

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, March 3, 2008**

**ONE HUNDRED FIFTY-THIRD SESSION DAY  
FOUR HUNDRED FIFTY-SIXTH 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, March 3, 2008

The Assembly met at 7 a.m.  
Hon. Warren T. Furutani, Assembly Member, 55th 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—72:

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

Quorum present.

**At 1:39 p.m., Hon. Sandré R. Swanson, 16th 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 Berryhill, Carter, Hernandez, Houston, Lieu, and Strickland.*

*Because of illness: Assembly Member Soto.*

*Because of illness in his family: Assembly Member Spitzer.*

**EXPLANATIONS OF ABSENCE**

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

March 3, 2008

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

Dear Speaker Núñez,

I respectfully request your permission to be excused from Check In Session on Monday, March 3, 2008 on legislative business.

Please contact my office with any questions. Thank you for your consideration of this belated request.

Sincerely,

TOM BERRYHILL, Assembly Member  
Twenty-fifth District

February 28, 2008

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

Dear Speaker Núñez: I am requesting to be excused from Check-In Session on Monday, March 3, 2008 due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMER AMINA CARTER, Assembly Member  
Sixty-second District

February 28, 2008

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

Dear Speaker Núñez: I am writing to respectfully request permission to be excused from Session on March 3, 2008. I will be attending to legislative business in my district.

If you have any questions, please do not hesitate to contact Maria Lerma in my Capitol Office at (916) 319-2057. Your consideration of this request is greatly appreciated.

Sincerely,

ED HERNANDEZ, O.D., Assembly Member  
Fifty-seventh District

February 28, 2008

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

Dear Mr. Speaker: It is my understanding that Monday, March 3, 2008 is currently scheduled to be a Check-in Session. So that I may conduct legislative business in my district, I respectfully request to be excused from Check-in Session that day.

If you have any questions, please contact Aaron Bone in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member  
Fifteenth District

January 28, 2008

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

Dear Speaker Núñez: I respectfully request to be excused from Check-in Session on March 3, 2008 for the purpose of legislative business.

If you have any questions regarding this request, please contact Addie Meyers or David Ford at 319-2053.

Sincerely,

TED W. LIEU, Assembly Member  
Fifty-third District

February 28, 2008

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

Dear Mr. Speaker: I respectfully request a legislative excuse for Monday, March 3, 2008 and Tuesday, March 4, 2008. I will be unable to attend due to legislative business in the 37th district.

If you have any questions, please call Sam Chung at 319-2037.

Sincerely,

AUDRA STRICKLAND, Assembly Member  
Thirty-seventh District

**COMMUNICATIONS**

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

February 29, 2008

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

RE: Appointment of Thomas Umberg  
to California High-Speed Rail Authority

Dear Mr. Wilson: Please be advised I have appointed Mr. Thomas Umberg to the California High-Speed Rail Authority. This is a term appointment starting February 29, 2008 and the expiration date is December 31, 2011. Mr. Umberg will be replacing Ms. Donna Andrews.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 29, 2008

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

Dear Dotson: Please be advised that I have created the Select Committee on Higher Education in the 21st Century for the 2007–08 Regular Session and have appointed Assemblymember Julia Brownley as the Chair.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Local Government on Wednesday, April 9, 2008 and April 23, 2008, at 1:30 p.m.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 3, 2008

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 109  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, March 3, 2008

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1882  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, March 3, 2008

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

Assembly Concurrent Resolution No. 84

Assembly Concurrent Resolution No. 95

And reports the same correctly enrolled, and presented to the Secretary of State on the 3rd day of March, 2008, at 11:45 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. 3058—Committee on Utilities and Commerce (Assembly Members Levine (Chair), Keene (Vice Chair), Blakeslee, Davis, Fuentes, Furutani, Huffman, Jones, Krekorian, Price, Smyth, and Tran).** An act to amend Section 80110 of the Water Code, relating to electricity.

**ASSEMBLY BILL NO. 3059—Committee on Labor and Employment (Assembly Member Swanson (Chair), DeSaulnier, Fuentes, Laird, Leno, and Ruskin).** An act to add Section 90.6 to the Labor Code, relating to labor law enforcement.

