

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, June 18, 2007

EIGHTY-EIGHTH SESSION DAY

ONE HUNDRED NINETY-SEVENTH 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 18, 2007

The Assembly met at 7 a.m.

Hon. Noreen Evans, Assembly Member, 7th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—72:

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

Quorum present.

At 2:45 p.m., Hon. Greg Aghazarian, 26th 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 Beall, Carter, Huffman, Keene, Lieber, and Spitzer.

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

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:

June 13, 2007

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

Dear Speaker Núñez: I respectfully request that I be excused from the Assembly Session on Monday June 18, 2007. I will be in my district during this time on legislative business.

Sincerely,

JIM BEALL, JR., Assembly Member
Twenty-fourth District

June 14, 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 Monday, June 18, 2007, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

WILMER AMINA CARTER, Assembly Member
Sixty-second District

June 11, 2007

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

Dear Mr. Speaker: I respectfully request permission to be excused from Session on Monday, June 18, 2007 for legislative business.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

JARED HUFFMAN, Assembly Member
Sixth District

June 18, 2007

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

Dear Mr. Speaker: I respectfully request to be excused from check-in today Monday, June 18, 2007 due to legislative business in my district.

Please contact Johannes Escudero in my Capitol office with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

RICK KEENE, Assembly Member
Third District

June 15, 2007

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

Dear Mr. Speaker: I would like to be excused from session on June 18, 2007 due to legislative business.

If you have any questions, please contact my Chief of Staff, Cory Jaspersen at 319-2022.

Sincerely,

SALLY J. LIEBER
Speaker pro Tempore

June 14, 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 Monday, June 18, 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

COMMUNICATIONS

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

June 15, 2007

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

RE: Appointment of Pamela King
to Sex Offender Management Board

Dear Mr. Wilson: Please be advised I have appointed Ms. Pamela King to the Sex Offender Management Board as a representative of criminal defense attorneys. This is a pleasure appointment starting June 15, 2007.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 15, 2007

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

RE: Appointment of Paul Koretz
to California Board of Podiatric Medicine

Dear Mr. Wilson: Please be advised I have appointed Mr. Paul Koretz to the California Board of Podiatric Medicine. This is a term appointment starting June 15, 2007 and the expiration date is June 1, 2010.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 15, 2007

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

RE: Appointment of Carla Javits
to California Housing Finance Agency, Board of Directors

Dear Mr. Wilson: Please be advised I have appointed Ms. Carla Javits to the California Housing Finance Agency, Board of Directors. This is a term appointment starting June 15, 2007 and the expiration date is March 16, 2009.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 18, 2007

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

RE: Appointment of Franklin Pratt, Jeanette Dong,
and Harold Sterker
to Public Health Advisory Committee

Dear Mr. Wilson: Please be advised I have appointed Dr. Franklin Pratt, Ms. Jeanette Dong and Mr. Harold Sterker to the Public Health Advisory Committee. These are pleasure appointments starting June 18, 2007.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 18, 2007

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

RE: Appointment of Lorena Gonzalez
as Alternate to California Coastal Commission

Dear Mr. Wilson: Please be advised I have appointed Ms. Lorena Gonzalez as an alternate to the California Coastal Commission. Ms. Gonzalez will serve as an alternate to the Councilmember Ben Hueso. This is a pleasure appointment starting June 18, 2007.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

June 18, 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 Martin Garrick to replace Assemblymember Todd Spitzer on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 18, 2007

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

Assembly Bill No. 591

Assembly Bill No. 1591

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, June 18, 2007

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

Assembly Bill No. 859

And reports the same correctly enrolled, and presented to the Governor on the 18th day of June, 2007, at 3:15 p.m.

E. DOTSON WILSON, Chief Clerk

AUTHOR'S AMENDMENTS

Committee on Governmental Organization

June 18, 2007

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Senate Bill No. 864

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

TORRICO, Chair

SENATE BILL NO. 864—An act to add Section 6254.19 to the Government Code, relating to public 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 Local Government

June 18, 2007

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

Senate Bill No. 516

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

CABALLERO, Chair

SENATE BILL NO. 516—An act relating to water.

