

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 15, 2007
TWENTY-FIFTH SESSION DAY
SEVENTY-FOURTH 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 15, 2007

The Assembly met at 7 a.m.

Hon. Mike Feuer, Assembly Member, 42nd 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—70:

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

Quorum present.

At 11:39 a.m., Hon. Ted Gaines, 17th 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, Benoit, de León, Galgiani, Houston, La Malfa, and Portantino.

On legislative business, per diem waived for the 2007–2008 Session (See Assembly Journal, page 64): Assembly Member Wolk.

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

Because of illness: Assembly Member Soto.

EXPLANATIONS OF ABSENCE

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

February 15, 2007

Assembly Speaker Fabian Núñez
State Capitol, Room 219
Sacramento, California

Dear Speaker Núñez,

Please excuse me from Session on Thursday, February 15, 2007, on legislative business. While I was in my Capitol office, I neglected to check-in.

Should you have any questions please contact me or my Capitol Office at (916) 319-2064.

Sincerely,

JOHN J. BENOIT, Assembly Member
Sixty-fourth District

February 15, 2007

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Thursday, February 15, 2007. I will be in my district on legislative business.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2045.

Sincerely,

KEVIN DE LEÓN, Assembly Member
Forty-fifth District

February 14, 2007

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

Dear Speaker Núñez: I would like to request that I be excused from Check-In Session on February 15, 2007, as I will be in my district office on legislative business.

If you have any questions, please contact Reichel Feicht of my staff at 319-2017.

Sincerely,

CATHLEEN GALGIANI, Assembly Member
Seventeenth District

February 15, 2007

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

Dear Mr. Speaker: Unfortunately, due to an unanticipated travel delay, I respectfully request to be excused from check-in Session today, Thursday, February 15, 2007 so that I may conduct legislative business in my district.

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 Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker,

I am respectfully requesting permission to be excused from Thursday's Check-in Session, February 15, 2007. I will be in my district attending to legislative business.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

DOUG LA MALFA, Assembly Member
Second District

February 13, 2007

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

Dear Mr. Speaker: I respectfully request to be excused from Check in Session on Thursday, February 15, 2007 for a legislative meeting in my district office.

Thank you for your consideration of this request.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member
Forty-fourth District

February 1, 2007

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

Dear Speaker Núñez: I respectfully request to be excused from Check-in Session on Thursday, February 15, 2007, due to legislative business in my district.

If you have any questions or concerns, please contact Jenn Short, my scheduler, at 319-2008.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

(NOTE: For letter explaining the absence of Assembly Member Alarcón on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 14, 2007.)

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 15, 2007

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Wilmer Amina Carter to replace Assemblymember Noreen Evans on the Assembly Insurance Committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have removed Assemblymember Lloyd Levine from the Assembly Appropriations Committee, reducing the size of the committee from 18 to 17 members.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have removed Assemblymember Lloyd Levine from the Joint Legislative Audit Committee, creating a Democratic vacancy on the committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: Please be advised that I have appointed Assemblymember Lloyd Levine as a member of the Assembly Judiciary Committee, increasing the size of the committee from 9 to 10 members.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have appointed Assemblymember Noreen Evans to the Assembly Budget Committee, increasing the size of the committee from 26 to 27 members. I am also appointing Assemblymember Evans to replace Assemblymember Hector De La Torre as a member of the Budget Subcommittee No. 3 on Resources.

Additionally, I have appointed Assemblymember John Benoit to replace Assemblymember Roger Niello as a member of the Budget Subcommittee No. 1 on Health and Human Services.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

*Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Mervyn Dymally and Alan Nakanishi
to Health Care Quality Improvement and Cost Containment
Commission

Dear Mr. Wilson: Please be advised I have appointed
Assemblymembers Mervyn Dymally and Alan Nakanishi to the Health
Care Quality Improvement and Cost Containment Commission. These
are pleasure appointments starting February 15, 2007.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

*Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Ira Ruskin
to International Genocide Memorial Commission

Dear Mr. Wilson: Please be advised I have appointed
Assemblymember Ira Ruskin to the International Genocide Memorial
Commission. This is a pleasure appointment starting February 15, 2007.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

*Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Julia Brownley
to Santa Monica Mountains Conservancy

Dear Mr. Wilson: Please be advised I have appointed
Assemblymember Julia Brownley to the Santa Monica Mountains
Conservancy. This is a pleasure appointment starting February 15, 2007.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

