

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, May 23, 2007

SEVENTY-FOURTH SESSION DAY

ONE HUNDRED SEVENTY-FIRST 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 23, 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	Jeffries	Plescia
Aghazarian	DeVore	Jones	Portantino
Anderson	Duvall	Karnette	Price
Arambula	Dymally	Keene	Richardson
Bass	Emmerson	Krekorian	Runner
Beall	Eng	La Malfa	Ruskin
Benoit	Evans	Laird	Salas
Berg	Feuer	Leno	Saldaña
Berryhill	Fuller	Levine	Silva
Blakeslee	Gaines	Lieber	Smyth
Brownley	Galgiani	Lieu	Solorio
Caballero	Garcia	Ma	Strickland
Calderon	Garrick	Maze	Swanson
Carter	Hancock	Mendoza	Torrico
Cook	Hayashi	Mullin	Tran
Coto	Hernandez	Nakanishi	Villines
Davis	Horton	Nava	Walters
De La Torre	Huff	Niello	Wolk
De León	Huffman	Parra	Mr. Speaker

Quorum present.

At 1:14 p.m., Hon. Chuck DeVore, 70th 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 Houston and Spitzer.

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 17, 2007

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

Dear Mr. Speaker: It is my understanding that Wednesday, May 23, 2007 is currently scheduled to be a Check-In Session. So that I may conduct legislative business in my district, I respectfully request to be excused from Check-In Session that day.

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

May 22, 2007

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

Dear Mr. Speaker: I would like to be excused from check-in session on Wednesday, May 23, 2007 for legislative business in my district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member
Seventy-first District

SPECIAL COMMITTEE MEETINGS

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

Labor and Employment, on Wednesday, June 13, 2007, at 1:30 p.m., in Room 437.

REPORTS

The following reports were presented by the Chief Clerk:

**2007 Statewide Integrated Public Safety Communications Strategic Plan
(Pursuant to Government Code Section 8592.6)**

Above transmitted report, together with letter of transmittal from Henry R. Renteria, Director, Governor's Office of Emergency Services, dated March 30, 2007, referred by the Speaker to the Committee on Public Safety.

May 2007 Unemployment Insurance (UI) Fund Forecast

Above transmitted report, together with letter of transmittal from Patrick W. Henning, Director, Employment Development Department, dated April 16, 2007, referred by the Speaker to the Committee on Labor and Employment.

May 2007 Disability Insurance Fund Forecast

Above transmitted report, together with letter of transmittal from Patrick W. Henning, Director, Employment Development Department, dated April 15, 2007, referred by the Speaker to the Committee on Insurance.

**Efforts to Meet California's Nursing Needs
(Pursuant to Budget Act 2006, Item 6440-001-0001)**

Above transmitted report, together with letter of transmittal from Robert C. Dynes, President, University of California, dated May 7, 2007, referred by the Speaker to the Committee on Higher Education.

**Mathematics and Reading
Professional Development Program—Estimate
(Pursuant to Education Code Section 99237.5(g)(1))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated May 10, 2007, referred by the Speaker to the Committee on Education.

**2006 Annual Report on the Air Resources Board Expenditure of
Nonvehicular Source Fees for Fiscal Year 2005-06
(Pursuant to Health and Safety Code Section 39612)**

Above transmitted report, together with letter of transmittal from Robert F. Sawyer, Ph.D., Chair, Air Resources Board, dated May 14, 2007, referred by the Speaker to the Committee on Natural Resources.

**Annual Report of
the Unlawfully Uninsured Employer Enforcement Program
(Pursuant to Labor Code Section 90.3(d))**

Above transmitted report, together with letter of transmittal from John M. Rea, Acting Director, Department of Industrial Relations, dated May 15, 2007, referred by the Speaker to the Committee on Insurance.

**Medi-Cal Managed Care Program Quarterly Update
January through March 2007
(Pursuant to Budget Act 2005, Section 34)**

Above transmitted report, together with letter of transmittal from Katie Trueworthy, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated May 14, 2007, referred by the Speaker to the Committee on Health.

**Sustainable Communities Grant and Loan Program
Annual Report of Activities 2006
(Pursuant to Health and Safety Code Section 44525.6)**

Above transmitted report, together with letter of transmittal from Michael Paparian, Executive Director, California Pollution Control Financing Authority, dated May 14, 2007, referred by the Speaker to the Committee on Banking and Finance.

