

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, May 16, 2007

SEVENTIETH SESSION DAY

ONE HUNDRED SIXTY-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
Wednesday, May 16, 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—76:

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

Quorum present.

At 1:25 p.m., Hon. Mark Leno, 13th 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 personal business, and waiving per diem: Assembly Member Richardson.

Because of illness: Assembly Members Ruskin and Soto.

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

May 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 fill the Democratic vacancy on the Assembly Appropriations Committee for the Wednesday, May 16 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Toni Melton, Initiative Secretary, Department of Justice, Office of the Attorney General, Sacramento, dated May 2, 2007, transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Section 9007, Elections Code:

**Reimbursement of Legislators' Expenses.
Constitutional Amendment. SA 07-0009**

Referred by the Speaker to the Committee on Rules.

The following communication was presented by the Chief Clerk from:

James E. Tilton, Secretary, Department of Corrections and Rehabilitation, dated April 19, 2007, submitting letter of transmittal regarding the delay on submitting a report on Telemedicine (pursuant to Budget Act of 2006, Item 5225-002-0001, Provision 7).

Referred by the Speaker to the Committee on Public Safety.

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2006-002
May 10, 2007

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by California Government Code, Section 8542 et seq., the Bureau of State Audits presents its audit report concerning our review of the State of California's internal controls and compliance with state and federal laws and regulations for the year ended June 30, 2006.

This report concludes that the State did not materially comply with certain requirements for 18 of its federal programs or clusters of programs. Further, we were unable to obtain sufficient documentation to determine whether the State adequately complied with relevant federal requirements for two programs. Additionally, it continues to experience certain problems in accounting and administrative practices that affect its internal controls over financial reporting and over compliance with federal requirements. As a result, the State has not always complied with some state and federal regulations. Although none of the problems we identified are significant to the State's financial statements, weaknesses in the State's internal control system could adversely affect its ability to provide accurate financial information and to administer federal programs in compliance with applicable requirements.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Business and Professions.

The following reports were presented by the Chief Clerk:

**Disposition of Criminal Cases
According to the Race and Ethnicity of the Defendant
(Pursuant to Penal Code Section 1170.45)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated April 10, 2007, referred by the Speaker to the Committee on Judiciary.

**Firearms Used in the Commission of Crimes—2006
(Pursuant to Penal Code Section 12039)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated April 27, 2007, referred by the Speaker to the Committee on Public Safety.

Judges' Retirement System II Actuarial Valuation as of June 30, 2006

Above transmitted report, together with letter of transmittal from Rob Feckner, President, California Public Employees' Retirement System, Board of Administration, dated May 1, 2007, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Quarterly Hazardous Waste Fee Revenue Report
January 1, 2007 through March 31, 2007
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated May 4, 2007, referred by the Speaker to the Committee on Revenue and Taxation.

**Notification of Indian Gaming Revenue Sharing
Trust Fund Revenue Shortfall for FY 2007-08
(Pursuant to Government Code Section 12012.90(e)(1))**

Above transmitted report, together with letter of transmittal from Dean Shelton, Chairman, Gambling Control Commission, dated May 8, 2007, referred by the Speaker to the Committee on Governmental Organization.

**Testing Program for Gaming Devices
(Pursuant to Supplemental Report to the 2005 Budget Act
Item 0855-001-0367)**

Above transmitted report, together with letter of transmittal from Dean Shelton, Chairman, Gambling Control Commission, dated May 8, 2007, referred by the Speaker to the Committee on Governmental Organization.

**Mandating School Breakfast in California's Severe Need Schools:
Costs, Challenges and Recommendations
(Pursuant to Education Code Section 49550.2)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated May 8, 2007, referred by the Speaker to the Committee on Education.

**Use of Motor Vehicle Fuel Account (Boating) and
The Harbors and Watercraft Revolving Fund for Fiscal Year 2005/06
(Pursuant to Harbors and Navigation Code Section 85.2 (b)(2))**

Above transmitted report, together with letter of transmittal from Ruth Coleman, Director, Department of Parks and Recreation, dated May 11, 2007, referred by the Speaker to the Committee on Transportation.

**Preferred Placement for Eleven and Twelve Year Old Children
(Pursuant to Education Code Section 8263.4)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated May 3, 2007, referred by the Speaker to the Committee on Education.

**California Alternative Energy and Advanced Transportation Financing Authority
Annual Report of Activities
(Pursuant to Public Resources Code Section 26017)**

Above transmitted report, together with letter of transmittal from Nancy Wong, Counsel, California Alternative Energy and Advanced Transportation Financing Authority, dated May 9, 2007, referred by the Speaker to the Committee on Utilities and Commerce.

**Evaluation of the Substance Abuse and Crime Prevention Act of 2000
Final Report
(Pursuant to Health and Safety Code Section 11999.9)**

Above transmitted report, together with letter of transmittal from Renee Zito, LMSW, CASAC, Director, Department of Alcohol and Drug Programs, dated May 11, 2007, referred by the Speaker to the Committee on Public Safety.