RE: Appointment of Pedro Nava
to California Transportation Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Pedro Nava to the California Transportation Commission. This is a pleasure appointment starting February 15, 2007.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 15, 2007

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

RE: Appointment of Jared Huffman
to Wildlife Conservation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Jared Huffman to the Wildlife Conservation Board. This is a pleasure appointment starting February 15, 2007. Assemblymember Huffman will be replacing Assemblymember Patty Berg.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETING

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

Education to hold informational hearings February 14, 2007 through March 28, 2007 at regular scheduled times;

Elections and Redistricting, on Tuesday, February 20, 2007, at 1:30 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 15, 2007

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

Assembly Bill No. 78

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 372—Salas. An act to amend Section 1798.84 of the Civil Code, relating to personal information.

ASSEMBLY BILL NO. 373—Wolk. An act to amend Sections 53312.7, 53313, 53313.4, 53313.5, 53313.6, 53313.9, 53314.6, 53316.2, 53317, 53318, 53319, 53320, 53321.5, 53322.4, 53323, 53324, 53325, 53325.1, 53325.7, 53326, 53327, 53328, 53328.3, 53329, 53330.3, 53330.5, 53332, 53336, 53339, 53339.2, 53339.3, 53339.5, 53339.6, 53339.7, 53339.8, 53340, 53340.2, 53341.5, 53343, 53343.1, 53344, 53345, 53352, 53354, 53355, 53356, 53356.1, 53356.3, 53356.6, 53359.5, 53360, 53362.5, 53363.7, 53364.2, 53364.5, and 53753 of, to add Section 53356.1.5 to, and to repeal Sections 53342 and 53344.2 of, the Government Code, to amend Section 3712 of the Revenue and Taxation Code, and to amend Sections 3110, 3113, 3114.5, 3115.5, and 3117.5 of, and to add Section 8837 to, the Streets and Highways Code, relating to local government.

ASSEMBLY BILL NO. 374—Berg, Levine, and Nunez (Principal coauthor: Feuer) (Coauthors: Bass, Beall, Brownley, De Leon, DeSaulnier, Dymally, Eng, Evans, Huffman, Jones, Karnette, Laird, Leno, Ma, Saldana, and Wolk (Coauthors: Senators Calderon, Kuehl, Lowenthal, Oropeza, Romero, Steinberg, and Wiggins)). An act to add Chapter 3.95 (commencing with Section 7195) to Part 1 of Division 7 of the Health and Safety Code, relating to death.

ASSEMBLY BILL NO. 375—Garcia. An act to amend Section 1203.097 of the Penal Code, relating to domestic violence.

ASSEMBLY BILL NO. 376—Nava. An act to add Section 20423.3 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

ASSEMBLY BILL NO. 377—Arambula. An act to amend Section 226 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 378—Benoit. An act to amend Section 368 of the Penal Code, relating to elder adult abuse.

ASSEMBLY BILL NO. 379—Galgiani. An act to amend Section 209 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 380—Berg. An act to add Section 9569 to the Welfare and Institutions Code, relating to seniors.

ASSEMBLY BILL NO. 381—Galgiani. An act to amend Section 14045 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 382—Committee on Housing and Community Development (Saldana (Chair), Garcia (Vice Chair), Bass, Hancock, Mullin, Sharon Runner, and Swanson). An act to amend Sections 65583 and 65863.7 of, to add Section 53583.5 to, and to repeal Section 65584.5 of, the Government Code, and to amend Sections 17958.4, 50199.50, 50199.55, and 50843 of, to add Sections 18210.7 and 50409 to, to repeal Section 19205 of, to repeal Chapter 7 (commencing with Section 33701) of Part 1 of Division 24 of, to repeal Chapter 4 (commencing with Section 50559) of Part 2 of Division 31 of, to repeal Part 2.2 (commencing with Section 18800) and Part 5 (commencing with Section 19950) of Division 13 of, and to repeal Part 3 (commencing with Section 34800) and Part 11 (commencing with Section 37850) of Division 24 of, the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 383—Tran. An act to add Section 14132.23 to the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 384—Portantino and Galgiani (Principal coauthor: Garcia) (Coauthors: Adams, Arambula, Beall, Berryhill, Carter, Cook, DeVore, Hernandez, Huffman, Jeffries, Karnette, Ma, Mullin, Nava, Ruskin, Salas, Silva, Smyth, Soto, Strickland, and Torrico (Coauthors: Senators Corbett, Negrete McLeod, Wiggins, and Wyland)). An act to amend Section 68120 of the Education Code, and to amend Section 22820 of the Government Code, relating to firefighters, and making an appropriation therefor.

