

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 13, 2007

TWENTY-THIRD SESSION DAY

SEVENTY-SECOND 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
Tuesday, February 13, 2007

The Assembly met at 2:05 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 Solorio 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 2:26 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—75:

Adams	DeSaulnier	Jeffries	Portantino
Aghazarian	DeVore	Jones	Price
Alarcón	Duvall	Karnette	Richardson
Anderson	Dymally	Keene	Ruskin
Arambula	Emmerson	Krekorian	Salas
Bass	Eng	La Malfa	Saldaña
Beall	Evans	Laird	Silva
Benoit	Feuer	Leno	Smyth
Berg	Fuller	Levine	Solorio
Blakeslee	Gaines	Lieber	Spitzer
Brownley	Galgiani	Lieu	Strickland
Caballero	Garcia	Ma	Swanson
Calderon	Garrick	Mendoza	Torrico
Carter	Hancock	Mullin	Tran
Cook	Hayashi	Nakanishi	Villines
Coto	Hernandez	Nava	Walters
Davis	Horton	Niello	Wolk
De La Torre	Huff	Parra	Mr. Speaker
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, The pressures of life surround us like a flood, all day long. Help us not to give in to them. Don't allow those things, Lord, to stop us from striving toward the goals You have put in our heart . . . goals of a deeper faith, and a stronger love for our neighbor and for You. Bless us this day, Lord, as we begin our work in this Assembly and help us fulfill all our plans.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Carter 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 Maze.

On personal business, and waiving per diem: Assembly Member Houston.

Because of illness: Assembly Members Berryhill, Runner, and Soto.

EXPLANATIONS OF ABSENCE

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

January 11, 2007

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

Dear Speaker Núñez,

I am asking to be excused from Session on Tuesday, February 13, 2007, as I have been asked to speak at the World Ag Expo, which takes place annually in my district.

Thank you in advance for your assistance in this matter.

Sincerely,

BILL MAZE, Assembly Member
Thirty-fourth District

SPECIAL COMMITTEE MEETINGS

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

Water, Parks and Wildlife, on Tuesday, February 20, 2007, to hold an informational hearing;

Insurance, on Wednesday, February 21, 2007, at 9 a.m., in Room 437 to hold an informational hearing;

Transportation to convene jointly with Budget Subcommittee No. 5 on Information Technology/Transportation, on Monday, February 26, 2007, at 1:30 p.m., in Room 4202;

Agriculture to convene jointly with the Senate Committee on Agriculture on Tuesday, February 27, 2007, at 1:30 p.m.;

Higher Education on Tuesday, February 27, 2007;

Housing and Community Development on Wednesday, March 7, 2007, at 9 a.m., in Room 126;

Transportation on Monday, March 12, 2007, at 1:30 p.m., in Room 4202; and

Water, Parks and Wildlife to convene jointly with Environmental Safety and Toxic Materials and the Senate Committees on Natural Resources and Water, and Environmental Quality on Thursday, March 15, 2007, upon adjournment of Floor Session.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 13, 2007

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

Assembly Concurrent Resolution No. 6

Assembly Concurrent Resolution No. 14

Assembly Concurrent Resolution No. 16

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

Assembly Chamber, February 13, 2007

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

Assembly Concurrent Resolution No. 2

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, February 13, 2007

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

Assembly Bill No. 4

Assembly Bill No. 44

Assembly Bill No. 16

Assembly Bill No. 61

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

ANNOUNCEMENTS

Assembly Member Levine announced the birth of his nephew Miles Birrell Levine, born earlier today.

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS**

ASSEMBLY CONCURRENT RESOLUTION NO. 6 (Ma)—Relative to teenage dating violence.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 6**

Assembly Member Ma was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 6.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aghazarian, Arambula, Bass, Beall, Benoit, Berg, Blakeslee, Brownley, Caballero, Calderon, Carter, Cook, Coto, Davis, de León, DeSaulnier, DeVore, Duvall, Dymally, Emmerson, Eng, Evans, Feuer, Galgiani, Garcia, Garrick, Hancock, Hayashi, Horton, Huffman, Jones, Karnette, Krekorian, Laird, Leno, Levine, Lieber, Lieu, Mendoza, Mullin, Nakanishi, Nava, Niello, Núñez, Parra, Plescia, Portantino, Richardson, Ruskin, Salas, Saldaña, Smyth, Solorio, Strickland, Swanson, Torrico, Villines, and Wolk.

Request for Unanimous Consent

Assembly Member Ma was granted unanimous consent to take up Assembly Concurrent Resolution No. 6, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 6, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 6—Relative to teenage dating violence.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 14 (Torrico)—Relative to the Lunar New Year 4704 celebration.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 14**

Assembly Member Torrico was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 14.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Adams, Aghazarian, Anderson, Arambula, Bass, Beall, Benoit, Berg, Blakeslee, Brownley, Caballero, Calderon, Carter, Cook, Davis, de León, DeSaulnier, DeVore, Duvall, Dymally, Emmerson, Evans, Feuer, Fuller, Gaines, Galgiani, Garcia, Garrick, Hancock, Hernandez, Huff, Huffman, Jeffries, Jones, Karnette, Krekorian, La Malfa, Laird, Leno, Levine, Lieber, Mullin, Nava, Niello, Núñez, Parra, Plescia, Portantino, Price, Richardson, Ruskin, Salas, Saldaña, Silva, Smyth, Solorio, Spitzer, Strickland, Swanson, Villines, Walters, and Wolk.

