

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 1, 2007

THIRTY-THIRD SESSION DAY

EIGHTY-EIGHTH 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
Thursday, March 1, 2007

The Assembly met at 9:37 a.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 9:52 a.m., Speaker pro Tempore Lieber declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—73:

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

PRAYER

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

Lord, You desire only good things for our life. When we focus on the negative, or consider ourselves poor and defeated, we work against Your positive and renewing power. Help us to remember, Lord, that we can accomplish all things through You. Bless us today as we begin our work in this Assembly and always.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Mendoza 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 Blakeslee.

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 Brownley, Hancock, Núñez, and Price.

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 Members Adams and Lieu.

EXPLANATIONS OF ABSENCE

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

January 22, 2007

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

Dear Mr. Speaker,

Please excuse me from floor session on Thursday, March 1, 2007. I will be in my district conducting legislative business.

Thank you.

Sincerely,

JULIA BROWLEY, Assembly Member
Forty-first District

January 29, 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 Thursday, March 1, 2007. I have legislative business in the district. Thank you.

Sincerely,

LONI HANCOCK, Assembly Member
Fourteenth District

February 22, 2007

The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 319
Sacramento, California

Dear Speaker Núñez: I would like to request to be excused from Session on Thursday, March 1, 2007. I will be in my district on legislative business.

Thank you for your consideration.

Respectfully,

CURREN D. PRICE, JR., Assembly Member
Fifty-first District

February 27, 2007

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

Dear Speaker Núñez: I respectfully request to be excused from Session Thursday, March 1, 2007, due to legislative business outside of my district.

If you have any questions or concerns, please contact Jenn Short, my scheduler, at 319-2008.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

(NOTE: For letter explaining the absence of Assembly Member Núñez on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 28, 2007.)

COMMUNICATIONS

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

March 1, 2007

Greg Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California

Dear Mr. Schmidt: This is to advise you that the Joint Legislative Budget Committee elected the following officers at its meeting on Wednesday, February 28, 2007.

Chair: Senator Denise Moreno Ducheny
Vice-Chair: Assembly Member John Laird
Sincerely,

DENISE MORENO DUCHENY
Chair

REFERENCE OF BILLS TO COMMITTEE

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

<i>Assembly</i> <i>Bill No.</i>	<i>Committee</i>
9	E. & R. and Pub. S.
105	Jud.
126	B. & P.
165	B. & P.
236	B. & P.
240	B. & P.
267	Ins.
304	Hum. S.
312	Hum. S. and Jud.
340	Hum. S.
345	G.O. and Rev. & Tax.
346	G.O.
357	E. & R.
360	Pub. S.
370	Hum. S. and Pub. S.
382	H. & C.D. and L. Gov.
407	Ed. and Pub. S.
433	Hum. S.
434	B. & P.
435	L. & E. and Jud.
452	E. & R.
455	B. & P.
457	Pub. S.
460	H. & C.D.
461	B. & P.
465	L. & E. and A.,E.,S.,T. & I.M.
466	Ed.
468	Trans.
469	Ed.
470	Trans.
471	Ed.

472	-----	Agri.
473	-----	E. & R.
474	-----	Trans.
476	-----	G.O.
477	-----	Ed.
478	-----	Trans.
481	-----	Jud.
484	-----	Trans.
485	-----	Ed.
486	-----	Ed.
487	-----	Pub. S.
488	-----	Higher Ed.
490	-----	L. Gov.
494	-----	Ed.
495	-----	Rev. & Tax.
496	-----	Pub. S.
498	-----	Pub. S.
500	-----	Jud.
504	-----	L. & E.
506	-----	Pub. S.
510	-----	L. & E.
514	-----	L. & E. and E.S. & T.M.
515	-----	L. & E.
518	-----	E.S. & T.M. and W.,P. & W.
519	-----	Ed.
520	-----	Health
522	-----	Ins.
524	-----	P.E.,R. & S.S.
525	-----	G.O.
533	-----	U. & C.
534	-----	Trans.
536	-----	Nat. Res.
537	-----	L. & E.
538	-----	Rev. & Tax.
541	-----	Jud. and Agri.
542	-----	H. & C.D.
543	-----	Health
545	-----	P.E.,R. & S.S. and Ins.
546	-----	Nat. Res. and E.S. & T.M.
547	-----	Health
548	-----	Nat. Res. and L. Gov.
549	-----	L. & E.
552	-----	P.E.,R. & S.S.
554	-----	P.E.,R. & S.S.
556	-----	Ed.
557	-----	Ed.
560	-----	G.O.
561	-----	Rev. & Tax.
562	-----	Health
565	-----	Pub. S.
568	-----	Trans.
569	-----	Pub. S.
570	-----	Health
574	-----	Trans.