ASSEMBLY BILL NO. 385—Ruskin. An act to add Section 19826.7 to the Government Code, relating to public employees.

ASSEMBLY BILL NO. 386—Benoit. An act to amend Section 6601.3 of the Welfare and Institutions Code, relating to sexually violent predators.

ASSEMBLY BILL NO. 387—Duvall. An act to amend Sections 20209.7 and 20209.13 of the Public Contract Code, relating to design-build.

ASSEMBLY BILL NO. 388—Gaines. An act to amend Sections 218 and 17053.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 389—Salas. An act relating to veterans, and making an appropriation therefor.

ASSEMBLY BILL NO. 390—Ruskin. An act to amend Section 73501 of the Water Code, relating to water.

ASSEMBLY BILL NO. 391—Lieu (Principal coauthor: Senator Oropeza). An act to amend Section 40420 of the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 392—Lieu. An act to add Section 395.10 to the Military and Veterans Code, relating to military benefits.

ASSEMBLY BILL NO. 393—Coto. An act to add Section 17205 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 394—Levine. An act to amend Section 60000 of the Education Code, relating to instructional materials.

ASSEMBLY BILL NO. 395—Swanson. An act to amend Section 278.5 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 396—Hernandez. An act relating to public works.

ASSEMBLY BILL NO. 397—Adams. An act to add Section 53083 to the Government Code, relating to local governmental agencies.

ASSEMBLY BILL NO. 398—Feuer. An act to amend Sections 1422.5 and 1422.6 of the Health and Safety Code, relating to long-term health care facilities.

ASSEMBLY BILL NO. 399—Feuer. An act to amend Section 1420 of the Health and Safety Code, relating to long-term health care facilities.

ASSEMBLY BILL NO. 400—Nunez. An act to amend Section 52052 of the Education Code, relating to public school accountability.

ASSEMBLY BILL NO. 401—Benoit. An act relating to transportation.

ASSEMBLY BILL NO. 402—Ma. An act to amend Section 63.1 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 403—Tran. An act to amend Sections 954 and 955 of the Evidence Code, and to amend Section 12252 of the Probate Code, relating to attorney-client privilege.

ASSEMBLY BILL NO. 404—Ruskin. An act to amend Section 84505 of, and to add Section 84506.5 to, the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 405—Duvall. An act to add Section 33679.5 to the Health and Safety Code, relating to redevelopment.

ASSEMBLY BILL NO. 406—Galgiani. An act relating to homicide trials.

ASSEMBLY BILL NO. 407—Swanson (Principal coauthor: Senator Ridley-Thomas) (Coauthor: Bass) (Coauthor: Senator Romero). An act to add and repeal Section 237 of the Welfare and Institutions Code, relating to juveniles.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 22—Benoit and Cook (Coauthor: Senator Dutton). Relative to the Armed Forces Freeway.

ASSEMBLY JOINT RESOLUTION NO. 8—Leno (Coauthor: Lieber) (Coauthor: Senator Torlakson). Relative to the war in Iraq.

AUTHOR'S AMENDMENTS
Committee on Public Safety

February 15, 2007

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 104

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

SOLORIO, Chair

ASSEMBLY BILL NO. 104—An act to amend Sections 11105 and 13300 of the Penal Code, relating to criminal records.

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.

AUTHOR'S AMENDMENTS
Committee on Rules

February 15, 2007

Mr. Speaker: The Chair of your Committee on Rules reports:

Assembly Concurrent Resolution No. 19

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

DE LA TORRE, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 19—Relative to Black History Month.

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

REPORTS OF STANDING COMMITTEES
Committee on Governmental Organization

Date of Hearing: February 14, 2007

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Joint Resolution No. 6

With the recommendation: Be adopted.

TORRICO, Chair

Above resolution ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9:30 a.m., Friday, February 16, 2007.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 15, 2007**

The following measures were amended in the Assembly on this day:

AB RN

104 0709133

ACR RN

19 0709478

Daily Total: 2

Cumulative Total: 13

O