

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 27, 2008

**ONE HUNDRED FIFTY-FIRST SESSION DAY
FOUR HUNDRED FIFTY-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, February 27, 2008

The Assembly met at 7 a.m.
Hon. Wilmer Amina Carter, Assembly Member, 62nd 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	Huff	Parra
Aghazarian	DeVore	Huffman	Plescia
Anderson	Duvall	Jeffries	Portantino
Arambula	Dymally	Jones	Price
Bass	Emmerson	Karnette	Runner
Beall	Evans	Keene	Ruskin
Benoit	Feuer	Krekorian	Salas
Berg	Fuentes	La Malfa	Saldaña
Berryhill	Fuller	Laird	Silva
Blakeslee	Furutani	Levine	Smyth
Brownley	Gaines	Lieber	Solorio
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
Cook	Hancock	Mendoza	Tran
Coto	Hayashi	Mullin	Villines
Davis	Hernandez	Nakanishi	Walters
De La Torre	Horton	Nava	Wolk
De León	Houston	Niello	Mr. Speaker

Quorum present.

At 1:42 p.m., Speaker pro Tempore Lieber, 22nd 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 Eng, Leno, 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:

February 25, 2008

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

Dear Speaker Núñez: I respectfully request to be excused from check-in session on Wednesday, February 27, 2008, so that I can attend to legislative business matter in my district.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please feel free to contact me or my scheduler Tahiza Landeros at (916) 319-2049.

Kind regards,

MIKE ENG, Assembly Member
Forty-ninth District

February 27, 2008

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

Dear Speaker Núñez: I was in my Capitol Office working today and attended the Bay Area Caucus Meeting that was held at Noon. I neglected to check in after the meeting and have left the building without doing so. Please excuse me on legislative business.

Thank you for your consideration of my excused sign in. If you have any questions regarding this request, please contact Linda Forrest in my Capitol office.

Sincerely,

MARK LENO, Assembly Member
Thirteenth District District

February 25, 2008

*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, February 27, 2008, on legislative business to attend Mission Viejo's State of the City and the Irvine Police Department Awards dinner.

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

Sincerely,

TODD A. SPITZER, Assembly Member
Seventy-first District

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 27, 2008

*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 Wine for the 2007–08 Regular Session:

Assemblymember Greg Aghazarian
Assemblymember John Benoit
Assemblymember Patty Berg
Assemblymember Sam Blakeslee
Assemblymember Jared Huffman
Assemblymember Pedro Nava
Assemblymember Ira Ruskin
Assemblymember Cameron Smyth

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Natural Resources to convene a joint informational hearing with the Senate Subcommittee on Alternative Energy, on Monday, March 3, 2008;

Health to hold informational hearings on Tuesday, March 4, 2008, at 1:30 p.m., in Room 4202, on Friday, May 2, 2008, at 10 a.m., in Los Angeles, and on Wednesday, May 7, 2008, at 2 p.m., at the State Capitol.

COMMUNICATIONS**Proposed Initiatives**

The following communications were presented by the Chief Clerk from:

Krystal Paris, Initiative Coordinator, Department of Justice, dated February 13, 2008, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Criminal Penalties and Laws. Public Safety Funding. Statute.
Initiative No. 07-0094 (Amdt. #1-S)**

Referred by the Speaker to the Committee on Public Safety.

Krystal Paris, Initiative Coordinator, Department of Justice, dated February 15, 2008, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Bonds. Water Storage, Reliability, Protection. Drinking Water.
Statute.**

Initiative No. 07-0090

Referred by the Speaker to the Committee on Water, Parks and Wildlife.

Krystal Paris, Initiative Coordinator, Department of Justice, dated February 15, 2008, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Bonds. Water Storage, Reliability, Protection. Drinking Water.
Statute.**

Initiative No. 07-0091

Referred by the Speaker to the Committee on Water, Parks and Wildlife.

Krystal Paris, Initiative Coordinator, Department of Justice, dated February 15, 2008, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Bonds. Water Storage, Reliability, Protection. Drinking Water.
Statute.**

Initiative No. 07-0092

Referred by the Speaker to the Committee on Water, Parks and Wildlife.

Krystal Paris, Initiative Coordinator, Department of Justice, dated February 15, 2008, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Bonds. Water Storage, Reliability, Protection. Drinking Water.
Statute.**

Initiative No. 07-0093

Referred by the Speaker to the Committee on Water, Parks and Wildlife.

Krystal Paris, Initiative Coordinator, Department of Justice, dated February 19, 2008, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Eminent Domain. Taking Property for Private Ownership. Statute.
Initiative No. 07-0099**

Referred by the Speaker to the Committees on Judiciary and Local Government.

REPORTS

The following reports were presented by the Chief Clerk:

**San Mateo County Dedicated Motor Vehicle Fee Pilot Project
(Pursuant to Assembly Bill 1546, Chapter 931, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Richard Napier, C/CAG Executive Director, San Mateo County City/County Association of Governments, dated January 23, 2008, referred by the Speaker to the Committee on Local Government.

**State Authorized Risk Assessment Tool for Sex Offenders
(Pursuant to Senate Bill 1128, Chapter 337, Statutes of 2006)**

Above transmitted report, together with letter of transmittal from Brenda Epperly-Ellis, Chair, SARATSO Review Committee, Department of Mental Health, dated February 1, 2008, referred by the Speaker to the Committee on Public Safety.

**Quarterly Hazardous Waste Fee Revenue Report
October 1, 2007 through December 31, 2007
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated February 8, 2008, referred by the Speaker to the Committee on Revenue and Taxation.

