

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 25, 2007**  
**SIXTEENTH SESSION DAY**  
**FIFTY-THIRD 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 25, 2007

The Assembly met at 9:36 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 Silva 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	De León	Huff	Parra
Aghazarian	DeSaulnier	Huffman	Plescia
Alarcón	DeVore	Jeffries	Portantino
Anderson	Duvall	Jones	Richardson
Arambula	Dymally	Karnette	Runner
Bass	Emmerson	Keene	Ruskin
Beall	Eng	Krekorian	Saldaña
Benoit	Evans	La Malfa	Silva
Berg	Feuer	Laird	Smyth
Berryhill	Fuller	Leno	Solorio
Blakeslee	Gaines	Levine	Soto
Brownley	Galgiani	Lieber	Spitzer
Caballero	Garcia	Lieu	Strickland
Calderon	Garrick	Ma	Swanson
Carter	Hancock	Maze	Torrico
Cook	Hayashi	Mullin	Tran
Coto	Hernandez	Nakanishi	Villines
Davis	Horton	Nava	Walters
De La Torre	Houston	Niello	Wolk

**PRAYER**

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

*Lord, We overcome disappointments in life by learning to let go of the past. We let go by choosing to forgive those who have wronged us—knowing that You will restore anything that was taken. Help us, Lord, to forget those things which are behind, and to reach forward to what lies ahead, always pressing toward the prize of Your high calling.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Lieber, Assembly Member Fuller 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 Mendoza, Núñez, Price, and Salas.*

**EXPLANATIONS OF ABSENCE**

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

January 19, 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 Assembly Floor Session on Thursday, January 25, 2007, due to legislative business in my district. I will be returning to Sacramento on Monday, January 29, 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 319-2056.

Sincerely,

TONY MENDOZA, Assembly Member  
Fifty-sixth District

January 22, 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 not be in attendance for Session on Thursday, January 25, 2007, due to legislative business.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

January 22, 2007

*The Honorable Fabian Núñez*  
*Speaker of the Assembly*  
*State Capitol, Room 319*  
*Sacramento, California*

Dear Speaker Núñez: I would like to request to be excused from Session on Thursday, January 25, 2007. I will be in my district on Legislative Business.

Thank you for consideration.

Respectfully,

CURREN D. PRICE, JR., Assembly Member  
Fifty-first District

January 16, 2007

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

Dear Speaker Núñez: I respectfully request to be excused from floor session on January 25, 2007. I would like to attend the seventh meeting of the Legislative Forum of the Three Californias.

Thank you for your attention to my request.

Sincerely,

MARY SALAS, Assembly Member  
Seventy-ninth District

**COMMUNICATIONS**  
**Proposed Initiatives**

The following communications were presented by the Chief Clerk from:

Patricia Galván, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated January 22, 2007, transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Section 9007, Elections Code:

**Government Acquisition, Regulation of Private Property.**  
**Initiative Constitutional Amendment. SA 06-0039**

Referred by the Speaker to the Committees on Housing and Community Development and Judiciary.

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The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2006-032  
January 23, 2007

*The Honorable Speaker of the Assembly*  
*The Honorable Members of the Assembly*  
*of the Legislature of California*  
*State Capitol, Room 3196*  
*Sacramento, California*

Members of the Assembly: As required by Chapter 804, Statutes of 2002, the Bureau of State Audits presents its audit report evaluating the accuracy of crime statistics in the 2005 annual report published by a sample of six California postsecondary educational institutions. It describes the procedures these institutions used to identify, gather, and track data for reporting, publishing, and disseminating crime statistics in compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

This report concludes that the sampled institutions misreported their crime statistics and the average error rate over the three years presented in their reports ranged from 7 percent to 56 percent. Because some crimes defined in California law are different from those definitions the Clery Act uses, some institutions did not correctly convert crimes defined in California law to crimes the Clery Act requires institutions to report and others either did not review or did not correctly report some crimes in potentially reportable categories. Further, several institutions we reviewed did not correctly identify all reportable locations when compiling statistics for their 2005 annual reports, and most have not established written policies or procedures for some of the items described in their annual reports.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Referred by the Speaker to the Committee on Higher Education.

### REPORTS

The following reports were presented by the Chief Clerk:

**Annual Report of Fiscal Year 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.

**Electronic Waste Recycling Program Report  
(Pursuant to Supplemental Report of the 2006 Budget Act  
Item 0860-001-3065)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated January 12, 2007, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**California Small Business Loan Guarantee Program  
Annual Report for 2005–06  
(Pursuant to Corporations Code Section 14030.2(b))**

Above transmitted report, together with letter of transmittal from Glenn Stober, Manager, Small Business Loan Guarantee Program, Business, Transportation and Housing Agency, dated January 16, 2007, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Licensing and Certification Program Plan for Hiring Positions  
(Pursuant to Assembly Bill 1801, Chapter 47, Statutes of 2006  
Item 4260-001-0001, Provision 9)**

Above transmitted report, together with letter of transmittal from Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated January 18, 2007, referred by the Speaker to the Committee on Health.

### SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Budget, on Wednesday, January 31, 2007, at 10 a.m.;

Budget Subcommittee No. 2 on Education Finance to convene jointly with the Committee on Higher Education on Tuesday, January 30, 2007, at 9 a.m.

### ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

Monday, January 29, 2007, Floor Session, 12 noon.

Speaker pro Tempore Lieber announced that Friday, January 26, 2007, is the last day to submit bill requests to the Office of Legislative Counsel.

**ADJOURN IN MEMORY**

Assembly Member Beall was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jose Santiago, of Gilroy.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Calderon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patrick Shinoda Thornton, of Irvine.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Calderon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nicole A. Tutt Coty, of Dublin.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member DeVore was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Army 2nd Lt. Mark J. Daily, of Irvine.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Galgiani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of her uncle, Jerry Day Tessaro, of Marysville.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Gaines was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John E. Hill, of Carmichael.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Members Krekorian and Aghazarian were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hrant Dink, of Istanbul, Turkey.

(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 Karl Strauss, of Fox Point, Wisconsin.

(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 Leonard A. Dias, of Tracy.

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 Reverend Noe Lopez, of Fresno.

Assembly Member Blakeslee was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Christopher Paul Kies, of Santa Maria.

Assembly Member Evans was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bob Beal, of Santa Rosa and Janet Orchard, of Cotati.

Assembly Members Gaines, Aghazarian, and Fuller were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Susan Conner Kennedy, of Bakersfield.

Assembly Member Horton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Diane Carpenter, of Chula Vista.

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 Gerald "Gig" Ruddell, of Visalia.

**MOTION TO ADJOURN**

At 10:18 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 10:18 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. 186—Maze and Galgiani.** An act to amend Section 14175 of the Penal Code, relating to crime prevention.

**ASSEMBLY BILL NO. 187—Nakanishi.** An act to amend Sections 929, 930, 944, 945, 960.5, and 961 of the Military and Veterans Code, relating to veterans.

**ASSEMBLY BILL NO. 188—Aghazarian (Coauthor: Senator Kehoe).** An act to add Section 10265 to the Public Resources Code, relating to resource conservation.

**ASSEMBLY BILL NO. 189—Dymally.** An act to amend Sections 703.5, 1118, 1119, 1120, 1121, 1122, 1123, and 1124 of the Evidence Code, and to amend Section 2013 of, and to add Section 2014 to, the Family Code, relating to collaborative law.

**ASSEMBLY BILL NO. 190—Bass.** An act to add Section 10609.10 to the Welfare and Institutions Code, relating to child welfare.





**ASSEMBLY BILL NO. 207—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 208—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 209—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 210—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 211—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 212—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 213—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 214—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 215—Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).** An act relating to the Budget Act of 2007.

**ASSEMBLY BILL NO. 216—Bass (Coauthor: Senator Steinberg).** An act to amend Section 56366.10 of the Education Code, relating to special education.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 14—Torrico, Eng, Hayashi, Horton, Lieu, Ma, Nakanishi, and Tran (Principal coauthor: Senator Yee) (Coauthors: Senators Machado and Ridley-Thomas).** Relative to the Lunar New Year 4704 celebration.

**ASSEMBLY CONCURRENT RESOLUTION NO. 15—Lieber (Coauthors: Garcia and Hernandez) (Coauthor: Senator Alquist).** Relative to Cervical Cancer Awareness Month.

### MESSAGES FROM THE SENATE

Senate Chamber, January 25, 2007

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

Assembly Concurrent Resolution No. 3

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 12 p.m., Monday, January 29, 2007, out of respect to the memory of Jose Santiago, on motion of Assembly Member Beall; out of respect to the memory of Patrick Shinoda Thornton and Nicole A. Tutt Coty, on motion of Assembly Member Calderon; out of respect to the memory of Army 2nd Lt. Mark J. Daily, on motion of Assembly Member DeVore; out of respect to the memory of Jerry Day Tessaro, on motion of Assembly Member Galgiani; out of respect to the memory of John E. Hill, on motion of Assembly Member Gaines; out of respect to the memory of Hrant Dink, on motion of Assembly Members Krekorian and Aghazarian; out of respect to the memory of Karl Strauss, on motion of Assembly Member Saldaña; out of respect to the memory of Leonard A. Dias, on motion of Assembly Member Aghazarian; out of respect to the memory of Reverend Noe Lopez, on motion of Assembly Member Arambula; out of respect to the memory of Christopher Paul Kies, on motion of Assembly Member Blakeslee; out of respect to the memory of Bob Beal and Janet Orchard, on motion of Assembly Member Evans; out of respect to the memory of Susan Conner Kennedy, on motion of Assembly Members Gaines, Aghazarian, and Fuller; out of respect to the memory of Diane Carpenter, on motion of Assembly Member Horton; and out of respect to the memory of Gerald "Gig" Ruddell, on motion of Assembly Member Maze.

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SALLY LIEBER, Speaker pro Tempore

SUE PARKER, Minute Clerk

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