

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 22, 2007

SEVENTY-THIRD SESSION DAY

ONE HUNDRED SEVENTIETH 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, May 22, 2007

The Assembly met at 7 a.m.
Hon. Curren D. Price, Jr., Assembly Member, 51st 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 | Plescia |
| Aghazarian | DeVore | Jeffries | Portantino |
| Anderson | Duvall | Jones | Price |
| Arambula | Dymally | Karnette | Runner |
| Bass | Emmerson | Keene | Ruskin |
| 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 | Parra | Mr. Speaker |

Quorum present.

At 1:13 p.m., Hon. Doug La Malfa, 2nd 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 Member Richardson.

On legislative business, per diem waived for the 2007–2008 Session (See Assembly Journal, page 63): Assembly Member Niello.

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:

May 22, 2007

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

Dear Mr. Speaker: I am respectfully writing to request permission to be excused from check-in session on May 22, 2007. I will be attending to legislative business in Lake Tahoe.

If you have any questions please contact me at 319-2005.

Sincerely,

ROGER NIELLO, Assembly Member
Fifth District

May 21, 2007

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

Dear Mr. Speaker,

I am writing to respectfully request to be excused from Check-In session on Tuesday, May 22, 2007. I have legislative business to attend to in my district that morning.

If you have any questions regarding this matter please contact my Chief of Staff, Stan DiOrio at (916) 319-2055.

Sincerely,

LAURA RICHARDSON, Assembly Member
Fifty-fifth District

COMMUNICATIONS

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

May 22, 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 the following members to the Select Committee on Alcohol and Drug Abuse:

- Assemblymember Karen Bass
- Assemblymember John Benoit
- Assemblymember Charles Calderon
- Assemblymember Kevin de León
- Assemblymember Sharon Runner

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 22, 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 the following members to the Select Committee on the Development of a 10th University of California, Merced Campus:

Assemblymember Juan Arambula
Assemblymember John Benoit
Assemblymember Tom Berryhill
Assemblymember Fiona Ma
Assemblymember Nicole Parra
Assemblymember Anthony Portantino

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 22, 2007

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

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on the Preservation of California's Entertainment Industry:

Assemblymember Karen Bass
Assemblymember Sam Blakeslee
Assemblymember Mike Davis
Assemblymember Kevin de León
Assemblymember Betty Karnette
Assemblymember Mark Leno
Assemblymember Anthony Portantino
Assemblymember Cameron Smyth

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 22, 2007

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

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on Procurement:

- Assemblymember Juan Arambula
- Assemblymember Mike Eng
- Assemblymember Shirley Horton
- Assemblymember Guy Houston
- Assemblymember Sandré Swanson
- Assemblymember Lois Wolk

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Select Committee on Youth Violence Prevention to hold an informational hearing on Friday, June 1, 2007, at 10 a.m., in Oakland.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 21, 2007

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

- Assembly Concurrent Resolution No. 29
- Assembly Concurrent Resolution No. 38
- Assembly Concurrent Resolution No. 43
- Assembly Concurrent Resolution No. 46
- Assembly Concurrent Resolution No. 47
- Assembly Concurrent Resolution No. 49
- Assembly Joint Resolution No. 1

And reports the same correctly enrolled, and presented to the Secretary of State on the 21st day of May, 2007, at 3:35 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, May 22, 2007

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

- Assembly Bill No. 800
- Assembly Bill No. 910
- Assembly Bill No. 1360

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 22, 2007

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

- Assembly Bill No. 1432
- Assembly Bill No. 548
- Assembly Bill No. 1510
- Assembly Bill No. 1614
- Assembly Bill No. 1587

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, May 22, 2007

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 56
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 22, 2007

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 885
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Governmental Organization

May 22, 2007

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:
Senate Bill No. 449
With author's amendments with the recommendation: Amend, and re-refer to the committee.

TORRICO, Chair

SENATE BILL NO. 449—An act to amend Section 6254 of the Government Code, and to amend Section 293 of the Penal Code, relating to records of crime.

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 Revenue and Taxation

May 22, 2007

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 1206
With author's amendments with the recommendation: Amend, and re-refer to the committee.

CALDERON, Chair

ASSEMBLY BILL NO. 1206—An act to add Section 6377 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.

AUTHOR'S AMENDMENTS
Committee on Higher Education

May 22, 2007

Mr. Speaker: The Chair of your Committee on Higher Education reports:
Senate Bill No. 190
With author's amendments with the recommendation: Amend, and re-refer to the committee.

PORTANTINO, Chair

SENATE BILL NO. 190—An act to amend Sections 92020 and 92032 of, and to add Sections 66602.5 and 66602.7 to, the Education Code, relating to public postsecondary education.

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 22, 2007

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

Assembly Bill No. 34

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

LENO, Chair

ASSEMBLY BILL NO. 34—An act to add and repeal Article 8 (commencing with Section 1627) to Chapter 4 of Division 2 of the Health and Safety Code, relating to umbilical cord blood banking.

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 Education**

May 22, 2007

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

Senate Bill No. 170

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

MULLIN, Chair

SENATE BILL NO. 170—An act to amend Section 48204 of the Education Code, relating to school attendance, 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 Revenue and Taxation**

Date of Hearing: May 21, 2007

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 21

Assembly Bill No. 793

Assembly Bill No. 154

Assembly Bill No. 882

Assembly Bill No. 393

Assembly Bill No. 1239

Assembly Bill No. 728

Assembly Bill No. 1546

Assembly Bill No. 765

Assembly Bill No. 1561

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

CALDERON, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 14, 2007

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1050

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

CALDERON, Chair

Above bill ordered to second reading.

Date of Hearing: May 21, 2007

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 287

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

CALDERON, Chair

Above bill ordered to second reading.

**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. 800 and 910, ordered to third reading;

Assembly Bill No. 1360, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1117—An act to add Section 5273.6 to the Business and Professions Code, relating to outdoor advertising.

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

ASSEMBLY BILL NO. 665—An act to add Sections 65040.7 and 65075 to the Government Code, relating to land use.

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

ASSEMBLY BILL NO. 1273—An act to amend Section 935.6 of the Government Code, relating to state claims, and making an appropriation therefor.

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 23, 2007.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 22, 2007**

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

| AB | RN |
|-----------|-----------|
| 34 | 0716975 |
| 665 | 0717441 |
| 1117 | 0717285 |
| 1206 | 0717224 |
| 1273 | 0717388 |

| SB | RN |
|-----------|-----------|
| 170 | 0716612 |
| 190 | 0716458 |
| 449 | 0716925 |

| | |
|--------------------------|-------------|
| Daily Total: | 8 |
| Cumulative Total: | 1733 |

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