

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 29, 2007**  
**SEVENTEENTH SESSION DAY**  
**FIFTY-SEVENTH 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  
Monday, January 29, 2007

The Assembly met at 12:02 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 Beall 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 12:13 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—78:

Adams	DeSaulnier	Jeffries	Portantino
Aghazarian	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	Levine	Smyth
Berryhill	Gaines	Lieber	Solorio
Blakeslee	Galgiani	Lieu	Strickland
Brownley	Garcia	Ma	Swanson
Caballero	Garrick	Maze	Torrico
Calderon	Hancock	Mendoza	Tran
Carter	Hayashi	Mullin	Villines
Cook	Hernandez	Nakanishi	Walters
Coto	Horton	Nava	Wolk
Davis	Houston	Niello	Mr. Speaker
De La Torre	Huff	Parra	
De León	Huffman	Plescia	

**PRAYER**

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

*Lord, Our expectations set limits for our life. If we never expect anything good, we'll never receive anything good. If we don't expect things to get better, they won't. Lord, You promise to meet us at our level of expectancy. That is why You said, "According to your faith be it done unto you." Help us to live every day of our life with anticipation that You are going to bless us abundantly.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Lieber, Assembly Member Huffman 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 Member Spitzer.*

*Because of illness: Assembly Member Soto.*

**EXPLANATIONS OF ABSENCE**

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

January 16, 2007

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

Dear Mr. Speaker: I would like to be excused from session on Monday and Tuesday, January 29 and 30, 2007, for legislative business.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member  
Seventy-first District

**SPECIAL COMMITTEE MEETINGS**

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

Jobs, Economic Development, and the Economy and Budget Subcommittee No. 4 on State Administration, on Tuesday, February 27, 2007, at 9 a.m.;

Revenue and Taxation, on Tuesday, January 30, 2007, at 2 p.m., in Room 126.

**REFERENCE OF BILLS TO COMMITTEE**

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

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>		<i>Rev. &amp; Tax.</i>
<b>41</b>	-----	

**JOINT RULE 62(a) WAIVED**

Assembly Member Bass was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 41 for hearing in the Committee on Revenue and Taxation on Tuesday, January 30, 2007.

**SUSPEND ASSEMBLY RULE 56 AND JOINT RULE 62(a)**

Assembly Member Bass was granted unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended for the purpose of permitting the Committee on Appropriations to notice hearing of Senate Bill No. 41, pending re-referral to the committee.

**RECESS**

By unanimous consent, at 12:18 p.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Berg introduced and presented a resolution to Jeff and Patti Hilliard and Margaret Mette, of the Sutter Heart Institute; and Miriam Bernstein and Dawn Borgnis, of the American Heart Association, in recognition of Healthy Heart Month.

**RECONVENED**

At 12:19 p.m., the Assembly reconvened.

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

**SPECIAL RECOGNITION**

The Members of the Assembly joined Speaker Núñez in extending best wishes to Assembly Members Portantino and Arambula on the occasion of their birthdays.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

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

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—78**

Adams	DeSaulnier	Jeffries	Portantino
Aghazarian	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	Levine	Smyth
Berryhill	Gaines	Lieber	Solorio
Blakeslee	Galgiani	Lieu	Strickland
Brownley	Garcia	Ma	Swanson
Caballero	Garrick	Maze	Torrico
Calderon	Hancock	Mendoza	Tran
Carter	Hayashi	Mullin	Villines
Cook	Hernandez	Nakanishi	Walters
Coto	Horton	Nava	Wolk
Davis	Houston	Niello	Mr. Speaker
De La Torre	Huff	Parra	
De León	Huffman	Plescia	

**NOES—None**

Above resolution ordered enrolled.

**ANNOUNCEMENTS**

Speaker pro Tempore Lieber announced the following session schedule:

Tuesday, January 30, 2007, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, January 31, 2007, Check-in Session, 7 a.m.–3 p.m.;

Thursday, February 1, 2007, Floor Session, 9:30 a.m.

**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 Roger Green, of Carpinteria.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joshua Lacy, of Crescent City and Jack McKellar, of Eureka.

Assembly Member DeSaulnier was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Cardinet, of Contra Costa.

Assembly Member Eng was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former El Monte Police Captain Jack Coleman, of Alta Loma.

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 Rose Sichel, of Santa Rosa.

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 Trevor Matthews, of Valencia.

