

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, July 2, 2007**

**NINETY-SIXTH SESSION DAY**

**TWO HUNDRED ELEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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, July 2, 2007

The Assembly met at 9 a.m.

Hon. Michael Eng, Assembly Member, 49th 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—80:

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

Quorum present.

**At 1:16 p.m., Hon. Patty Berg, 1st District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### SPECIAL COMMITTEE MEETINGS

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

Higher Education, on Tuesday, July 10, 2007, at 1:30 p.m.

#### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY JOINT RESOLUTION NO. 30—Berg.** Relative to the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2007.

**ASSEMBLY JOINT RESOLUTION NO. 31—Jones.** Relative to Medicare Part D.

**HOUSE RESOLUTION NO. 18—Karnette.** Relative to California Substitute Educators Day.

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

July 2, 2007

Mr. Speaker: The Chair of your Committee on Insurance reports:  
Senate Bill No. 573

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

COTO, Chair

**SENATE BILL NO. 573**—An act to add Sections 789.11, 789.12, 789.13, 789.14, 789.15, 789.16, 789.17, 789.18, 789.19, and 789.20 to the Insurance Code, relating to annuity transactions.

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 Human Services**

July 2, 2007

Mr. Speaker: The Chair of your Committee on Human Services reports:  
Senate Bill No. 725

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

BEALL, Chair

**SENATE BILL NO. 725**—An act relating to developmental services.

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**

July 2, 2007

Mr. Speaker: The Chair of your Committee on Education reports:  
Senate Bill No. 658

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

MULLIN, Chair

**SENATE BILL NO. 658**—An act to amend Sections 17071.75 and 17078.27 of the Education Code, relating to school facilities.

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**

July 2, 2007

Mr. Speaker: The Chair of your Committee on Higher Education reports:  
Senate Bill No. 823

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

PORTANTINO, Chair

**SENATE BILL NO. 823**—An act to add Chapter 7 (commencing with Section 94700) to Part 59 of Division 10 of Title 3 of the Education Code, relating to private postsecondary education, and making an appropriation therefor.

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**

July 2, 2007

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Constitutional Amendment No. 9

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

CALDERON, Chair

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 9**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (a) of Section 3 of Article XIII thereof, relating to taxation.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Committee on Appropriations**

July 2, 2007

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 223  
Senate Bill No. 226

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

LENO, Chair

**SENATE BILL NO. 223**—An act to amend Section 11323 of the Business and Professions Code, and to add Article 7 (commencing with Section 1090.5) to Chapter 1 of Title 4 of Part 4 of Division 2 of the Civil Code, relating to real estate appraisals, 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.

**SENATE BILL NO. 226**—An act to repeal and add Section 10150.6 of the Business and Professions Code, relating to real estate brokers.

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**

July 2, 2007

Mr. Speaker: The Chair of your Committee on Education reports:  
Senate Bill No. 314  
Senate Bill No. 377

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

MULLIN, Chair

**SENATE BILL NO. 314**—An act to amend Section 8070 of the Education Code, relating to career technical 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.

**SENATE BILL NO. 377**—An act to amend Section 44831 of, and to add Section 44265.4 to, the Education Code, relating to school employees.

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**

July 2, 2007

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

Senate Bill No. 2

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

SALDAÑA, Chair

**SENATE BILL NO. 2**—An act to amend Sections 65582, 65583, and 65589.5 of the Government Code, relating to local planning.

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 Committee on Appropriations**

July 2, 2007

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

Senate Bill No. 549

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

LENO, Chair

**SENATE BILL NO. 549**—An act to add Section 230.5 to the Labor Code, relating to employee rights.

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**

July 2, 2007

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Senate Bill No. 324

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

LEVINE, Chair

**SENATE BILL NO. 324**—An act to amend Section 2852 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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Veterans Affairs**

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Veterans Affairs reports:  
 Senate Bill No. 630

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

SALAS, Chair

Above bill re-referred to the Committee on Business and Professions.

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Veterans Affairs reports:  
 Senate Bill No. 560

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

SALAS, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Veterans Affairs reports:  
 Senate Bill No. 386

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

SALAS, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Veterans Affairs reports:  
 Senate Bill No. 234

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 bill be placed on the Consent Calendar.

SALAS, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Judiciary reports:  
 Senate Bill No. 145

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

JONES, Chair

Above bill ordered to second reading.

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Judiciary reports:  
 Senate Bill No. 777

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

JONES, Chair

Above bill ordered to second reading.

**Committee on Health**

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 120

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.

**Committee on Agriculture**

Date of Hearing: June 27, 2007

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 282

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

PARRA, Chair

Above bill ordered to second reading.

**Committee on Transportation**

Date of Hearing: June 25, 2007

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 60

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

NAVA, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 722

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.

