

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, June 11, 2007

**EIGHTY-FOURTH SESSION DAY
ONE HUNDRED NINETIETH 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
Monday, June 11, 2007

The Assembly met at 12:04 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 Cook 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 12:18 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—74:

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

PRAYER

Upon invitation of Speaker pro Tempore Lieber, the following prayer was offered by Assembly Chaplain Father Constantine C. Pappademos:

Lord, You have said, "The things that are impossible with men are possible with God." (Luke 18:27) Help us to see that we don't need to figure out how You are going to solve our problems. Our job is simply to believe in You and trust that You can do things that human beings cannot or will not do. Guide us today, Lord, to focus on You, Who You are, and what You can do in us and through us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Saldaña 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 Benoit.

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 Hancock and La Malfa.

On legislative business, and waiving per diem: Assembly Member Richardson.

Because of illness: Assembly Members Dymally and Soto.

Due to travel delays: Assembly Member Keene.

EXPLANATIONS OF ABSENCE

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

June 7, 2007

The Honorable Fabian Núñez

Speaker of the Assembly

Room 219, State Capitol

Dear Mr. Speaker: I respectfully request to be excused from Session on Monday, June 11, 2007. I have legislative business in the district.

Thank you.

Sincerely,

LONI HANCOCK, Assembly Member
Fourteenth District

June 8, 2007

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

Dear Mr. Speaker: Please allow me an excused absence from Floor Session Monday, June 11, 2007 on official legislative business.

I respectfully request your approval of this request.

If you have any further questions, please contact myself or a member of my staff. Thank you so much for your time and attention to this matter.

Thank you,

DOUG LA MALFA, Assembly Member
Second District

June 7, 2007

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

Dear Mr. Speaker,

I am writing to respectfully request to be excused from Assembly Floor Session on Monday June 11, 2007. I have legislative business to attend to in my district during the day.

I respectfully waive per diem as deemed appropriate by the Assembly Rules.

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:

June 11, 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 Felipe Fuentes to serve on the Assembly Rules Committee for the 2007–08 Regular Session.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 11, 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 Felipe Fuentes to fill the Democratic vacancy on the Assembly Natural Resources Committee for the 2007–2008 Regular Session.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 11, 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 Felipe Fuentes to the Assembly Jobs, Economic Development and the Economy Committee, increasing the membership of the committee from 6 to 7 members.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 11, 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 Felipe Fuentes to fill the Democratic vacancy on the Assembly Labor and Employment Committee for the 2007–2008 Regular Session.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 11, 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 Felipe Fuentes to fill the Democratic vacancy on the Joint Legislative Audit Committee for the 2007–08 Regular Session.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 11, 2007

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

Dear Mr. Wilson: I am appointing Assembly Member Lloyd Levine to the Committee on Transportation for the purpose of filling the vacancy due to Assembly Member Soto's illness for the meeting today, Monday, June 11, 2007.

Cordially,

FABIAN NUÑEZ
 Speaker of the Assembly

REFERENCE OF BILLS TO COMMITTEE

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

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>		
23	-----	Trans.
26	-----	B. & P.
63	-----	Health
103	-----	L. Gov.
110	-----	Pub. S.
119	-----	Health
137	-----	Health
139	-----	Higher Ed. and Health
146	-----	Ed.
184	-----	Trans.
187	-----	W.,P. & W.
224	-----	Trans.
238	-----	Health
248	-----	Pub. S.
259	-----	P.E.,R. & S.S.
261	-----	Health
305	-----	Ed.
320	-----	Health
325	-----	Higher Ed.
343	-----	L. Gov.
344	-----	Ed.
348	-----	Hum. S.
355	-----	B. & P.
391	-----	Pub. S.
412	-----	U. & C. and Nat. Res.
455	-----	B. & P.
494	-----	Trans.
507	-----	Ed.
518	-----	Pub. S.
529	-----	Nat. Res.
533	-----	Health
537	-----	Ed.
544	-----	G.O.
549	-----	L. & E.
552	-----	Jud.