**ASSEMBLY BILL NO. 3060—Committee on Labor and Employment (Assembly Members Swanson (Chair), DeSaulnier, Fuentes, Laird, Leno, and Ruskin).** An act to amend Section 1024 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 3061—Committee on Labor and Employment (Assembly Members Swanson (Chair), DeSaulnier, Fuentes, Laird, Leno, and Ruskin).** An act to amend Section 2802 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 3062—Committee on Labor and Employment (Assembly Members Swanson (Chair), DeSaulnier, Fuentes, Laird, Leno, and Ruskin).** An act to amend Section 2929 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 3063—Committee on Labor and Employment (Assembly Members Swanson (Chair), DeSaulnier, Fuentes, Laird, Leno, and Ruskin).** An act to amend Section 432.7 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 3064—Committee on Transportation (Assembly Members Nava (Chair), Duvall (Vice Chair), Carter, DeSaulnier, Furutani, Galgiani, Garrick, Horton, Houston, Huff, Karnette, Portantino, Ruskin, and Solorio).** An act to amend Section 8879.23 of the Government Code, to amend Section 99243 of the Public Utilities Code, and to amend Section 13005 of the Vehicle Code, relating to transportation.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 111—Huffman (Coauthor: Berg).** Relative to Senior Volunteer Month.

**ASSEMBLY CONCURRENT RESOLUTION NO. 112—Soto.** Relative to a Legislative Task Force on Fibromyalgia.

### AUTHOR'S AMENDMENTS Committee on Transportation

March 3, 2008

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

Assembly Bill No. 1954

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

NAVA, Chair

**ASSEMBLY BILL NO. 1954—**An act relating to transportation.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

March 3, 2008

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Assembly Concurrent Resolution No. 98

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

NAVA, Chair

**ASSEMBLY CONCURRENT RESOLUTION NO. 98**—Relative to Historic State Highway Route 395.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Public Employees, Retirement and Social Security**

March 3, 2008

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

Assembly Bill No. 1917

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

HERNANDEZ, Chair

**ASSEMBLY BILL NO. 1917**—An act to amend Section 31469.3 of, and to add Sections 31469.7 and 31665.5 to, the Government Code, relating to county employees' retirement.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Rules**

March 3, 2008

Mr. Speaker: The Chair of your Committee on Rules reports:  
Senate Concurrent Resolution No. 56

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

DE LA TORRE, Chair

**SENATE CONCURRENT RESOLUTION NO. 56**—Relative to California Peace Officers Memorial Day.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Rules**

March 3, 2008

Mr. Speaker: The Chair of your Committee on Rules reports:  
Assembly Concurrent Resolution No. 83  
Assembly Concurrent Resolution No. 92

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

DE LA TORRE, Chair

**ASSEMBLY CONCURRENT RESOLUTION NO. 83**—Relative to California Holocaust Memorial Week.

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

**ASSEMBLY CONCURRENT RESOLUTION NO. 92**—Relative to Multiple Sclerosis Awareness Week.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

March 3, 2008

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 1900

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

SOLORIO, Chair

**ASSEMBLY BILL NO. 1900**—An act to add Section 103629 to the Health and Safety Code, and to amend Section 368 of the Penal Code, relating to seniors.

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**

March 3, 2008

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

Assembly Bill No. 1834

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

MULLIN, Chair

**ASSEMBLY BILL NO. 1834**—An act to amend Section 44253.7 of the Education Code, relating to teacher credentialing.

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**

March 3, 2008

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

Assembly Bill No. 1866

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

ENG, Chair

**ASSEMBLY BILL NO. 1866**—An act to add Section 1794.45 to the Civil Code, relating to service 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.



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

March 3, 2008

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 344

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

LENO, Chair

**SENATE BILL NO. 344**—An act to add Section 52891 to the Education Code, relating to pupils.

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

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

March 3, 2008

Mr. Speaker: The Chair of your Committee on Transportation reports:  
House Resolution No. 22

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

NAVA, Chair

**HOUSE RESOLUTION NO. 22**—Relative to Hybrid Vehicle Awareness Month.

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

**REPORTS OF STANDING COMMITTEES**  
**Committee on Governmental Organization**

Date of Hearing: February 28, 2008

Mr. Speaker: Your Committee on Governmental Organization reports:  
Senate Joint Resolution No. 22

With the recommendation: Be adopted.

TORRICO, Chair

Above resolution ordered to third reading.

**BILLS RETURNED TO THIRD READING FILE**

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

**Senate Bill No. 127**, on request of Assembly Member De León.

**ADJOURNMENT**

At 5 p.m., the Assembly adjourned until 7 a.m., Tuesday, March 4, 2008.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 3, 2008**

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

**AB RN**

1834 0807741  
1866 0807094  
1900 0807512  
1917 0807111  
1954 0807080

**ACR RN**

83 0807451  
92 0807668  
98 0807257

**HR RN**

22 0801601

**SB RN**

344 0807785

**SCR RN**

56 0807653

**Daily Total: 11**  
**Cumulative Total: 3149**

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