JONES, Chair

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: June 27, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 655

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 Agriculture**

Date of Hearing: June 27, 2007

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 246

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.

PARRA, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 388

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

JONES, Chair

Above bill ordered to second reading.

**Committee on Veterans Affairs**

Date of Hearing: June 26, 2007

Mr. Speaker: Your Committee on Veterans Affairs reports:

Senate Bill No. 565

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

SALAS, Chair

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 2, 2007

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

Assembly Bill No. 151

Assembly Bill No. 1255

Assembly Bill No. 243

Assembly Bill No. 1374

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

Above bills ordered enrolled.

Senate Chamber, July 2, 2007

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

Senate Bill No. 100

Senate Bill No. 611

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

Senate Chamber, July 2, 2007

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

Assembly Concurrent Resolution No. 51

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, July 2, 2007

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

Assembly Bill No. 490

Assembly Bill No. 548

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.



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

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

**Senate Bills Nos. 484 and 684**, ordered to the Consent Calendar.

**SECOND READING OF SENATE BILLS**

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

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 493**—An act to amend Section 25502.5 of the Government Code, relating to counties.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 437**—An act to amend Sections 33080.1 and 33490 of the Health and Safety Code, relating to redevelopment.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 699**—An act to amend Section 66013 of the Government Code, relating to development projects.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 819**—An act to amend Sections 56375 and 56826.5 of, and to amend and repeal Sections 56030, 56700, and 56886.5 of, the Government Code, relating to local government entities.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 519**—An act to amend Section 11125.4 of the Government Code, relating to public meetings.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 10**—An act to amend Sections 21670.3, 132360.2, 170006, 170026, 170032, and 170048 of, to add Sections 132360.6, 170010, 170011, 170012, 170013, 170014, and 170017 to, to add Article 6.3 (commencing with Section 132357) to Chapter 3 of Division 12.7 of, to repeal Sections 170020, 170022, 170028, 170041, 170042, and 170046 of, and to repeal and add Sections 170004, 170016, 170018, and 170024 of, the Public Utilities Code, relating to the San Diego County Regional Airport Authority.

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

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

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

**SENATE BILL NO. 556**—An act to add and repeal Article 10 (commencing with Section 6050) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to the Light Brown Apple Moth, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 1**—An act to add Section 12087.5 to the Government Code, relating to naturalization services.

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

**SENATE BILL NO. 275**—An act to amend Section 1290 of, and to add Section 1262.3 to, the Health and Safety Code, relating to health facilities.

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

**SENATE BILL NO. 889**—An act to add Section 21655.10 to the Vehicle Code, relating to vehicles.

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

**SENATE BILL NO. 956**—An act to add Chapter 8 (commencing with Section 1965) to Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

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

**SENATE BILL NO. 768**—An act to add Sections 2138.5 and 18111 to the Elections Code, relating to elections.

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

**SENATE BILL NO. 332**—An act to amend Section 25402 of the Public Resources Code, relating to energy.

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

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

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

**SENATE BILL NO. 1012**—An act to amend Sections 216, 331, 359, 361, 365, 367, 373, and 376 of, to repeal Sections 367.7 of, and to repeal Article 4 (commencing with Section 355) of Chapter 2.3 of Part 1 of Division 1 of, the Public Utilities Code, relating to public utilities.

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

**SENATE BILL NO. 63**—An act to add Section 110806 to the Health and Safety Code, relating to food labeling.

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

**SENATE BILL NO. 869**—An act to amend Sections 62.5 and 90.3 of the Labor Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to workers' compensation.

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

**SENATE BILL NO. 528**—An act to amend Section 1363.05 of the Civil Code, relating to common interest developments.

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

**SENATE BILL NO. 981**—An act to amend Sections 798.15 and 798.31 of the Civil Code, relating to mobilehomes.

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

**SENATE JOINT RESOLUTION NO. 7**—Relative to renewable energy resources.

Resolution read; amendments proposed by the Committee on Utilities and Commerce read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11:45 a.m., Tuesday, July 3, 2007.

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FABIAN NUÑEZ, Speaker

TRESHA PETIT-PHAR, Assistant Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 2, 2007**

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

**ACA RN**

9 0723203

**SB RN**

1 0723199  
 2 0723601  
 10 0722944  
 63 0723285  
 223 0723380  
 226 0723788  
 275 0723280  
 314 0723060  
 324 0723605  
 332 0723349  
 377 0723435  
 428 0723172  
 516 0722942  
 528 0723375  
 549 0723089  
 556 0723112  
 573 0723443  
 658 0723373  
 725 0723175  
 768 0723101  
 823 0721781  
 869 0723132  
 889 0723383  
 956 0723012  
 981 0723329  
 1012 0723177

**SJR RN**

7 0723179

<b>Daily Total:</b>	<b>28</b>
<b>Cumulative Total:</b>	<b>2323</b>