

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 1, 2007

TWENTIETH SESSION DAY

SIXTIETH 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, February 1, 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 Cook 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 9:48 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—74:

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

PRAYER

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

Lord, The true measure of a person is not found in the way they handle fame, notoriety and fortune. Rather, our character is revealed in the way we handle difficult moments and disappointment in our lives. It is during the trying times that our true nature shows, revealing who we really are and what is in our heart. Lord, as we begin this day, we ask that You give us strength to handle life's difficult moments. And remind us of the words of the prophet who said, "Blessed are those who trust in the Lord." (Jeremiah 17:7).—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Galgiani 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, Hancock, and Mendoza.

To attend a funeral: Assembly Member Maze.

Because of illness: Assembly Members Garrick and Soto.

EXPLANATIONS OF ABSENCE

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

January 31, 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, February 1, 2007.

I have been invited to participate at a U.C. Berkeley event for the Energy Biosciences Institute. AB 153, which I introduced earlier this year, addresses this issue and for this reason I request to be excused from session on legislative business.

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

Sincerely,

SAM BLAKESLEE, Assembly Member
Thirty-third District

January 31, 2007

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Thursday, February 1, 2007. I have legislative business in the district. Thank you.

Sincerely,

LONI HANCOCK, Assembly Member
 Fourteenth District

February 1, 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 today, February 1, 2007, due to legislative business in my district. I will be returning to Sacramento on Monday, February 5, 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

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
1 -----	Health
2 -----	Health
3 -----	Nat. Res.
5 -----	W.,P. & W. and L. Gov.
6 -----	Nat. Res.
7 -----	B. & F.
11 -----	Trans.
12 -----	Health
14 -----	Jud.
15 -----	Nat. Res.
18 -----	Jud.
19 -----	E.S. & T.M.
21 -----	Rev. & Tax.
22 -----	Hum. S.
23 -----	Trans.
25 -----	Ed.
26 -----	W.,P. & W.
27 -----	J., E.D. & E.
28 -----	Rev. & Tax.
29 -----	L. Gov.
33 -----	Rev. & Tax
34 -----	Health

36	-----	P.E.,R. & S.S.
38	-----	G.O.
40	-----	Health
43	-----	Jud.
44	-----	E. & R.
45	-----	Ed.
48	-----	Nat. Res. and E.S. & T.M.
49	-----	J., E.D. & E.
50	-----	Ed.
51	-----	Health
52	-----	Health
54	-----	Ins.
55	-----	Health
57	-----	Trans.
58	-----	Pub. S.
60	-----	Trans. and Pub. S.
61	-----	L. Gov.
63	-----	W.,P. & W.
66	-----	Pub. S.
67	-----	P.E.,R. & S.S.
68	-----	Ed.
69	-----	B. & F.
70	-----	Jud. and L. Gov.
71	-----	L. & E.
72	-----	Ed.
73	-----	Ed.
74	-----	Health and Higher Ed.
76	-----	Pub. S.
77	-----	Pub. S.
78	-----	E. & R.
79	-----	Pub. S.
84	-----	Rev. & Tax.
85	-----	Rev. & Tax.
86	-----	Health and Ed.
87	-----	G.O.
88	-----	Ed.
89	-----	J., E.D. & E.
90	-----	Health and Ed.
93	-----	Health
94	-----	U. & C. and Nat. Res.
95	-----	Pub. S.
97	-----	Health
98	-----	Hum. S.
100	-----	Ed.
101	-----	Trans.
102	-----	Jud.
103	-----	V.A.
104	-----	Pub. S.
106	-----	Health
109	-----	Nat. Res.
110	-----	Health
111	-----	Higher Ed.
112	-----	Trans.
113	-----	Health

114	-----	Nat. Res.
115	-----	Pub. S.
116	-----	Pub. S.
119	-----	E. & R.
120	-----	Budget
121	-----	J., E.D. & E. and Rev. & Tax.
122	-----	E. & R.
123	-----	W.,P. & W.
124	-----	L. & E.
128	-----	Ed. and Pub. S.
129	-----	Pub. S.
130	-----	P.E.,R. & S.S.
131	-----	Ed.
134	-----	Ed.
135	-----	Rev. & Tax.
138	-----	Trans.
139	-----	B. & P.
142	-----	Rev. & Tax.
143	-----	Ed.
144	-----	Ed.
146	-----	Ed.
148	-----	Pub. S.
149	-----	Hum. S.
151	-----	Pub. S.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
1	----- Rls.
2	----- Rls.
4	----- Trans.
5	----- Rls.
6	----- Rls.
7	----- Trans.
8	----- Rls.
10	----- Trans.
11	----- Rls.
12	----- U. & C.
13	----- Health
14	----- Rls.
15	----- Rls.
16	----- Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
1	----- Higher Ed.
2	----- Jud.
3	----- U. & C.
4	----- Hum. S.