**Identified Project Savings Progress Report
Fiscal Year 2007–08
(Pursuant to Budget Act 2007, Chapter 171, Item 6610-301-6048)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated February 8, 2008, referred by the Speaker to the Committee on Budget.

**Status of the California Low Cost Automobile Insurance Program
(Pursuant to Insurance Code Sections 11629.7 through 11629.85)**

Above transmitted report, together with letter of transmittal from Richard J. Manning, CAARP Regional Director, California Automobile Assigned Risk Plan, dated February 5, 2008, referred by the Speaker to the Committee on Insurance.

**Financial Assistance Programs Annual Report, 2006–07
(Pursuant to Health and Safety Code Section 50408)**

Above transmitted report, together with letter of transmittal from Lynn L. Jacobs, Director, Department of Housing and Community Development, dated February 6, 2008, referred by the Speaker to the Committee on Housing and Community Development.

**Annual Prison Industry Board Report
(Pursuant to Penal Code Section 2808(k))**

Above transmitted report, together with letter of transmittal from James E. Tilton, Secretary, Department of Corrections and Rehabilitation, dated February 7, 2008, referred by the Speaker to the Committee on Public Safety.

**California State University
San Bernardino Center for the Study of Correctional Education
Report on Deliverables to the California Department of Education
(Pursuant to Senate Bill 505, Chapter 536, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 7, 2008, referred by the Speaker to the Committee on Public Safety.

**Report on School Districts
That Do Not Have Approved Adopted Budgets FY 2007–08
(Pursuant to Education Code
Sections 42127(g), 42127(i)(3) and 42127.1(a))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 7, 2008, referred by the Speaker to the Committee on Budget.

**Eighth Semiannual Report on Energy Settlements and Energy
(Pursuant to Government Code Section 16428.6)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Division of Administrative Support, Department of Justice, dated February 14, 2008, referred by the Speaker to the Committee on Utilities and Commerce.

**California Witness Protection Program
(Pursuant to Penal Code Section 14031)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Division of Administrative Support, Department of Justice, dated February 14, 2008, referred by the Speaker to the Committee on Public Safety.

**Toll Bridge Seismic Retrofit Program
Fourth Quarter—Fiscal Year Ending December 31, 2007
(Pursuant to Streets and Highways Code Section 30952.2)**

Above transmitted report, together with letter of transmittal from Richard Harmon, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated February 14, 2008, referred by the Speaker to the Committee on Transportation.

**2006–07 Career Technical Education Carryover Funds Report
(Pursuant to Budget Act 2007, Item 6110-166-0890, Provision 3)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 14, 2008, referred by the Speaker to the Committee on Budget.

**2007 California Assessment Results for
English Learners and Economically Disadvantaged Students
(Pursuant to Budget Act 2007, Item 6110-128-0001)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 7, 2008, referred by the Speaker to the Committee on Education.

**Independent Evaluation of
the California High School Exit Evaluation (CAHSEE):
Fourth Biennial Report
(Pursuant to Education Code Section 60855(d)(3))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 7, 2008, referred by the Speaker to the Committee on Education.

**2006–07 Court Facilities Trust Fund Expenditures
(Pursuant to Government Code Section 70352)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated February 11, 2008, referred by the Speaker to the Committee on Judiciary.

**Annual DNA Identification Fund
(Pursuant to Government Code Section 76104.6) from:**

Glenn County, Susan Storz, Account Clerk Supervisor, dated February 5, 2008;

Humboldt County, Charlotte Blair, Accountant Auditor I, dated February 7, 2008;

Mariposa County, Deborah Isaacs, Assistant Auditor, dated February 13, 2008;

Colusa County, Gerald Polk, Accountant, dated February 15, 2008;
Mono County, Stephanie Butters, Staff Accountant, dated February 13, 2008;

Fresno County, Vicki Crow, C.P.A., Auditor-Controller/Treasurer-Tax Collector, dated February 7, 2008.

Referred by the Speaker to the Committee on Public Safety.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 27, 2008

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

Assembly Concurrent Resolution No. 97

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, February 27, 2008

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

Assembly Bill No. 1757

Assembly Bill No. 1813

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 27, 2008

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

Assembly Concurrent Resolution No. 69

Assembly Concurrent Resolution No. 79

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, February 27, 2008

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

Assembly Joint Resolution No. 30

And reports the same correctly enrolled, and presented to the Secretary of State on the 27th day of February, 2008, at 11:40 a.m.

E. DOTSON WILSON, Chief Clerk

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 3045—Committee on Jobs, Economic Development, and the Economy (Assembly Members Arambula (Chair), Silva (Vice Chair), Caballero, Fuentes, Garcia, Price, and Salas). An act to amend Section 13997.2 of the Government Code, relating to economic development.

ASSEMBLY BILL NO. 3046—Committee on Jobs, Economic Development, and the Economy (Assembly Members Arambula (Chair), Silva (Vice Chair), Caballero, Fuentes, Garcia, Price, and Salas). An act to amend Sections 13996.45, 13996.6, and 15570 of, and to add Section 13996.46 to, the Government Code, relating to the California Office of Trade and Investment.

ASSEMBLY BILL NO. 3047—Committee on Local Government (Assembly Members Caballero (Chair), Houston (Vice Chair), De La Torre, Lieber, Saldaña, Smyth, and Soto). An act to amend Sections 56106 and 56654 of the Government Code, relating to local agencies.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 48—Soto. Relative to student loans.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

Senate Bills Nos. 606 and 974, on request of Assembly Member Bass.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, February 28, 2008.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk