

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 6, 2007

THIRTY-FIFTH SESSION DAY

NINETY-THIRD 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
Tuesday, March 6, 2007

The Assembly met at 4:05 p.m.
Hon. Sally J. Lieber, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert 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 4:18 p.m., Speaker pro Tempore Lieber declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—77:

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

PRAYER

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

Lord, Your Holy Spirit often nudges us with a “gentle whisper” (1 Kings 19:12). Help us hear that “small voice” inside us, that guides us and tells us what to do. Fill us with a sense of compassion and a caring attitude toward others, so that we are inclined to help them, even though we may not be able to see the results of our efforts. Lord, give us understanding and lead us, so that we can personally make a difference in other people’s lives.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Beall 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.

At 4:21 p.m., Speaker Fabian Núñez, 46th District, presiding

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 Member Walters.

On personal business, and waiving per diem: Assembly Members Alarcón and Leno.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

March 6, 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 on March 6, 2007 due to legislative business in my district.

Thank you for your consideration of this request. If you need any additional information, please contact me at (916) 319-2073.

Sincerely,

MIMI WALTERS, Assembly Member
Seventy-third District

COMMUNICATIONS

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

March 6, 2007

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

Dear Dotson: Please be advised that I have appointed Assemblymember John Laird to replace Assemblymember Sally Lieber on the Assembly Health Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
 Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 6, 2007

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

Assembly Concurrent Resolution No. 19

And reports the same correctly enrolled, and presented to the Secretary of State on the 6th day of March, 2007, at 3:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, March 6, 2007

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

Assembly Bill No. 16

Assembly Bill No. 21

Assembly Bill No. 29

Assembly Bill No. 60

Assembly Bill No. 111

Assembly Bill No. 123

Assembly Bill No. 164

Assembly Bill No. 221

Assembly Bill No. 225

Assembly Bill No. 247

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 6, 2007

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

Assembly Concurrent Resolution No. 10

Assembly Concurrent Resolution No. 20

Assembly Joint Resolution No. 4

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

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

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

Bill read third time and presented by Assembly Member Calderon.

Motion to Amend by Assembly Member Adams

Assembly Member Adams moved the adoption of amendments.
Amendments read.

Motion to Table Amendments to Senate Bill No. 113

Assembly Member Bass moved that the amendments offered by Assembly Member Adams to Senate Bill No. 113 be laid upon the table.

Assembly Member de León seconded the motion.

Motion carried by the following vote:

AYES—43

Arambula	DeSaulnier	Krekorian	Richardson
Bass	Dymally	Laird	Ruskin
Beall	Eng	Levine	Salas
Berg	Evans	Lieber	Saldaña
Brownley	Feuer	Lieu	Solorio
Caballero	Hancock	Ma	Soto
Calderon	Hayashi	Mendoza	Swanson
Coto	Hernandez	Mullin	Torrico
Davis	Huffman	Nava	Wolk
De La Torre	Jones	Portantino	Mr. Speaker
De León	Karnette	Price	

NOES—30

Adams	Duvall	Jeffries	Silva
Aghazarian	Emmerson	Keene	Smyth
Anderson	Fuller	La Malfa	Spitzer
Benoit	Gaines	Maze	Strickland
Berryhill	Garcia	Nakanishi	Tran
Blakeslee	Garrick	Niello	Villines
Cook	Horton	Plescia	
DeVore	Huff	Runner	

DEBATE LIMITED

Speaker Núñez announced that by unanimous consent and leadership agreement, debate would be limited to three members in support and three members in opposition to the bill.

At 4:50 p.m., Speaker pro Tempore Sally Lieber, 22nd District, presiding

Further Consideration of Senate Bill No. 113

Bill passed by the following vote:

AYES—46

Arambula	DeSaulnier	Krekorian	Richardson
Bass	Dymally	Laird	Ruskin
Beall	Eng	Levine	Salas
Berg	Evans	Lieber	Saldaña
Brownley	Feuer	Lieu	Solorio
Caballero	Galgiani	Ma	Soto
Calderon	Hancock	Mendoza	Swanson
Carter	Hayashi	Mullin	Torrico
Coto	Hernandez	Nava	Wolk
Davis	Huffman	Parra	Mr. Speaker
De La Torre	Jones	Portantino	
De León	Karnette	Price	

NOES—29

Adams	Duvall	Keene	Smyth
Aghazarian	Fuller	La Malfa	Spitzer
Anderson	Gaines	Maze	Strickland
Benoit	Garcia	Nakanishi	Tran
Berryhill	Garrick	Niello	Villines
Blakeslee	Houston	Plescia	
Cook	Huff	Runner	
DeVore	Jeffries	Silva	

Bill ordered transmitted to the Senate immediately.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Senate Resolution

SENATE CONCURRENT RESOLUTION NO. 5 (Lowenthal)—Relative to California Museum Month.