House

<i>Resolution No.</i>	<i>Committee</i>
4	----- Rls.
5	----- Rls.

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.

**REPORTS OF STANDING COMMITTEES
Committee on Appropriations**

Date of Hearing: February 1, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 41

With the recommendation: Do pass.

LENO, Chair

Above bill ordered to second reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 41—An act relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**CONSIDERATION OF SENATE BILL NO. 41
BY UNANIMOUS CONSENT**

Assembly Member Benoit was granted unanimous consent to take up Senate Bill No. 41 without reference to file, for purpose of consideration.

SENATE BILL NO. 41 (Battin)—An act relating to taxation, to take effect immediately, tax levy.

Bill read third time, and presented by Assembly Member Benoit.

Bill passed by the following vote:

AYES—74

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

NOES—None

Bill ordered transmitted to the Senate immediately.

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: February 1, 2007

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 4

With the recommendation: Be adopted.

DE LA TORRE, Chair

Above resolution ordered to third reading.

HOUSE RESOLUTION NO. 4 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Dymally was granted unanimous consent to take up House Resolution No. 4, without reference to file, for purpose of consideration.

HOUSE RESOLUTION NO. 4—Relative to National Black HIV/AIDS Awareness Day.

Resolution read.

Members Made Coauthors of House Resolution No. 4

Assembly Member Dymally was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 4.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Adams, Aghazarian, Alarcón, Anderson, Arambula, Beall, Benoit, Berg, Berryhill, Brownley, Caballero, Calderon, Cook, Coto, De La Torre, De León, DeSaulnier, DeVore, Duvall, Dymally, Emmerson, Eng, Evans, Feuer, Fuller, Gaines, Galgiani, Garcia, Hayashi, Hernandez, Horton, Houston, Huff, Huffman, Jeffries, Jones, Karnette, Keene, Krekorian, La Malfa, Laird, Leno, Levine, Lieber, Lieu, Ma, Mullin, Nakanishi, Nava, Niello, Núñez, Parra, Plescia, Portantino, Runner, Ruskin, Salas, Saldaña, Silva, Smyth, Solorio, Strickland, Torrico, Tran, Villines, Walters, and Wolk.

Request for Unanimous Consent

Assembly Member Dymally was granted unanimous consent to take up House Resolution No. 4, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 4, as Amended

HOUSE RESOLUTION NO. 4—Relative to National Black HIV/AIDS Awareness Day.

Resolution read, as amended, and adopted by the following vote:

AYES—74

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

NOES—None**ANNOUNCEMENTS**

Speaker pro Tempore Lieber announced the following session schedule:

Monday, February 5, 2007, Check-in Session, 7 a.m.–3 p.m.;

Friday, February 9, 2007, Floor Session, 9:30 a.m.

ADJOURN IN MEMORY

Assembly Member Adams was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul Latour, of Apple Valley.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Speaker Núñez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Father Tom Jones, of Los Angeles.

Fr. Tom was the pastor of St. Paul the Apostle Parish in Westwood. He died January 16 from cancer at the age of 51.

He was an incredibly gifted man who exemplified the very best of the Paulist Order. From the frontier of Alaska to the streets of New York, Fr. Tom lived a life of service, peace, hope and grace to the very end of his short life. As he said his last homily, “I’m not afraid to die. I’ve been preaching resurrection and hope for 30 years.”

On behalf of the Legislature, I’d like to extend our sincerest condolences to his mother Kay, his sister Mary Kay, and his Paulist brothers, and thank them for sharing him with us these last 30 years.

ADJOURN IN MEMORY

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 Rafael Morales, of Windsor.

Assembly Members Aghazarian and Niello were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harold Delihant, of Sacramento.