559 ----- Rev. & Tax.
601 ----- Ed.
622 ----- L. & E. and Jud.
630 ----- V.A. and B. & P.
652 ----- Pub. S.
669 ----- W.,P. & W.
676 ----- Health
679 ----- Ed.
704 ----- Ed.
734 ----- Ed.
736 ----- Ed.
753 ----- H. & C.D.
819 ----- L. Gov.
830 ----- Ed.
850 ----- Health and Jud.
889 ----- Trans.
910 ----- Trans.
920 ----- Rev. & Tax.
936 ----- Ins.
942 ----- Ins.
960 ----- Ed.
966 ----- Health and E.S. & T.M.
976 ----- Trans.
1019 ----- Pub. S.
1036 ----- U. & C. and Nat. Res.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 8, 2007

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

Assembly Concurrent Resolution No. 48

And reports the same correctly enrolled, and presented to the Secretary of State on the 8th day of June, 2007, at 1:50 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, June 11, 2007

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

Assembly Bill No. 56

Assembly Bill No. 1046

Assembly Bill No. 1591

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

SPECIAL COMMITTEE MEETINGS

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

Revenue and Taxation, on Tuesday, June 12, 2007, upon Call of Chair.

AUTHOR'S AMENDMENTS
Committee on Public Safety

June 11, 2007

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

Senate Bill No. 425

Senate Bill No. 655

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

SOLORIO, Chair

SENATE BILL NO. 425—An act to amend Section 29551 of the Government Code, to amend Sections 11361.5 and 117560 of the Health and Safety Code, to amend Sections 530.5, 647, 977, 1054.5, 1170.11, and 1538.5 of, the Penal Code, and to amend Sections 827 and 6608.8 of the Welfare and Institutions Code, relating to public safety.

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.

SENATE BILL NO. 655—An act to add Section 4575 to the Penal Code, relating to inmates.

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.

BILLS PLACED ON INACTIVE FILE

The following bills were placed upon the inactive file:

Assembly Bills Nos. 374 and 985, on request of Assembly Member Bass.

RE-REFERENCE OF BILLS

Assembly Member Bass was granted unanimous consent that Senate Bill No. 867 be re-referred from the Committee on Human Services to the Committee on Health and then back to the Committee on Human Services.

RECESS

By unanimous consent, at 12:24 p.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of special guests.

Assembly Members Levine and Coto introduced and presented a resolution to the 2007 CIF Girl Track champions from Mount Pleasant High School: Tianna Conley, Camylle Boxton, Denise Murphy, Stella Dugall, Marshey Brown, Deirdra Pettigrue, Jeneva Tarmoh, and Vashti Thomas who set a new national record in the girls 100 meter hurdles.

Assembly Member Levine introduced and Senator Torlakson presented a resolution to Steve Nelson, Jahel Elmidge, Angela Hill, Hector Flores, and Paul Williams, Mount Pleasant High School track coaches.

Assembly Member Levine and Senator Lowenthal introduced and presented a resolution to 1970 CIF long jump champion and Football Hall of Fame wide receiver Lynn Swann, whereupon, without objection, he addressed the assemblage.

Speaker pro Tempore Lieber introduced Hon. Roderick Wright (Assembly Member from 1997 to 2002).

RECONVENED

At 12:34 p.m., the Assembly reconvened.

Hon. Sally Lieber, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 604 (Walters)—An act to add Section 217 to the Probate Code, relating to deceased persons.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—71

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY JOINT RESOLUTION NO. 13 (Caballero)—Relative to food safety.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—70

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

NOES—None

Above resolution ordered enrolled.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following:

Assembly Member Galgiani is hosting a screening for lung health and lung function on Tuesday, June 12, 2007, from 9 a.m. to 1 p.m. in the Eureka Room of the Capitol.

Legislative portrait with the Senate on Wednesday, June 13, 2007, at 9:45 a.m. on the West Steps of the Capitol.

Tuesday, June 12, 2007, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, June 13, 2007, Check-in Session, 7 a.m.–3 p.m.;

Thursday, June 14, 2007, Floor Session, 9:30 a.m.

