

CALIFORNIA LEGISLATURE  
2007–08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 5, 2007**  
**TWENTY-FIRST SESSION DAY**  
**SIXTY-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

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, February 5, 2007

The Assembly met at 7 a.m.

Hon. Paul Cook, Assembly Member, 65th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Elizabeth Potter reading.

#### ROLL CALL

The following were placed upon the morning roll call—72:

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

Quorum present.

**At 10:23 a.m., Hon. Bill Emmerson, 63rd District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Alarcón, Evans, Houston, Lieber, and Saldaña.*

*Because of illness: Assembly Members Nakanishi, Soto, and Tran.*

**EXPLANATIONS OF ABSENCE**

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

February 1, 2007

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

Dear Speaker Núñez: I would like permission to be excused from check-in for Monday, February 5, 2007 to allow me to attend legislative business in my District. I shall be in attendance on Friday, February 9, 2007.

I thank you for your favorable consideration.

Yours truly,

RICHARD ALARCÓN, Assembly Member  
Thirty-ninth District

January 17, 2007

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

Dear Speaker Núñez: Please excuse me from Session on Monday, February 5, 2007, for legislative business in my district.

I greatly appreciate your consideration.

Very truly yours,

NOREEN EVANS, Assembly Member  
Seventh District

February 5, 2007

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

Dear Mr. Speaker: It is my understanding that today, Monday, February 5 is currently scheduled to be a Check-In Session. So that I may conduct legislative business away from the State Capitol, I respectfully request to be excused from Check-In Session today.

If you have any questions, please contact Aaron Bone in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member  
Fifteenth District

February 5, 2007

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

Dear Speaker Núñez: Please excuse me from session on February 5, 2007 for legislative business.

If you have any questions, please contact my Chief of Staff, Cory Jaspersen, at 319-2022.

Sincerely,

SALLY J. LIEBER, Assembly Member  
Twenty-second District

February 5, 2007

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

Dear Mr. Speaker: I respectfully request authorization to be excused from Check-in session Monday, February 5, 2007 in order to tend to legislative business in the district.

I appreciate and thank you for your consideration of this request.

Sincerely,

LORI SALDAÑA, Assembly Member  
Seventy-sixth District

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 5, 2007

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 69

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, February 5, 2007

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 5

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

#### **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 252—Coto.** An act to amend Section 60640 of the Education Code, relating to pupil testing.

**ASSEMBLY BILL NO. 253—Eng.** An act to amend Sections 2002, 2004, 2012, 2013, 2015, 2017, and 2018 of, to repeal Sections 2003 and 2005 of, and to repeal and add Section 2008 of, the Business and Professions Code, relating to medicine.

**ASSEMBLY BILL NO. 254—Gaines.** An act to amend Section 544 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 255—De Leon, DeSaulnier, and Huffman.** An act to amend Section 44060 of, to add Article 8 (commencing with Section 43900) to Chapter 4 of Part 5 of Division 26 of, and to repeal Section 44091.1 of, the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

**ASSEMBLY BILL NO. 256—Huff.** An act to amend Section 14526.5 of the Government Code, relating to transportation, and making an appropriation therefor.

**ASSEMBLY BILL NO. 257—Anderson.** An act to amend Section 5011.5 of the Public Resources Code, relating to parks.

**ASSEMBLY BILL NO. 258—Krekorian.** An act to add Section 30237 to the Public Resources Code, and to add Chapter 5.2 (commencing with Section 13367) to Division 7 of the Water Code, relating to the environment.

**ASSEMBLY BILL NO. 259—Adams.** An act to amend Section 11054 of the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 260—Fuller.** An act to add Article 8.5 (commencing with Section 17075.50) to Chapter 12.5 of Part 10 of Division 1 of Title 1 of the Education Code, relating to school facilities.

**ASSEMBLY BILL NO. 261—Lieber.** An act to amend Sections 799 and 803 of the Penal Code, relating to crimes.

**ASSEMBLY BILL NO. 262—Coto.** An act to add Chapter 1.4 (commencing with Section 99040) to Part 65 of Division 14 of Title 3 of the Education Code, relating to student credit cards.

**ASSEMBLY BILL NO. 263—Arambula.** An act to add Section 97.78 to the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 264—Mendoza.** An act to amend Sections 21200 and 21200.1 of the Financial Code, relating to pawnbrokers.

**ASSEMBLY BILL NO. 265—Mendoza.** An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology.

**ASSEMBLY BILL NO. 266—Charles Calderon.** An act to add Section 12012.48 to the Government Code, relating to tribal gaming.

**ASSEMBLY BILL NO. 267—Charles Calderon.** An act to add Article 6.2 (commencing with Section 784.50) to Chapter 1 of Part 2 of Division 1 of the Insurance Code, relating to annuity transactions.

**ASSEMBLY BILL NO. 268—Charles Calderon.** An act to add Section 1350.5 to the Evidence Code, relating to hearsay evidence.

**ASSEMBLY BILL NO. 269—Eng.** An act to amend Section 1717 of the Business and Professions Code, relating to dentistry.

#### **AUTHOR'S AMENDMENTS** **Committee on Rules**

February 5, 2007

Mr. Speaker: The Chair of your Committee on Rules reports:  
House Resolution No. 5

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

DE LA TORRE, Chair

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

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 5, 2007

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 41

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

Senate Chamber, February 5, 2007

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

Senate Bill No. 12

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. 12**—An act to amend Section 65584 of, and to add and repeal Section 65584.08 of, the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Friday, February 9, 2007.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 5, 2007**

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

**HR RN**

5 0703420

**Daily Total: 1**

**Cumulative Total: 4**

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