CALIFORNIA LEGISLATURE 2007–08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 6, 2008

ONE HUNDRED FIFTY-SIXTH SESSION DAY FOUR HUNDRED FIFTY-NINTH 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento Thursday, March 6, 2008

The Assembly met at 9:32 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 Beall 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 9:50 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—75:

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

PRAYER

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

Lord, Each one of us is unique and irreplaceable. We have no right to assume that one particular person is of more value than any other person, or that ten persons must necessarily be of more value than one. Guide us to know, Lord, that You created each of us in Your image and likeness and as such, we are valued in Your sight. Help us therefore to regard others, not as an object, but as a subject.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Evans 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 Benoit.

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 Emmerson and Huffman.

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

Because of illness: Assembly Member Soto.

Because of a death 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 5, 2008

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

Dear Mr. Speaker: The purpose of this letter is to respectfully request an excuse from session tomorrow, Thursday, March 6, 2008 due to legislative business in the district.

If you have any questions, please contact Julie Paredes 319-2063. Thank you for your prompt attention to this matter.

Sincerely,

BILL EMMERSON, Assembly Member Sixty-third District

January 9, 2008

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

Dear Mr. Speaker: I respectfully request permission to be excused from Session on Thursday, March 6, 2008. I have been asked to speak at a North Bay Leadership Council on climate change in my District.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

JARED HUFFMAN, Assembly Member Sixth District

COMMUNICATIONS

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

March 6, 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 Assemblymember Loni Hancock to serve as the Democratic alternate on the Joint Committee on Rules for the 2007–08 Regular Session.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 6, 2008

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

Assembly Bill No. 1760 Assembly Bill No. 1774 Assembly Bill No. 1889

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

MESSAGES FROM THE SENATE

Senate Chamber, March 6, 2008

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 94 Assembly Concurrent Resolution No. 97

> GREGORY P. SCHMIDT, Secretary of the Senate By David Valverde, Assistant Secretary

Above resolutions ordered enrolled.

REFERENCE OF BILLS TO COMMITTEE

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

committee.	
Assembly	
Bill No.	Committee
1853	Rev. & Tax.
1902	L. & E.
1950	Trans.
2092	E. & R. and Pub. S.
	L. Gov. and Nat. Res.
2110	
	Jud. and G.O.
2179	
	B. & F. and Jud.
2195	Trans. and U. & C.
2244	Health and Higher Ed.
2251	
2264	Higher Ed.
2307	U. & C.
2308	P.E.,R. & S.S.
2356	
2357	
2359	
2361	
2363	
2365	Higher Ed.
2367	
2368	Hum. S.
2369	L. & E.
	Higher Ed. and Rev. & Tax
23/4	Health and B. & P.
	J., E.D., & E. and Trans.
2377	
2378 2379	
2381	
	Jud. and B. & P.
2385	
2387	
2389	
	P.E.,R. & S.S.
2391	
2393	
2394	
2395	Ed.
2396	
	B. & P. and Jud.
2399	Hum. S.
2401 2403	Trans.
2404	U. & C. and Nat. Res.
2406	Ed.
2407	Ins.
2408	Pub. S.

2414	_Ed. and Trans.
2415	
2421	
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2432	Nat. Res. and U. & C.
2433	
2434	_ W.,P. & W.
2436	_ Trans.
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2439	_B. & P.
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2484	_L. Gov.
2487	Rev. & Tax.
2488	Rev. & Tax.
2489	Ed.
	_ Pub. S. and B. & P.
2492	TT
2493	
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2500	
2500	_ W.,P. & W. and Nat. Res.
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2515	Ed.
2516	_ B. & P.
2517	
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	- H. & C.D. and L. Gov.
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2532	_ WP. & W.
2533	
2535	
2536	
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2545	
2546	
2547	
2549	
2550	_ Higher Ed.
2551	
2553	Jud.
2554	
2555	
2557	
2559	W.,P. & W.
2562	
2566	_ Pub. S. and L. Gov.
2966	
Assembly Concurrent	
	Committee
Resolution No. 110	R1s.
Assembly Joint	
Resolution No.	Committee
48	Higher Ed
49	W D & W
	== vv.,1. & vv.
Senate B:U.N	Committee
Bill No. 1061	Committee
1062	
1063	L. Gov.

Senate Concurrent	
Resolution No.	Committee
75	- $ -$ Rls.
76	- $-$ Rls.
79	Rls.