576	-----	W.,P. & W.
577	-----	Higher Ed.
578	-----	U. & C. and Nat. Res.
581	-----	V.A.
584	-----	Ed.
585	-----	Health
587	-----	G.O. and Trans.
590	-----	Ed.
591	-----	Higher Ed.
592	-----	L. & E.
593	-----	L. Gov. and W.,P. & W.
595	-----	Health
596	-----	P.E.,R. & S.S.
598	-----	Ed.
599	-----	Ed.
601	-----	Pub. S.
602	-----	Trans.
604	-----	Jud.
606	-----	Health
607	-----	H. & C.D.
608	-----	J., E.D. & E.
613	-----	L. & E.
616	-----	Trans.
618	-----	Ed.
619	-----	Trans.
621	-----	Pub. S.
622	-----	Ed. and Pub. S.
623	-----	Health and B. & P.
629	-----	Health and Ed.
631	-----	Trans.
634	-----	B. & F.
635	-----	Pub. S.
636	-----	B. & P.
640	-----	E.S. & T.M.
644	-----	Ins. and L. & E.
645	-----	Trans.
646	-----	Nat. Res.
649	-----	G.O.

Assembly Concurrent

<i>Resolution No.</i>		<i>Committee</i>
25	-----	Trans.
26	-----	Trans.
27	-----	Trans.
32	-----	Rls.

Assembly Joint

<i>Resolution No.</i>		<i>Committee</i>
10	-----	Rls.
11	-----	Hum. S.

House

<i>Resolution No.</i>		<i>Committee</i>
8	-----	Rls.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 1, 2007

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

Assembly Bill No. 66

Assembly Bill No. 102

Assembly Bill No. 95

Assembly Bill No. 170

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 1, 2007

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

Assembly Joint Resolution No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, March 1, 2007

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

Assembly Concurrent Resolution No. 23

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, March 1, 2007

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

Assembly Joint Resolution No. 5

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

RECESS

By unanimous consent, at 9:56 a.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Jones introduced and presented a resolution to Nathaniel Sterling, Executive Secretary of the California Law Revision Commission, in recognition of his 36 years of service to the Law Revision Commission.

Assembly Member Mendoza introduced and presented a resolution to Paula Kiplinger in commemoration of Read Across America Week.

Assembly Member Torrico introduced Bishop Eliezer Pascua, of the Phillipines and Reverend Michael Yoshi, of Alameda County.

RECONVENED

At 10:02 a.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS**

HOUSE RESOLUTION NO. 7 (Karnette)—Relative to the 2016 Olympics.
Resolution read.

Members Made Coauthors of House Resolution No. 7

Assembly Member Karnette was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 7.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aghazarian, Alarcón, Anderson, Arambula, Bass, Benoit, Berg, Berryhill, Blakeslee, Caballero, Calderon, Carter, Cook, De La Torre, DeSaulnier, DeVore, Duvall, Dymally, Emmerson, Eng, Evans, Feuer, Fuller, Gaines, Galgiani, Garcia, Garrick, Hayashi, Hernandez, Horton, Houston, Huff, Huffman, Jeffries, Jones, Keene, Krekorian, La Malfa, Laird, Leno, Levine, Lieber, Ma, Maze, Mendoza, Mullin, Nakanishi, Nava, Parra, Portantino, Richardson, Ruskin, Salas, Saldaña, Silva, Smyth, Solorio, Soto, Spitzer, Torrico, Tran, Villines, and Walters.

Request for Unanimous Consent

Assembly Member Karnette was granted unanimous consent to take up House Resolution No. 7, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 7, as Amended

HOUSE RESOLUTION NO. 7—Relative to the 2016 Olympics.
Resolution read, as amended, and adopted.

ASSEMBLY CONCURRENT RESOLUTION NO. 23 (Arambula)—Relative to EntrepreneurshipWeek.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 23**

Assembly Member Arambula was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 23.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aghazarian, Alarcón, Anderson, Bass, Beall, Benoit, Berg, Berryhill, Blakeslee, Caballero, Calderon, Carter, Coto, Davis, De La Torre, de León, DeSaulnier, Duvall, Dymally, Emmerson, Eng, Evans, Feuer, Fuller, Gaines, Galgiani, Garrick, Hernandez, Horton, Huff, Huffman, Jeffries, Jones, Karnette, Keene, Krekorian, La Malfa, Laird, Leno, Levine, Lieber, Ma, Maze, Mendoza, Nakanishi, Nava, Niello, Parra, Plescia, Portantino, Richardson, Runner, Ruskin, Saldaña, Smyth, Solorio, Soto, Spitzer, Strickland, Swanson, Torrico, Tran, Villines, and Walters.

Request for Unanimous Consent

Assembly Member Arambula was granted unanimous consent to take up Assembly Concurrent Resolution No. 23, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 23, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 23—Relative to EntrepreneurshipWeek.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION NO. 1 (Dymally)—Relative to Charles R. Drew University of Medicine and Science.

Resolution read.

Members Made Coauthors of Assembly Joint Resolution No. 1

Assembly Member Dymally was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Joint Resolution No. 1.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Dymally was granted unanimous consent to take up Assembly Joint Resolution No. 1, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 1, as Amended

ASSEMBLY JOINT RESOLUTION NO. 1—Relative to Charles R. Drew University of Medicine and Science.

Resolution read, as amended, and adopted by the following vote:

AYES—69

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

NOES—None

Resolution ordered transmitted to the Senate.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

Monday, March 5, 2007, Floor Session, 10:30 a.m.;

Tuesday, March 6, 2007, Check-in Session, 7 a.m.–3 p.m.;

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

Thursday, March 8, 2007, Floor Session, 9:30 a.m.

Speaker pro Tempore Lieber announced as a reminder, that today is the deadline for members to file their Form 700, Statement of Economic Interests. The form must be filed with the Chief Clerk's office by 5 p.m., attention Pam Cavileer.

Speaker pro Tempore Lieber announced that a copy of the Appendix to the Assembly Journal, which contains the Standing Rules of the Assembly, the Standing Rules of the Senate, the Joint Rules of the Senate and Assembly, and Article IV of the California Constitution is on each Member's desk.

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker pro Tempore Lieber in extending best wishes to Jon Waldie on the occasion of his birthday.

ADJOURN IN MEMORY

Assembly Members Galgiani, Berryhill, and Aghazarian were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joseph Edward Gallo, of Livingston.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Levine, on behalf of Speaker Núñez, was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Aaron Lee Katz, of Sherman Oaks.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Spitzer and Benoit were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nicholas John Kimes, of Riverside.

Assembly Member Houston was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Leon Gartung, of Alamo.

MOTION TO ADJOURN

At 10:17 a.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 10:18 a.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1713—Committee on Agriculture (Parra (Chair), La Malfa (Vice Chair), Berryhill, Fuller, Galgiani, Jones, and Mendoza). An act to add Section 224.5 to, and to amend, repeal, and add Section 224 of, the Food and Agricultural Code, relating to agriculture, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1714—Committee on Utilities and Commerce (Levine (Chair), Keene (Vice Chair), Bass, Blakeslee, Davis, Huffman, Jones, Krekorian, Smyth, and Tran). An act to amend Sections 25302.5 and 25534 of the Public Resources Code, to amend Sections 5, 20, 216, 228.5, 353.11, 366.2, 380, 387, 387.5, 394.5, 395.5, 399.12, 701.8, 761.3, 848, 2774.5, 2827, 2852, 3302, 7000, 8340, and 9604 of, to amend and renumber Section 399.25 of, to add Section 224.3 to, to repeal Section 399.1 of, to repeal the heading of Article 15 of Chapter 2.3 of, and to repeal the heading of Article 5 of Chapter 2.5 of, Part 1 of Division 1 of, the Public Utilities Code, relating to public utilities.

ASSEMBLY BILL NO. 1715—Committee on Utilities and Commerce (Levine (Chair), Keene (Vice Chair), Bass, Blakeslee, Davis, Huffman, Jones, Krekorian, Smyth, and Tran). An act to amend Sections 5810, 5830, 5840, 5850, 5860, 5870, 5880, 5890, 5900, 5910, 5930, and 5960 of the Public Utilities Code, and to amend Section 107.7 of the Revenue and Taxation Code, relating to cable and video service.

ASSEMBLY BILL NO. 1716—Committee on Utilities and Commerce (Levine (Chair), Keene (Vice Chair), Bass, Blakeslee, Davis, Huffman, Jones, Krekorian, Smyth, and Tran). An act to amend Section 884.5 of the Public Utilities Code, relating to telecommunications.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 34—Nakanishi (Principal coauthor: Senator Migden) (Coauthors: Benoit, Galgiani, Hayashi, Huff, Lieber, Maze, and Silva) (Coauthors: Senators Cox, Dutton, Maldonado, and Romero). Relative to Shaken Baby Syndrome Awareness Week.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: March 1, 2007

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 12

With the recommendation: Be adopted.

DE LA TORRE, Chair

Above resolution ordered to third reading.

Date of Hearing: March 1, 2007

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 5

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

DE LA TORRE, Chair

Above resolution ordered to the Consent Calendar.

INTRODUCTION OF GUESTS

Speaker pro Tempore Lieber, of the 22nd Assembly District, introduced Hon. Bill Lockyer, Treasurer.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 10:30 a.m., Monday, March 5, 2007, out of respect to the memory of Joseph Edward Gallo, on motion of Assembly Members Galgiani, Berryhill, and Aghazarian; out of respect to the memory of Aaron Lee Katz, on motion of Assembly Member Levine on behalf of Speaker Núñez; out of respect to the memory of Nicholas John Kimes, on motion of Assembly Members Spitzer and Benoit; and out of respect to the memory of Leon Gartung, on motion of Assembly Member Houston.

SALLY LIEBER, Speaker pro Tempore

SUE PARKER, Minute Clerk