**Continuation of Fee Reductions Report
(Pursuant to Senate Bill 742, Chapter 118, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Preston DuFauchard, Corporations Commissioner, Department of Corporations, dated March 12, 2007, referred by the Speaker to the Committee on Budget.

**Concerning the School Employees Fund
(Pursuant to Unemployment Insurance Code Section 832)**

Above transmitted report, together with letter of transmittal from Patrick W. Henning, Director, Employment Development Department, dated May 8, 2007, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Alternative Protest Process
(Pursuant to the Public Contract Code Section 12129)**

Above report referenced in communication from Will Bush, Interim Director, Department of General Services, dated April 26, 2007, stating availability of report at <http://www.legi.dgs.ca.gov/Publications/2007LegislativeReports.htm>.

Referred by the Speaker to the Committee on Business and Professions.

**2006 Report on the Status of
Board Licensing Examination Validation and Occupational Analysis
(Pursuant to Business and Professions Code Sections 139 (c) and (d))**

Above report referenced in communication from Carrie Lopez, Director, Department of Consumer Affairs, dated April 26, 2007, stating availability of report at <http://www.dca.ca.gov/publications/reports.shtml>.

Referred by the Speaker to the Committee on Business and Professions.

**Consolidated Statewide Toxic Hot Spots Cleanup Plan
(Pursuant to Clean Water Act Section 303 (d))**

Above report referenced in communication from Dorothy Rice, Executive Director, State Water Resources Control Board, dated May 4, 2007, stating availability of report at <http://www.waterboards.ca.gov/bptcp/index.html>.

Referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Emergency Medical Services (EMS) Report
(Pursuant to Health and Safety Code Section 1797.98a) from:**

Plumas and Butte County, Dottie Alves, Project/Accounting Manager, Northern California EMS, Inc., dated May 8, 2007.

Referred by the Speaker to the Committee on Health.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 16, 2007

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

Assembly Bill No. 830

Assembly Bill No. 1178

Assembly Bill No. 1574

Assembly Bill No. 1677

Assembly Bill No. 367

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 16, 2007

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

Assembly Bill No. 21
Assembly Bill No. 724
Assembly Bill No. 797

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Revenue and Taxation

May, 16, 2007

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 287
Assembly Bill No. 972
Assembly Bill No. 1527

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

CALDERON, Chair

ASSEMBLY BILL NO. 287—An act to add Sections 17053.36 and 23636 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.

ASSEMBLY BILL NO. 972—An act to amend Sections 218 and 17053.5 of 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.

ASSEMBLY BILL NO. 1527—An act to add Sections 17052.15 and 23615 to, and to add and repeal Sections 17052.13, 17052.14, 23613, and 23614 of, 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

May 16, 2007

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

Assembly Bill No. 746
Assembly Bill No. 1091

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

LENO, Chair

ASSEMBLY BILL NO. 746—An act to amend Section 740.3 of the Public Utilities Code, relating to energy.

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.

ASSEMBLY BILL NO. 1091—An act to amend Section 53562 of, and to repeal and add Section 53563 of, the Health and Safety Code, relating to housing.

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 Appropriations

May 16, 2007

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 1028

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

LENO, Chair

ASSEMBLY BILL NO. 1028—An act to amend Sections 8265 and 8448 of, to repeal Section 8269 of, and to repeal and add Sections 8267 and 8268 of, the Education Code, relating to child care.

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.

CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 830, 1574, 367, 1178, and 1677, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1451—An act to amend Section 73 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 678—An act to amend Section 13955 of the Government Code, to amend Sections 688 and 688.1 of the Harbors and Navigation Code, to amend Section 1861.025 of the Insurance Code, to amend Sections 192.5, 193.7, 193.8, 977, 1192.8, and 3057 of the Penal Code, to amend Section 101.10 of the Streets and Highways Code, and to amend Sections 1803, 1808, 11110, 11215, 12810, 13202.5, 13350, 13350.5, 13351, 13352.6, 13353, 13353.1, 13353.3, 13353.7, 13353.8, 13954, 15300, 15302, 20001, 22651.10, 23502, 23550.5, 23558, 23592, 23596, 23612, 23620, 23626, and 40509.5 of the Vehicle Code, relating to crime.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 860—An act to amend Sections 1025 and 1158 of the Penal Code, relating to criminal procedure.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 980—An act to add Section 711.2 to the Civil Code, relating to real estate transfer fees.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, May 17, 2007.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 16, 2007**

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

AB	RN	
287	0716953	
678	0716629	
746	0717228	
860	0716625	
972	0717126	
980	0716622	
1028	0717012	
1091	0717203	
1451	0716930	
1527	0716926	
Daily Total:		10
Cumulative Total:		1696

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