RE-REFERENCE OF BILLS

Assembly Member Bass was granted unanimous consent that Assembly Bill No. 2054 be re-referred from the Committee on Revenue and Taxation to the Committee on Local Government, and then returned to the Committee on Revenue and Taxation.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Bass announced her intention to request that Senate Bill No. 579 be removed from the inactive file.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Arambula was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber, whereupon he introduced Diego, his son. Seated in the Gallery were his students from Summit Charter High School, of Palo Alto.

Assembly Member Anderson was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber, whereupon he introduced his daughter, Mary.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1754—An act to relating to community colleges.

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

SECOND READING OF SENATE BILLS

SENATE BILL NO. 344—An act to add Section 5925 to the Government Code, relating to public finance.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 109 (Mendoza)—Relative to Read Across America Day.

Resolution read.

Members Made Coauthors of Assembly Concurrent Resolution No. 109

Assembly Member Mendoza was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 109.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Mendoza was granted unanimous consent to take up Assembly Concurrent Resolution No. 109, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Resolution No. 109, as Amended

 ${\bf ASSEMBLY\ CONCURRENT\ RESOLUTION\ NO.\ 109} \\ -- {\bf Relative\ to\ Read\ Across\ America\ Day}.$

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

RECESS

By unanimous consent, at 10:04 a.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Mendoza introduced and presented a resolution to Paula Caplinger, California Teachers Association Board of Directors, in recognition of their support of childhood literacy.

Speaker pro Tempore Lieber introduced and welcomed Hon. Bill Leonard, Board of Equalization Member (District 2).

RECONVENED

At 10:08 a.m., the Assembly reconvened. Hon. Sally Lieber, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE UNFINISHED BUSINESS MOTION TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Senate Bill No. 110 and Assembly Constitutional Amendment No. 8 were continued until the next legislative day.

THIRD READING OF SENATE BILLS

SENATE JOINT RESOLUTION NO. 22 (Wiggins)—Relative to the wine industry.

Resolution read, presented by Assembly Member Evans, and adopted by following vote:

Members Made Coauthors of Senate Joint Resolution No. 22

Assembly Member Evans was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Joint Resolution No. 22.

Roll Call

The following Assembly Members indicated a desire to become eoauthors:

Adams, Aghazarian, Anderson, Arambula, Bass, Beall, Benoit, Berg, Berryhill, Blakeslee, Brownley, Caballero, Calderon, Carter, Cook, Coto, Davis, De La Torre, De León, DeVore, Duvall, Dymally, Eng, Feuer, Fuentes, Fuller, Furutani, Gaines, Galgiani, Garcia, Garriek, Hancock, Hayashi, Hernandez, Horton, Houston, Huff, Jeffries, Jones, Karnette, Keene, Krekorian, La Malfa, Laird, Leno, Levine, Lieber, Lieu, Ma, Maze, Mendoza, Mullin, Nakanishi, Nava, Núñez, Parra, Plescia, Portantino, Price, Runner, Ruskin, Salas, Saldaña, Silva, Smyth, Strickland, Swanson, Torrico, Tran, Villines, Walters, and Wolk.

(NOTE: Later this day, the action was rescinded whereby the roll was opened for the purpose of permitting Members to add as coauthors of Senate Joint Resolution No. 22. See page 4191.)

Request for Unanimous Consent

Assembly Member Evans was granted unanimous consent to take up Senate Joint Resolution No. 22, as amended, without reference to print or file.

Consideration of Senate Joint Resolution No. 22, as Amended SENATE JOINT RESOLUTION NO. 22—Relative to the wine industry:

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

AYES—73

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

NOES-None

Resolution ordered transmitted to the Senate.

SENATE BILL NO. 606 (Scott)—An act to add Division 112.6 (commencing with Section 130650) to the Health and Safety Code, relating to pharmaceutical information.

Bill read third time.

Motion to Amend

Assembly member Mullin moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be re-referred to the Committees on Education and Appropriations.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

Monday, March 10, 2008, Floor Session, 10:30 a.m.

Tuesday, March 11, 2008, Check-in Session, 7 a.m.–3 p.m.

Wednesday, March 12, 2008, Check-in Session, 7 a.m.-3 p.m.

Thursday, March 13, 2008, Floor Session, 9 a.m.

ADJOURN IN MEMORY

Assembly Member Duvall was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Boyd Coddington, of La Habra.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Nava was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Barbara Seaman, of New York.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tommy Toy, of San Francisco.

Assembly Member Saldaña was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jim Robinson, of San Diego.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carol Lee Coss, of Davis.