Request for Unanimous Consent

Assembly Member Torrico was granted unanimous consent to take up Assembly Concurrent Resolution No. 14, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 14, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 14—Relative to the Lunar New Year 4704 celebration.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

- Wednesday, February 14, 2007, Check-in Session, 7 a.m.–3 p.m.;
- Thursday, February 15, 2007, Check-in Session, 7 a.m.–3 p.m.;
- Friday, February 16, 2007, Floor Session, 9:30 a.m.

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 2:55 p.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.

MESSAGES FROM THE SENATE

Senate Chamber, February 13, 2007

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

- Senate Bill No. 40
- Senate Bill No. 113

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 40—An act to amend, repeal, and add Section 1170 of the Penal Code, relating to sentencing and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 113—An act to amend Sections 1000, 1001, 1201, and 1202 of the Elections Code, relating to elections.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly

Bill No.

Committee

- 145** ----- Higher Ed.
- 174** ----- Jud.
- 178** ----- Ed.
- 220** ----- P.E.,R. & S.S.
- 225** ----- Pub. S.
- 226** ----- Trans.
- 227** ----- Jud.
- 228** ----- Pub. S.

229	-----	Pub. S.
231	-----	U & C.
233	-----	Nat. Res. and Jud.
235	-----	Pub. S.
237	-----	Health
238	-----	Hum. S.
241	-----	B. & P.
245	-----	Rev. & Tax.
246	-----	P.E.,R. & S.S.
247	-----	Pub. S.
248	-----	Pub. S.
250	-----	Jud.

Assembly Concurrent

<i>Resolution No.</i>		<i>Committee</i>
17	-----	Trans.
19	-----	Rls.

Assembly Joint

<i>Resolution No.</i>		<i>Committee</i>
6	-----	G.O.

Senate

<i>Bill No.</i>		<i>Committee</i>
113	-----	E. & R.

ADJOURN IN MEMORY

Assembly Member Dymally was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lillie Smith, of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Garcia and Silva were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ray Leonard Patencio, of Palm Springs.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Krekorian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Army Spc. Carla Stewart, of Glendale.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 John Goodman, of Roseville.

(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 Edith Neely, of Eureka.

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 Oren Mobley, of Santa Rosa.

Assembly Member La Malfa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Randy Perrucci, of Gridley.

Assembly Member Lieu was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kathy Keane, of Torrance.

Assembly Member Levine was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Norman Herzberg, of Encino.

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 Evelyn C. Cutshall, Rosemary Rendig, William D. Schellhorn, and Kirsten Steiner, of Davis; Salvador Ramos Barajos, Irma Katherine Blackwell, Willis H. Horn, Renee Denise Rose, and Harry Walter Tobin, of Fairfield; Rodolfo Contreras, Kristine Renee Sieling, and Byran Worsham, of Vacaville; Carol B. Graham, of Winters; and Clarence A. Engstrom, and William A. Paulson, of Woodland.

VOTE ADDS

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

Assembly Concurrent Resolution No. 6, Coauthors: Evans—Aye.

Assembly Concurrent Resolution No. 14, Coauthors: Spitzer—Aye.

MOTION TO ADJOURN

At 3:12 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 3:13 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. 314—Soto. An act to amend Sections 11322.6 and 11322.8 of the Welfare and Institutions Code, relating to CalWORKS.

ASSEMBLY BILL NO. 315—Berg. An act to amend Section 18986.86 of, and repeal Section 18986.88 of, the Welfare and Institutions Code, relating to health and human services.

ASSEMBLY BILL NO. 316—Spitzer. An act to amend Sections 1461.5, 1461.7, 2401, 2571, and 2572 of, to add Sections 2570.5, 2575, and 2576 to, to repeal Section 2573 of, and to repeal and add Sections 2570 and 2574 of, the Probate Code, relating to guardians and conservators.

ASSEMBLY BILL NO. 317—Berg. An act to amend Section 9542 of the Welfare and Institutions Code, relating to community-based services.

ASSEMBLY BILL NO. 318—Silva. An act to amend Section 11350 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 319—Nava. An act to add Article 4.7 (commencing with Section 8584.2) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to emergency services.

ASSEMBLY BILL NO. 320—Plescica. An act to amend Section 23036 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 321—Nava. An act to amend Section 22352 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 322—Anderson and Berg. An act to add Division 11 (commencing with Section 19900) to the Welfare and Institutions Code, relating to social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 323—Evans (Principal coauthor: Senator Wiggins). An act relating to alcoholic beverages.

