

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 28, 2007
THIRTY-SECOND SESSION DAY
EIGHTY-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
Wednesday, February 28, 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—71:

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

Quorum present.

At 11:35 a.m., Hon. Bob Huff, 60th 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 Alarcón, Feuer, Lieber, Núñez, and Spitzer.

On legislative business, per diem waived for the 2007–2008 Session (See Assembly Journal, page 64): Assembly Member Wolk.

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

Because of illness: Assembly Members Evans and Niello.

EXPLANATIONS OF ABSENCE

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

February 27, 2007

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

Dear Speaker Núñez: I would like to request permission to be excused from check-in Session on Wednesday, February 28, 2007. I have been asked to attend the CTC meeting in Irvine, CA.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (916) 319-2042.

Sincerely,

MIKE FEUER, Assembly Member
Forty-second District

February 27, 2007

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

Dear Mr. Speaker: I would like to be excused from Check-in Session on February 28, 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
Twenty-second District

February 14, 2007

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

Dear Dotson: This is to advise you that I will not be in attendance for Session on Wednesday, February 28, 2007 and Thursday, March 1, 2007 due to legislative business.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 28, 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, February 28, 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

(NOTE: For letters explaining the absences of Assembly Members Alarcón and Wolk on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 27, 2007.)

COMMUNICATIONS

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

February 28, 2007

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

Dear Dotson: Please be advised that I have appointed Assemblymembers Dave Jones and Bob Huff to the Assembly Health Committee, increasing the size of the committee from 15 to 17 members.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Local Government to hold an informational hearing, on Wednesday, March 14, 2007, at 1:30 p.m., in Room 127.

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2006-108
February 27, 2007

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the California Institute for Regenerative Medicine (institute) and the Independent Citizens Oversight Committee (committee) that oversees the institute's operations.

This report concludes that the institute analyzed pertinent information, identified long-term research priorities, and considered the planning practices of other entities in creating its strategic plan. The plan contains strategic goals and mechanisms to measure performance, gauge scientific progress, and ensure accountability, but the institute has yet to implement a process to assess annual progress toward attaining the goals. The committee has approved intellectual property policies intended to provide benefit to the State from patents, royalties, and licenses resulting from institute-funded activities without unreasonably hindering essential research. However, insufficient documentation prevented us from reviewing analyses of research used by the committee's task force in the policy-making process. Further, the policies lack adequate guidance to grantees to ensure access to therapies for uninsured Californians.

The institute has developed a grants administration policy for nonprofit grantees, but it is still developing a policy applicable to for-profit grantees. Further, the institute has policies and procedures to identify and prevent conflicts between the personal interests and the work duties of its employees, members of its working groups, and committee members, but they need some improvement. The institute's contracting policy did not ensure that it received appropriate goods and services at reasonable prices, and its travel reimbursement policy did not provide sufficient control over travel expenses. In response to our concerns about contracting and travel reimbursements, the institute revised certain policies in December 2006. Finally, the institute cannot be certain that the salaries for certain of its positions comply with the requirements of the California Stem Cell Research and Cures Act because its salary-determination process contained errors, omissions, and inconsistencies.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Health.

The following reports were presented by the Chief Clerk:

**Metropolitan Water District of Southern California
Complaint and Communications
from its Member Public Agencies Annual Report
(Pursuant to Metropolitan Water District Act Section 127)**

Above transmitted report, together with letter of transmittal from Jeffrey Kightlinger, General Manager, Metropolitan Water District of Southern California, dated January 31, 2007, referred by the Speaker to the Committee on Local Government.

**Litigation Deposit Fund—
Quarterly Report Ending December 31, 2006
(Pursuant to Government Code Section 16427(f))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated February 6, 2007, referred by the Speaker to the Committee on Budget.

**2005–06 Monetary Benefits
Attributable to the Assistance of County Veterans Service Offices
(Pursuant to Military and Veterans Code Sections 972.1(c) and 974.(a))**

Above transmitted report, together with letter of transmittal from Thomas Johnson, FACHE, Secretary, Department of Veterans Affairs, dated December 31, 2006, referred by the Speaker to the Committee on Veterans Affairs.

**Approved Mandated Claims Report
October 1, 2005 through December 31, 2006
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated February 2, 2007, referred by the Speaker to the Committee on Appropriations.

**2005 Retaliation Complaint Report
(Pursuant to Labor Code Section 98.75)**

Above transmitted report, together with letter of transmittal from John M. Rea, Acting Director, Department of Industrial Relations, dated February 5, 2007, referred by the Speaker to the Committee on Labor and Employment.

**Kapiloff Land Bank Report
(Pursuant to Public Resources Code Section 8618)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated January 22, 2007, referred by the Speaker to the Committee on Natural Resources.