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 Alberta Jane Wiggins, of Santa Rosa.

Assembly Member Hayashi was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michael Balsley, of Hayward.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pablo Heising, of San Francisco.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arch E. Perry, of Belmont; Raymond Stagnard, of San Bruno; and Leonard Komisarek, of San Mateo.

Assembly Member Spitzer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marsha Calvert, of Corona.

VOTE ADDS

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

Senate Bill No. 41: Levine and Saldaña—Aye.

MOTION TO ADJOURN

At 10:19 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 10:20 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. 242—Blakeslee. An act to add Section 25305.1 to the Public Resources Code, relating to energy.

ASSEMBLY BILL NO. 243—Nakanishi. An act to amend Section 7091 of the Business and Professions Code, relating to contractors.

ASSEMBLY BILL NO. 244—Nakanishi. An act to amend Sections 7159, 7159.5, and 7159.14 of the Business and Professions Code, relating to contractors: home improvement contracts.

ASSEMBLY BILL NO. 245—DeVore (Coauthors: Adams, Aghazarian, Benoit, Gaines, La Malfa, Silva, Spitzer, Strickland, Tran, and Walters). An act to amend Sections 17072, 17131.4, 17131.5, 17215, 17215.1, 17215.4, and 19184 of, and to add Sections 17138.5, 17138.6, and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 246—Torrico. An act to amend Sections 31459, 31459.1, and 31528 of the Government Code, relating to county employees' retirement.

ASSEMBLY BILL NO. 247—Gaines. An act to amend Section 707 of the Welfare and Institutions Code, relating to minors.

ASSEMBLY BILL NO. 248—Gaines. An act to amend Section 40000.15 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 249—Eng. An act to add Section 809.10 to, and to repeal Section 2220.7 of, the Business and Professions Code, relating to healing arts.

ASSEMBLY BILL NO. 250—DeVore (Coauthors: Benoit, Gaines, La Malfa, Maze, Silva, and Walters). An act to amend Section 2040 of the Family Code, to amend Sections 250, 267, 279, 4264, 5000, 5302, 13111, 13206, and 13562 of, to amend and renumber Sections 5600, 5601, 5602, 5603, and 5604 of, to add the heading of Chapter 3 (commencing with Section 5040) to Part 1 of Division 5 of, to add Part 4 (commencing with Section 5600) to Division 5 of, and to repeal the heading of Part 4 (commencing with Section 5600) of Division 5 of, the Probate Code, relating to nonprobate transfers.

ASSEMBLY BILL NO. 251—DeSaulnier. An act to amend Sections 501 and 506 of the Corporations Code, relating to corporations.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 5—Hernandez. Relative to teachers.

AUTHOR'S AMENDMENTS

Committee on Banking and Finance

February 1, 2007

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:
Assembly Bill No. 69

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

LIEU, Chair

ASSEMBLY BILL NO. 69—An act to add Section 823.5 to the Military and Veterans Code, relating to financial products and services.

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.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: February 1, 2007

Mr. Speaker: Your Committee on Rules reports:
Assembly Concurrent Resolution No. 5

With the recommendation: Be adopted.

DE LA TORRE, Chair

Above resolution ordered to third reading.

INTRODUCTION OF GUESTS

Speaker Núñez, of the 46th Assembly District, introduced Letrue Hill and Carol Long.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Monday, February 5, 2007, out of respect to the memory of Paul Latour, on motion of Assembly Member Adams; out of respect to the memory of Father Tom Jones, on motion of Speaker Núñez; out of respect to the memory of Rafael Morales, on motion of Assembly Member Arambula; out of respect to the memory of Harold Delihant, on motion of Assembly Members Aghazarian and Niello; out of respect to the memory of Alberta Jane Wiggins, on motion of Assembly Member Evans; out of respect to the memory of Michael Balsley, on motion of Assembly Member Hayashi; out of respect to the memory of Pablo Heising, on motion of Assembly Member Leno; out of respect to the memory of Arch E. Perry, Raymond Stagnard, and Leonard Komisarek, on motion of Assembly Member Mullin; out of respect to the memory of Marsha Calvert, on motion of Assembly Member Spitzer.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 1, 2007**

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

AB RN

69 0703510

Daily Total: 1

Cumulative Total: 3

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