ASSEMBLY BILL NO. 324—Beall. An act to amend Section 11461 of, and to add Chapter 1.5 (commencing with Section 16030) to Part 4 of Division 9 of, the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

ASSEMBLY BILL NO. 325—Nava. An act to add Chapter 11 (commencing with Section 8847) to Division 1 of Title 2 of the Government Code, relating to peace officers.

ASSEMBLY BILL NO. 326—Benoit. An act to amend Section 529 of, and to add Sections 530.25 to, the Penal Code, relating to identity theft.

ASSEMBLY BILL NO. 327—Horton (Coauthor: Karnette). An act to amend Sections 1505, 11834.01, 11834.02, 11834.09, 11834.15, 11834.17, 11834.18, 11834.20, 11834.21, 11834.22, 11834.23, 11834.24, 11834.25, 11834.26, 11834.29, 11834.30, 11834.31, 11834.32, 11834.36, and 11834.50 of, and to add Sections 1520.4 and 11834.11 to, the Health and Safety Code, relating to residential facilities.

ASSEMBLY BILL NO. 328—Salas. An act to add Section 1379.5 to the Health and Safety Code, relating to health care service plans.

ASSEMBLY BILL NO. 329—Nakanishi. An act relating to healing arts.

ASSEMBLY BILL NO. 330—Hayashi. An act to add Section 12693.685 to the Insurance Code, and to add Section 14115.6 to the Welfare and Institutions Code, relating to health coverage.

ASSEMBLY BILL NO. 331—Emmerson. An act to amend Section 33126 of, and to add Article 7.5 (commencing with Section 48316) to Chapter 2 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to school safety.

ASSEMBLY BILL NO. 332—DeVore (Coauthors: Duvall, Huff, Mendoza, Silva, Solorio, Spitzer, Tran, and Walters). An act to amend Sections 11224 and 11225 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 333—Hancock (Coauthors: Berg and Portantino). An act to add Chapter 2.5 (commencing with Section 18210) to Part 11 Division 1 of Title 1 of the Education Code, relating to school libraries.

ASSEMBLY BILL NO. 334—Levine. An act to amend Section 12001 of, and to add Section 12043 to, the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 335—De Leon. An act to amend Section 11450 of the Welfare and Institutions Code, relating to CalWORKs.

AUTHOR'S AMENDMENTS
Committee on Veterans Affairs

February 13, 2007

Mr. Speaker: The Chair of your Committee on Veterans Affairs reports:

Assembly Bill No. 59

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

SALAS, Chair

ASSEMBLY BILL NO. 59—An act to add Chapter 4.7 (commencing with Section 50980) to Part 1 of Division 1 of Title 5 of the Government Code, relating to state military reservists, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 13, 2007

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 8

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

DE LA TORRE, Chair

Above resolution ordered to the Consent Calendar.

MESSAGES FROM THE SENATE

Senate Chamber, February 13, 2007

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

Senate Concurrent Resolution No. 5

Senate Joint Resolution No. 1

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

FIRST READING OF SENATE BILLS

The following resolutions were read:

SENATE CONCURRENT RESOLUTION NO. 5—Relative to California Museum Month.

SENATE JOINT RESOLUTION NO. 1—Relative to the war in Iraq.

INTRODUCTION OF GUESTS

Assembly Member Evans, of the 7th Assembly District, introduced the following students who provided artwork for an artwork therapy calendar: Jazzmene McBerry, Amber Cherry, Maggie Kuchner, Alexandria Aldrigde, Oscar Parker, Katlynn Mafort, Gustavo Briones, and Andrea Pamatz.

Speaker pro Tempore Lieber, of the 22nd Assembly District and Assembly Member Beall, of the 24th Assembly District, introduced Burga Santiago.

ADJOURNMENT

At 3:30 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Wednesday, February 14, 2007, out of respect to the memory of Lillie Smith, on motion of Assembly Member Dymally; out of respect to the memory of Ray Leonard Patencio, on motion of Assembly Members Garcia and Silva; out of respect to the memory of Army Spc. Carla Stewart, on motion of Assembly Member Krekorian; out of respect to the memory of John Goodman, on motion of Assembly Member Niello; out of respect to the memory of Edith Neely, on motion of Assembly Member Berg; out of respect to the memory of Oren Mobley, on motion of Assembly Member Evans; out of respect to the memory of Randy Perrucci, on motion of Assembly Member La Malfa; out of respect to the memory of Kathy Keane, on motion of Assembly Member Lieu; out of respect to the memory of Norman Herzberg, on motion of Assembly Member Levine; and out of respect to the memory of Evelyn C. Cutshall, Rosemary Rendig, William D. Schellhorn, Kirsten Steiner, Salvador Ramos Barajos, Irma Katherine Blackwell, Willis H. Horn, Renee Denise Rose, Harry Walter Tobin, Rodolfo Contreras, Kristine Renee Sieling, Byran Worsham, Carol B. Graham, Clarence A. Engstrom, and William A. Paulson, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 13, 2007**

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

AB RN

59 0705564

Daily Total: 1

Cumulative Total: 10

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