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 Transportation

June 18, 2007

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

Senate Bill No. 70

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

NAVA, Chair

SENATE BILL NO. 70—An act to add Article 5 (commencing with Section 39870) to Chapter 1 of Part 23.5 of Division 3 of Title 2 of the Education Code, and to add Section 43861 to the Health and Safety Code, relating to biodiesel.

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 Transportation

June 18, 2007

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

Senate Bill No. 163

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

NAVA, Chair

SENATE BILL NO. 163—An act to add Section 380.1 to the Streets and Highways Code, relating to transportation.

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 Insurance

June 18, 2007

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

Senate Bill No. 316

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

COTO, Chair

SENATE BILL NO. 316—An act to amend Sections 923.5 and 11558 of the Insurance Code, relating to insurer reserves.

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 18, 2007

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Senate Bill No. 428

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

LEVINE, Chair

SENATE BILL NO. 428—An act to amend Section 743.1 of the Public Utilities Code, relating to public utilities.

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 Housing and Community Development

June 18, 2007

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 127
Senate Bill No. 541

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

SALDAÑA, Chair

SENATE BILL NO. 127—An act to amend Sections 1102.3, 1102.3a, 1103.3, and 1368 of the Civil Code, relating to property disclosures.

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. 541—An act to amend Section 798.74 of the Civil Code, relating to mobilehomes.

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 Judiciary

June 18, 2007

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

Senate Bill No. 300
Senate Bill No. 415

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

JONES, Chair

SENATE BILL NO. 300—An act to amend Section 66641.5 of the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

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. 415—An act to add Section 4326 to the Family Code, relating to spousal support.

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 Business and Professions

June 18, 2007

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Senate Bill No. 250

Senate Bill No. 593

Senate Bill No. 661

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

ENG, Chair

SENATE BILL NO. 250—An act to amend Section 1749.5 of the Civil Code, relating to gift certificates.

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. 593—An act to amend Sections 7200 and 10261 of, and to add Section 7201 to, 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.

SENATE BILL NO. 661—An act to amend Section 655.5 of, to add Section 655.7 to, and to repeal Section 655.6 of, the Business and Professions Code, relating to the healing arts.

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 Health

Date of Hearing: June 12, 2007

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 443

Senate Bill No. 744

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

DYMALLY, Chair

Above bills ordered to second reading.

Committee on Veterans Affairs

Date of Hearing: June 12, 2007

Mr. Speaker: Your Committee on Veterans Affairs reports:

Senate Bill No. 1041

With the recommendation: Do pass.

SALAS, Chair

Above bill ordered to second reading.

Date of Hearing: June 12, 2007

Mr. Speaker: Your Committee on Veterans Affairs reports:

Senate Joint Resolution No. 5

With amendments with the recommendation: Amend, and be adopted as amended.

SALAS, Chair

Above resolution ordered to second reading.

Committee on Health

Date of Hearing: June 12, 2007

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 764

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

DYMALLY, Chair

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 55—Relative to character education in public schools.

Resolution read; amendments proposed by the Committee on Education read and adopted; resolution ordered reprinted and to be re-referred to the Committee on Appropriations.

SECOND READING OF SENATE BILLS

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, and ordered to third reading.

SENATE BILL NO. 279—An act to amend Section 731 of the Streets and Highways Code, relating to state highways.

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

MESSAGES FROM THE SENATE

Senate Chamber, June 18, 2007

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 304

Assembly Bill No. 951

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, June 18, 2007

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 908

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, June 18, 2007

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 54
Assembly Concurrent Resolution No. 53

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Above resolutions ordered enrolled.

Senate Chamber, June 18, 2007

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 49

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Senate Chamber, June 18, 2007

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 9

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE JOINT RESOLUTION NO. 9—Relative to funding for veterans health care.

ADJOURNMENT

At 4:40 p.m., the Assembly adjourned until 7 a.m., Tuesday, June 19, 2007.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 18, 2007**

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

ACR RN

55 0721859

SB RN

70 0721765

127 0722187

163 0722072

250 0722247

279 0721880

300 0722075

316 0721778

415 0721881

428 0721909

516 0720918

541 0722281

593 0721893

661 0722137

864 0721663

Daily Total: 15

Cumulative Total: 2111

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