ACTION RESCINDED ON SENATE JOINT RESOLUTION NO. 22

Assembly Member Bass was granted unanimous consent to rescind the action whereby the Assembly, earlier today (Assembly Journal, page 4190), opened the roll for the purpose of permitting Members to add as coauthors to Senate Joint Resolution No. 22.

SPECIAL RECOGNITION

The Members of the Assembly joined Assembly Members Berryhill and Laird in extending best wishes to Assembly Member Cook on the occasion of his birthday.

ANNOUNCEMENT

Assembly Member Niello announced the birth of his granddaughter Aspen Niello.

ADJOURN IN MEMORY

Assembly Member Villines was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Phyllis Spitzer, Assembly Member Spitzer's mother, who passed away this morning.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

Senate Joint Resolution No. 22: Calderon and Keene—Aye.

MOTION TO ADJOURN

At 10:28 a.m., Assembly Member Bass moved that the Assembly do now adjourn.

Assembly Member Benoit seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:29 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. 3068—Committee on Elections and Redistricting (Assembly Members Price (Chair), Adams (Vice Chair), Leno, Levine, Mendoza, and Saldaña). An act to amend Section 1363.03 of the Civil Code, to amend Sections 354.5, 14225, and 19255 of the Elections Code, and to amend Section 22970.20 of the Water Code, relating to voting.

ASSEMBLY BILL NO. 3069—Committee on Elections and Redistricting (Assembly Members Price (Chair), Leno, Levine, Mendoza, and Saldaña). An act to amend Sections 2212, 13107.3, and 13307 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 3070—Committee on Elections and Redistricting (Assembly Members Price (Chair), Adams (Vice Chair), Leno, Levine, Mendoza, and Saldaña). An act to amend Section 10704 of the Elections Code, relating to elections.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15—Mullin. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article II thereof, relating to elections.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 50—Fuentes. Relative to the federal Renewable Energy and Energy Conservation Tax Act of 2008.

AUTHOR'S AMENDMENTS Committee on Revenue and Taxation

March 6, 2008

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Assembly Bill No. 1853

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

CALDERON, Chair

ASSEMBLY BILL NO. 1853—An act relating to taxation.

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, 2008

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

Assembly Bill No. 2100

Assembly Bill No. 2198

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

SOLORIO, Chair

ASSEMBLY BILL NO. 2100—An act to amend Section 15630 of the Welfare and Institutions Code, relating to elder abuse.

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. 2198—An act to amend Sections 148.9, 834a, and 836.6 of the Penal Code, relating to public officers.

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 Water, Parks and Wildlife

March 6, 2008

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Senate Bill No. 27

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

WOLK, Chair

SENATE BILL NO. 27—An act to add Division 26.6 (commencing with Section 79600) to the Water Code, relating to the Sacramento-San Joaquin Delta.

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 Transportation

March 6, 2008

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

Senate Bill No. 445

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

NAVA, Chair

SENATE BILL NO. 445—An act to add and repeal Section 87 of the Streets and Highways Code, relating to transportation.

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 Labor and Employment

March 6, 2008

Mr. Speaker: The Chair of your Committee on Labor and Employment reports: Assembly Bill No. 1902

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

SWANSON, Chair

ASSEMBLY BILL NO. 1902—An act to amend Section 530 of the Insurance Code, relating to insurance.

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 Local Government

March 6, 2008

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 1985 Assembly Bill No. 2278

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

CABALLERO, Chair

ASSEMBLY BILL NO. 1985—An act to repeal and add Article 2 (commencing with Section 5610) of Chapter 22 of Part 3 of Division 7 of the Streets and Highways Code, relating to sidewalks.

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. 2278—An act to amend Section 99 of the Revenue and Taxation Code, relating to local agencies.

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 Rules

Date of Hearing: March 6, 2008

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 89

Assembly Concurrent Resolution No. 92

With the recommendation: Be adopted.

BLAKESLEE, Vice Chair

Above resolutions ordered to third reading.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 10:30 a.m., Monday, March 10, 2008, out of respect to the memory of Boyd Coddington, on motion of Assembly Member Duvall; out of respect to the memory of Barbara Seaman, on motion of Assembly Member Nava; out of respect to the memory of Tommy Toy, on motion of Assembly Member Leno; out of respect to the memory of Jim Robinson, on motion of Assembly Member Saldaña; and out of respect to the memory of Carol Lee Coss, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 6, 2008

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

SB RN
27 0807412
344 0807917
445 0807627
606 0807377

Daily Total: 11 Cumulative Total: 3167