ADJOURN IN MEMORY

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 Ronald Akers, Solomon Gao-Ay, Shirley Burkart, Asa D. “Ace” Halstead, and Clayton Joseph Veal, of Santa Rosa.

Assembly Member Jones was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Judith Christine Garlow, of San Francisco.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dick Kramer and Albert Joseph Scoma, of San Francisco.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Homer P. Zugelder, of Belmont.

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

VOTE ADDS

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

Assembly Bill No. 604, Concurrence: Berryhill, Blakeslee, Garcia, Maze, Nava, Plescia, Strickland, and Villines—Aye.

Assembly Joint Resolution No. 13, Concurrence: Berryhill, Blakeslee, Garcia, Nava, Plescia, Strickland, and Villines—Aye.

MOTION TO ADJOURN

At 12:39 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 12:40 p.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 28—Leno (Principal coauthor: Bass). Relative to union representation.

AUTHOR'S AMENDMENTS**Committee on Environmental Safety and Toxic Materials**

June 11, 2007

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 774

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

HUFFMAN, Chair

SENATE BILL NO. 774—An act to amend Sections 25214.14 and 25214.16 of the Health and Safety Code, relating to hazardous packaging.

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 Elections and Redistricting

June 11, 2007

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:
Senate Bill No. 813

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

PRICE, Chair

SENATE BILL NO. 813—An act to amend Section 8026 of the Elections Code, relating to elections.

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 Public Employees, Retirement and Social Security

June 11, 2007

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 581

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

HERNANDEZ, Chair

SENATE BILL NO. 581—An act to amend Section 20230 of, and to repeal and add Chapter 4.5 (commencing with Section 50950) of Part 1 of Division 1 of Title 5 of the Government Code, relating to firefighters.

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 Utilities and Commerce

June 11, 2007

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Senate Bill No. 158

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

LEVINE, Chair

SENATE BILL NO. 158—An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications.

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 Health

June 11, 2007

Mr. Speaker: The Chair of your Committee on Health reports:
Senate Bill No. 1039

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

DYMALLY, Chair

SENATE BILL NO. 1039—An act to amend Sections 650, 1246, 1265.1, 2541.3, and 2541.6 of the Business and Professions Code, to amend Sections 49452.8 and 51796 of the Education Code, to amend Sections 298.5, 307, 355, 358, and 422 of the Family Code, to amend Sections 8592.1 and 8593.6 of the Government Code, to amend Sections 1266.9, 1522.08, 1575.7, 1728.1, 1797.153, 100922, 105440, 109277, 110242, 110806, 113763, 113774, 115730, 123371, 123485, 124250, 124900, 125002, 125118, 125335, 125342, 127446, and 130501 of the Health and Safety Code, to amend Sections 12693.325, 12693.98, and 12693.98a of the Insurance Code, to amend Sections 830.3, 1203.097, 7501, 7502, 7510, and 13823.15 of the Penal Code, to amend Sections 13557 and 32601 of the Water Code, to amend Sections 14043.46, 14087.54, 15904, and 16953.3 of the Welfare and Institutions Code, and to amend Section 2 of Chapter 610 of the Statutes of 2006, relating to health.

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: June 11, 2007

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 60

With the recommendation: Be adopted.

DE LA TORRE, Chair

Above resolution ordered to third reading.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Tuesday, June 12, 2007, out of respect to the memory of Ronald Akers, Solomon Gao-Ay, Shirley Burkart, Asa D. "Ace" Halstead, and Clayton Joseph Veal, on motion of Assembly Member Evans; out of respect to the memory of Judith Christine Garlow, on motion of Assembly Member Jones; out of respect to the memory of Dick Kramer and Albert Joseph Scoma, on motion of Assembly Member Leno; out of respect to the memory of Homer P. Zugelder, on motion of Assembly Member Mullin; and out of respect to the memory of Joan Lundy, on motion of Assembly Member Portantino.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 11, 2007**

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

SB	RN
158	0714774
425	0721223
581	0715897
655	0720744
774	0716203
813	0716934
1039	0713489

Daily Total:	7
Cumulative Total:	2063

O