**Strategies to Improve California's Utilization of Veterans' Benefits
(Pursuant to Assembly Bill 1806, Chapter 69, Statutes of 2006)**

Above transmitted report, together with letter of transmittal from Thomas Johnson, FACHE, Secretary, Department of Veterans Affairs, dated February 1, 2007, referred by the Speaker to the Committee on Veterans Affairs.

**Division of Workers' Compensation
Court Administrator's Quarterly Report on
Timeliness of Hearings Held for Second Quarter 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, Division of Workers Compensation, dated February 5, 2007, referred by the Speaker to the Committee on Insurance.

**Institutional Financial Aid Programs
(Pursuant to Supplemental Report to the 2005–06 Budget Act)**

Above transmitted report, together with letter of transmittal from Robert C. Dynes, President, University of California, dated February 5, 2007, referred by the Speaker to the Committee on Higher Education.

**Mental Health Services Act Expenditure Report
Fiscal Year 2006–2007
(Pursuant to Assembly Bill 131, Chapter 80, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, referred by the Speaker to the Committee on Health.

**2004–05 Faculty Instructional Activities Report
(Pursuant to Supplemental Report to the 1985 Budget Act
Item 6440-001-001)**

Above transmitted report, together with letter of transmittal from Robert C. Dynes, President, University of California, dated February 9, 2007, referred by the Speaker to the Committee on Higher Education.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 28, 2007

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

Assembly Bill No. 85

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1707—Committee on Labor and Employment (Swanson (Chair), DeSaulnier, Laird, Leno, and Ruskin). An act to amend Section 1198.5 of the Labor Code, relating to employment records.

ASSEMBLY BILL NO. 1708—Committee on Labor and Employment (Swanson (Chair), DeSaulnier, Laird, Leno, and Ruskin.) An act to add Section 12941.5 to the Government Code, relating to employment.

ASSEMBLY BILL NO. 1709—Committee on Labor and Employment (Swanson (Chair), DeSaulnier, Galgiani, Laird, Leno, and Ruskin). An act to add Section 90.6 to the Labor Code, relating to labor law enforcement.

ASSEMBLY BILL NO. 1710—Committee on Labor and Employment (Swanson (Chair), DeSaulnier, Laird, Leno, and Ruskin). An act to amend Section 1205 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1711—Committee on Labor and Employment (Swanson (Chair), DeSaulnier, Galgiani, Laird, Leno, and Ruskin). An act to amend Section 6409.1 of the Labor Code, relating to occupational injury or illness.

ASSEMBLY BILL NO. 1712—Committee on Veterans Affairs (Salas (Chair), Cook (Vice Chair), Beall, Carter, Lieu, Saldana, and Wolk). An act to add Section 439.1 to the Military and Veterans Code, relating to the state militia.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 33—Caballero. Relative to California Municipal Treasurers Day and Week.

AUTHOR'S AMENDMENTS

Committee on Public Employees, Retirement and Social Security

February 28, 2007

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

Assembly Joint Resolution No. 5

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

HERNANDEZ, Chair

ASSEMBLY JOINT RESOLUTION NO. 5—Relative to teachers.

Resolution read; 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 Education

February 28, 2007

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

Assembly Bill No. 170

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

MULLIN, Chair

ASSEMBLY BILL NO. 170—An act to add Section 8238 to the Education Code, relating to child care.

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

February 28, 2007

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

Assembly Bill No. 102

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

JONES, Chair

ASSEMBLY BILL NO. 102—An act to amend Section 355 of the Family Code, and to amend Sections 103175 and 103180 of the Health and Safety Code, relating to marriage.

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 Higher Education

Date of Hearing: February 27, 2007

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Joint Resolution No. 1

With the recommendation: Be adopted.

PORTANTINO, Chair

Above resolution ordered to third reading.

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 66—An act to add Sections 7506 and 7507 to the Penal Code, relating to inmate human immunodeficiency virus testing and disclosure.

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

ASSEMBLY BILL NO. 95—An act to amend Sections 243, 273.5, 1202.8, and 1203.097 of the Penal Code, relating to domestic violence.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 23—Relative to Entrepreneurship Week.

Resolution read; amendments proposed by the Committee on Jobs, Economic Development, and the Economy read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 113—An act to amend Sections 1000, 1001, 1201, and 1202 of the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

ADJOURNMENT

At 4:10 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 1, 2007.

LAURA RICHARDSON, Assistant Speaker pro Tempore

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 28, 2007**

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

AB RN

66 0709434

95 0709689

102 0709314

170 0709520

ACR RN

23 0709894

AJR RN

5 0709540

Daily Total: 6**Cumulative Total: 31**

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