Resolution read, and adopted by the following vote:

AYES—76

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	Fuller	Levine	Silva
Berryhill	Gaines	Lieber	Smyth
Blakeslee	Galgiani	Lieu	Solorio
Brownley	Garcia	Ma	Soto
Caballero	Garrick	Maze	Spitzer
Calderon	Hancock	Mendoza	Strickland
Carter	Hayashi	Mullin	Swanson
Cook	Hernandez	Nakanishi	Torrico
Davis	Horton	Nava	Tran
De La Torre	Houston	Niello	Villines
De León	Huff	Parra	Wolk
DeSaulnier	Huffman	Plescia	Mr. Speaker

NOES—None

Resolution ordered transmitted to the Senate.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

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

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

ADJOURN IN MEMORY

Assembly Member Laird was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bob Hattoy, of Sacramento.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Evans was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Helen Chesterman, of Santa Rosa.

Assembly Member Feuer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Peggy Gilbert, of Studio City.

Assembly Members Runner, Hayashi, Houston, and Wolk were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Juanita Haugen, of Pleasanton.

Assembly Member Carter was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kisa Renee Hughes, of Riverside.

RECESS

By unanimous consent, at 5:02 p.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Bass introduced actor Danny Glover and without objection, he addressed the assemblage.

RECONVENED

At 5:06 p.m., the Assembly reconvened.

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

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Senate Bill No. 113, Bass Motion to Table Adams Amendments: Carter—Aye; Houston—No.

Senate Bill No. 113: Houston—No.

MOTION TO ADJOURN

At 5:06 p.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 5:07 p.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. 1723—Committee on Judiciary (Jones (Chair), Evans, Feuer, Krekorian, Laird, Levine, and Lieber). An act to amend Section 6211 of the Business and Professions Code, relating to attorneys.

ASSEMBLY BILL NO. 1724—Committee on Judiciary (Jones (Chair), Evans, Feuer, Krekorian, Laird, Levine, and Lieber). An act to amend Section 340.1 of the Code of Civil Procedure, relating to civil procedure.

ASSEMBLY BILL NO. 1725—Committee on Judiciary (Jones (Chair), Evans, Feuer, Krekorian, Laird, Levine, and Lieber). An act to amend Section 3388 of the Civil Code, relating to contracts.

ASSEMBLY BILL NO. 1726—Committee on Judiciary (Jones (Chair), Evans, Feuer, Krekorian, Laird, Levine, and Lieber) (Principal coauthors: Coto and Torrico) (Coauthors: Horton and Nakanishi). An act to amend, repeal, and add Section 755 of the Evidence Code, relating to evidence.

ASSEMBLY BILL NO. 1727—Committee on Judiciary (Jones (Chair), Evans, Feuer, Krekorian, Laird, Levine, and Lieber). An act to amend Sections 1456, 1457, 1458, 1830, 2250, 2250.6, 2543, 2620.2, and 21350 of the Probate Code, relating to conservators and guardians.

AUTHOR'S AMENDMENTS

Committee on Business and Professions

March 6, 2007

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

Assembly Bill No. 236

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

ENG, Chair

ASSEMBLY BILL NO. 236—An act to amend Sections 25722.5, 25725, and 25726 of the Public Resources Code, relating to public resources.

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 Public Safety

March 6, 2007

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

Assembly Bill No. 79

Assembly Bill No. 81

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

SOLORIO, Chair

ASSEMBLY BILL NO. 79—An act to amend Section 3041.5 of the Penal Code, relating to parole.

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.

ASSEMBLY BILL NO. 81—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to child protection, 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.

REPORTS OF STANDING COMMITTEES
Committee on Business and Professions

Date of Hearing: March 6, 2007

Mr. Speaker: Your Committee on Business and Professions reports:
Assembly Bill No. 240

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

ENG, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 6, 2007

Mr. Speaker: Your Committee on Business and Professions reports:
Assembly Bill No. 249

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

ENG, Chair

Above bill re-referred to the Committee on Judiciary.

Committee on Higher Education

Date of Hearing: February 27, 2007

Mr. Speaker: Your Committee on Higher Education reports:
Assembly Concurrent Resolution No. 21

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

PORTANTINO, Chair

Above resolution ordered to second reading.

INTRODUCTION OF GUESTS

Speaker pro Tempore Lieber, of the 22nd Assembly District, introduced Hon. Paul Koretz (Assembly Member from 2000 to 2006).

ADJOURNMENT

At 5:07 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Wednesday, March 7, 2007, out of respect to the memory of Bob Hattoy, on motion of Assembly Member Laird; out of respect to the memory of Helen Chesterman, on motion of Assembly Member Evans; out of respect to the memory of Peggy Gilbert, on motion of Assembly Member Feuer; out of respect to the memory of Juanita Haugen, on motion of Assembly Members Runner, Hayashi, Houston, and Wolk; and out of respect to the memory of Kisa Renee Hughes, on motion of Assembly Member Carter.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 6, 2007**

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

AB	RN
79	0709353
81	0710020
236	0710068

Daily Total: 3

Cumulative Total: 47

Amendments were considered by the Assembly, but not adopted, to the following measure:

SB

113 (Adams amendments—Set 1, 0709850, laid upon the table)

O