**2007 First Quarter Toll Bridge Seismic Retrofit Program Report
(Pursuant to Streets and Highways Code Section 30952.2)**

Above transmitted report, together with letter of transmittal from Will Kempton, Director, Department of Transportation, dated May 15, 2007, referred by the Speaker to the Committee on Transportation.

**Quarterly Report on Timeliness of Hearings Held for
the Third and Fourth Quarter of 2006
(Pursuant to Labor Code Section 5502(d))**

Above transmitted report, together with letter of transmittal from Keven P. Star, Court Administrator, Department of Industrial Relations, dated May 17, 2007, referred by the Speaker to the Committee on Judiciary.

**2005–06 Annual Report and Statistical Appendix
(Pursuant to Business and Professions Code Section 312)**

Above transmitted report, together with letter of transmittal from Scott Reid, Acting Director, Department of Consumer Affairs, dated April 19, 2007, referred by the Speaker to the Committee on Business and Professions.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 23, 2007

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

- Assembly Bill No. 1117
- Assembly Bill No. 665
- Assembly Bill No. 1273

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 23, 2007

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

- Assembly Bill No. 34
- Assembly Bill No. 1206

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 58—Fuller (Coauthor: Senator Ashburn). Relative to the CHP Officer Erick S. Manny Memorial Highway.

**AUTHOR’S AMENDMENTS
Committee on Appropriations**

May 23, 2007

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

- Assembly Bill No. 582
- Assembly Bill No. 1663

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

LENO, Chair

ASSEMBLY BILL NO. 582—An act relating to court transcription fees.

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. 1663—An act to amend Sections 49076, 49076.5, 56026.1, 56031, 56033.5, 56058, 56059, 56171, 56173, 56301, 56321, 56329, 56341, 56341.5, 56344, 56345, 56345.1, 56346, 56363, 56380.1, 56381, 56500.2, 56500.3, 56500.4, 56501.5, 56502, 56505, 56515, 56600.6, and 56841 of, to add Sections 56040.1 and 56345.2 to, to add Article 5 (commencing with Section 56070) to Chapter 1 of Part 30 of Division 4 of Title 2 of, and to repeal and add Section 56028 of, the Education Code, relating to special education, 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.

AUTHOR'S AMENDMENTS
Committee on Local Government

May 23, 2007

Mr. Speaker: The Chair of your Committee on Local Government reports:

Senate Bill No. 233

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

CABALLERO, Chair

SENATE BILL NO. 233—An act to amend Section 20133 of the Public Contract Code, relating to public contracts.

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 23, 2007

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

Assembly Bill No. 765

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

LENO, Chair

ASSEMBLY BILL NO. 765—An act to add Section 19601.4 to the Business and Professions Code, relating to horse racing, and making an appropriation therefor, 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.

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Date of Hearing: May 23, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 76

Assembly Bill No. 1371

Assembly Bill No. 438

Assembly Bill No. 1402

Assembly Bill No. 724

Assembly Bill No. 1477

Assembly Bill No. 746

Assembly Bill No. 1542

Assembly Bill No. 815

Assembly Bill No. 1543

Assembly Bill No. 1051

Assembly Bill No. 1636

Assembly Bill No. 1275

Assembly Bill No. 1746

With the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: May 23, 2007

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 424 | Assembly Bill No. 1222 |
| Assembly Bill No. 449 | Assembly Bill No. 1310 |
| Assembly Bill No. 617 | Assembly Bill No. 1428 |
| Assembly Bill No. 720 | Assembly Bill No. 1464 |
| Assembly Bill No. 797 | Assembly Bill No. 1473 |
| Assembly Bill No. 1013 | Assembly Bill No. 1639 |
| Assembly Bill No. 1061 | Assembly Bill No. 1687 |
| Assembly Bill No. 1090 | |

With the recommendation: Do pass.

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

LENO, Chair

Above bills ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 21, 2007

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

Assembly Bill No. 846

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.

Committee on Appropriations

Date of Hearing: May 23, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 101

With the recommendation: Do pass.

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: May 23, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1729

With amendments with the recommendation: Amend, and do pass, as amended.

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: May 23, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1322

With the recommendation: Do pass, as amended.

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

LENO, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 21, 2007

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

Assembly Bill No. 1485

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. 1117, 665, and 1273, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1050—An act to add Section 6358.3 to 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. 287—An act to add and repeal Sections 17053.36 and 23636 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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, May 24, 2007.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 23, 2007**

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

AB	RN	
233	0717519	
287	0717609	
582	0717610	
765	0717948	
1050	0717541	
1663	0717382	
Daily Total:		6
Cumulative Total:		1739

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