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 John C. Dibb, of Davis; Sean W. Terwilliger, of Dixon; Thomas Matthew Archer, William Crossley, and Hazel D. Holland, of Fairfield; Robert Joseph Zolensky, of Suisun City; John Bunter, Martha Gambrell, and Michael Alejandro Marquez, of Vacaville; Daniel Paul Chapman, La Verne Gonzales, Francis Maurice Lohse, Elizabeth Jane Main, and Patricia Ann Teague, of Woodland.

#### VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Assembly Concurrent Resolution No. 3, Concurrence:** Anderson, Jones, Maze, Parra, and Price—Aye.

#### MOTION TO ADJOURN

At 12:24 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 12:25 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. 217—Beall.** An act to add Section 10752.4 to the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 218—Saldana (Coauthor: Huffman).** An act to amend Section 9552 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 219—Jeffries.** An act to amend Sections 21175 and 21192 of the Government Code, relating to public employees' retirement.

**ASSEMBLY BILL NO. 220—Bass (Principal coauthor: Solorio).** An act to add Chapter 9.6 (commencing with Section 3250) to Division 4 of Title 1 of the Government Code, relating to firefighters.

**ASSEMBLY BILL NO. 221—Anderson.** An act to amend Section 16642 of, and to add and repeal Section 7513.7 of, the Government Code, relating to investments.

**ASSEMBLY BILL NO. 222—Emmerson.** An act to amend, renumber and add Section 4600 of, and to add Section 4602 to, the Fish and Game Code, relating to fish and game, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 223—Sharon Runner.** An act to amend Sections 3021, 3103.5, and 3110 of the Elections Code, relating to voting.

**ASSEMBLY BILL NO. 224—Wolk.** An act to amend Section 10631 of, to add Sections 142, 10004.7, and 13248 to, and to repeal and add Part 2.8 (commencing with Section 10800) of Division 6 of, the Water Code, relating to water.

**ASSEMBLY BILL NO. 225—Beall.** An act to amend Section 653m of the Penal Code, relating to crime.

**ASSEMBLY BILL NO. 226—Huff.** An act to amend Section 22651 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 227—Beall.** An act to amend Sections 77200, 77201.1, and 77201.2 of, and to add Section 77201.3 to, the Government Code, and to amend Section 1463.17 of the Penal Code, relating to trial court funding.

**ASSEMBLY BILL NO. 228—Strickland.** An act to add Section 243.23 to the Penal Code, relating to crimes.

**ASSEMBLY BILL NO. 229—Strickland.** An act to amend Section 626.10 of the Penal Code, relating to weapons.

**ASSEMBLY BILL NO. 230—Berg (Principal coauthor: Senator Wiggins).** An act to add Section 12012.52 to the Government Code, relating to gaming.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 16—Nakanishi (Principal coauthor: Senator Yee) (Coauthors: Eng, Hayashi, Horton, Lieu, Ma, Torrico, and Tran) (Coauthors: Senators Machado and Ridley-Thomas).** Relative to a Day of Remembrance.

**AUTHOR’S AMENDMENTS**

**Committee on Revenue and Taxation**

January 29, 2007

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Senate Bill No. 41

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

CALDERON, Chair

**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.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**INTRODUCTION OF GUESTS**

Assembly Member Lieber, of the 22nd Assembly District, introduced Hon. Tim Leslie, Member of the Assembly from 1986 to 1991 and from 2000 to 2006, and State Senator from 1991 to 2000.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Tuesday, January 30, 2007, out of respect to the memory of Roger Green, on motion of Assembly Member Nava; out of respect to the memory of Joshua Lacy and Jack McKellar, on motion of Assembly Member Berg; out of respect to the memory of George Cardinet, on motion of Assembly Member DeSaulnier; out of respect to the memory of former El Monte Police Captain Jack Coleman, on motion of Assembly Member Eng; out of respect to the memory of Rose Sichel, on motion of Assembly Member Evans; out of respect to the memory of Trevor Matthews, on motion of Assembly Member Smyth; and out of respect to the memory of John C. Dibb, Sean W. Terwilliger, Thomas Matthew Archer, William Crossley, Hazel D. Holland, Robert Joseph Zolensky, John Bunter, Martha Gambrell, Michael Alejandro Marquez, Daniel Paul Chapman, La Verne Gonzales, Francis Maurice Lohse, Elizabeth Jane Main, and Patricia Ann Teague, on motion of Assembly Member Wolk.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 29, 2007**

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

**SB RN**

41 0705496

**Daily Total: 1**

**Cumulative Total: 2**

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