January 24, 2007, Check-in Session, 7 a.m.–3 p.m.;

Thursday, January 25, 2007, Floor Session, 9:30 a.m.

Speaker pro Tempore Lieber announced that the Committees on Agriculture and Jobs, Economic Development, and the Economy will host a briefing, today, at 10:30 a.m., in Room 126, on the impact of the state of emergency that has resulted from the recent freezing temperatures in California.

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 Lydia “Lily” Rodriguez, of Sylmar.

(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 Judy Parsons Gumbiner, of Long Beach.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Price was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James W. Cragin, of West Hills.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Saldaña was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Wayne Rogers, of San Diego.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Hancock was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marian Magid, of Berkeley.

Assembly Member Jones was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Annie Bienh, Kyle Bienh, and William Larken Blackmon, of Sacramento.

Assembly Member Maze was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arlene Vartanian, of Visalia.

Assembly Member Niello was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Leonard Nelson, of Orangevale.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Resolution to Invoke Constitution: Arambula, Hancock, Houston, Keene, Lieu, and Spitzer—Aye.

Assembly Bill No. 108: Strickland—Aye.

MOTION TO ADJOURN

At 10:21 a.m., Assembly Member Bass moved that the Assembly do now adjourn.

Assembly Member Benoit seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:22 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. 152—Beall. An act to add Article 22 (commencing with Section 70020) to Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, relating to financial aid.

ASSEMBLY BILL NO. 153—Blakeslee (Coauthor: Hancock). An act to add Article 7 (commencing with Section 92670) to Chapter 6 of Part 57 of the Education Code, relating to the University of California.

ASSEMBLY BILL NO. 154—Nakanishi. An act to add Sections 17257 and 24356.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 155—Nakanishi. An act to add Sections 17059 and 23659 to the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 156—Laird. An act to amend Sections 12878.1, 12878.21, and 12878.23 of, to add Sections 8306, 8612, 8613, and 12585.12 to, and to add Chapter 9 (commencing with Section 9110) to Part 4 of, and to add Part 8 (commencing with Section 9650) to, Division 5 of, the Water Code, relating to flood control.

ASSEMBLY BILL NO. 157—Plescica. An act to amend Sections 1202 and 1202 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 158—Ma. An act relating to public health.

ASSEMBLY BILL NO. 159—Jones (Principal coauthors: Benoit and Carter) (Coauthors: Levine and Lieber). An act to add Sections 69110, 69614.2, and 69615 to the Government Code, relating to courts.

ASSEMBLY BILL NO. 160—Lieber. An act to add Article 2 (commencing with Section 1171) to Chapter 4.5 of Title 7 of Part 2 of the Penal Code, relating to sentencing.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 12—Parra (Principal coauthor: Senator Maldonado). Relative to agriculture.

ASSEMBLY JOINT RESOLUTION NO. 4—Beall. Relative to child support collection fees.

MESSAGES FROM THE SENATE

Senate Chamber, January 18, 2007

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 41

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 41—An act to add Section 23709.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

INTRODUCTION OF GUESTS

Assembly Member Villines, of the 29th Assembly District, introduced Mark Zasso, Executive Director of Hume Lake Christian Camp.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 12 p.m., Monday, January 22, 2007, out of respect to the memory of Elizabeth “Betty” Keown, on motion of Assembly Member Jones; out of respect to the memory of Lydia “Lily” Rodriguez, on motion of Assembly Member Alarcón; out of respect to the memory of Judy Parsons Gumbiner, on motion of Assembly Member Karnette; out of respect to the memory of James W. Cragin, on motion of Assembly Member Price; out of respect to the memory of Wayne Rogers, on motion of Assembly Member Saldaña; out of respect to the memory of Marian Magid, on motion of Assembly Member Hancock; out of respect to the memory of Annie Bienh, Kyle Bienh, and William Larken Blackmon, on motion of Assembly Member Jones; out of respect to the memory of Arlene Vartanian, on motion of Assembly Member Maze; and out of respect to the memory of Leonard Nelson, on motion of Assembly Member Niello.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 18, 2007**

The following measure was amended in the Assembly on this day:

AB RN

108 0702880

Daily Total: 1

Cumulative Total: 1

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