CALIFORNIA LEGISLATURE 2007–08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 8, 2007 THIRTY-SEVENTH SESSION DAY NINETY-FIFTH 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 8, 2007

The Assembly met at 9:35 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 9:43 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	De León	Jeffries	Portantino
Aghazarian	DeSaulnier	Jones	Price
Alarcón	DeVore	Karnette	Richardson
Anderson	Duvall	Keene	Ruskin
Arambula	Dymally	Krekorian	Salas
Bass	Emmerson	La Malfa	Saldaña
Beall	Eng	Laird	Silva
Benoit	Evans	Leno	Smyth
Berg	Feuer	Levine	Solorio
Berryhill	Fuller	Lieber	Soto
Blakeslee	Gaines	Lieu	Spitzer
Brownley	Garcia	Ma	Strickland
Caballero	Garrick	Maze	Swanson
Calderon	Hayashi	Mullin	Torrico
Carter	Hernandez	Nakanishi	Tran
Cook	Horton	Nava	Walters
Coto	Houston	Niello	Wolk
Davis	Huff	Parra	Mr. Speaker
De La Torre	Huffman	Plescia	_

PRAYER

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

Lord, We can be reasonably happy on earth, but that is not the goal of life. The goal is to grow closer to You. You are more interested in our character than our comfort. You are more interested in our life being holy rather than simply happy. Help us, Lord, to practice on earth what we will do forever in eternity. For we were made by You and for You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Leno 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 Galgiani, Hancock, and Villines.

Because of illness: Assembly Member Runner.

Due to travel delays: Assembly Member Mendoza.

EXPLANATIONS OF ABSENCE

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

March 7, 2007

The Honorable Fabian Núñez, Speaker

California State Assembly

State Capitol, Room 219

Sacramento, California

Dear Speaker Núñez: I would like to request that I be excused from Legislative Session on Thursday, March 8, 2007 as I will be in the District on Legislative Business, touring the San Joaquin County Jail with Governor Schwarzenegger.

If you have any questions, please contact Reichel Feicht of my staff at 319-2017.

Thank you.

Sincerely,

CATHLEEN GALGIANI, Assembly Member Seventeenth District

Mar. 8, 2007

March 5, 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 8, 2007. I have legislative business in the district. Thank you for your consideration.

Sincerely,

LONI HANCOCK, Assembly Member Fourteenth District

February 21, 2007

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

Dear Mr. Speaker: This letter is a request to be excused from session on Thursday, March 8, 2007. I will be out of the state on legislative business.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2029.

Sincerely,

MICHAEL N. VILLINES Assembly Republican Leader Twenty-ninth District

COMMUNICATIONS

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

March 8, 2007

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

RE: Appointment of Karen Bass to California Film Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Karen Bass to the California Film Commission. This is a term appointment starting March 8, 2007 and the expiration date is March 8, 2011.

Sincerely,

FABIAN NUÑEZ Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 8, 2007

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

Assembly Bill No. 100

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, March 8, 2007

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

Assembly Concurrent Resolution No. 21

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly Bill No. Committee _____ Health and Ins. _____H. & C.D. and Trans. _____Pub. S. _____Pub. S. _____ Health _____Pub. S. _____Jud. 702 _____A.E.S.T. & I.M. _____ Health 717 _____Pub. S. _____Nat. Res. and U. & C. _____Ins. 725 _____H. & C.D. 726 _____Rev. & Tax. _____Rev. & Tax. _____Pub. S. _____G.O. _____Jud. _____ Health **743** _____Ed. _____Health 753 _____P.E..R. & S.S. ______Trans. _____H. & C.D. **764** _____Ed. **766** _____Ed. _____ Higher Ed. and V.A. _____Rev. & Tax. 775 _____P.E.,R. & S.S. _____Pub. S. _____ Health _____Pub. S. ______P.E.,R. & S.S. _____Pub. S.

707	F 1
	_U. & C. and Nat. Res.
821	 _ W.,P. & W.
826	 _U. & C.
827	 _ Aging & L.T.C. and Health
828	 _ W.,P. & W.
829	 _ Trans.
833	 _E.S. & T.M.
834	 _ Health
	_U. & C. and Nat. Res.
	Rev. & Tax. and H. & C.D.
004	 TT 0 0
Assembly	
Resolutio	Committee
18	 _ Jud.
19	 _ Health

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker Núñez in extending best wishes to Assembly Members Ma and Alarcón on the occasion of their birthdays.

RECESS

By unanimous consent, at 9:45 a.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Richardson introduced Constance D. Oden, Community Services Supervisor, Long Beach Department of Parks, Recreation and Marine.

Assembly Member Jones introduced Lu Ann Hayden, Sacramento office of the Northern California Chapter of the National Multiple Sclerosis Society.

RECONVENED

At 9:50 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. 8 (Torrico)—Relative to National Problem Gambling Awareness Week.

Resolution read, and presented by Assembly Member Plescia.

Members Made Coauthors of House Resolution No. 8

Assembly Member Plescia was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 8.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Adams, Aghazarian, Alarcón, Anderson, Arambula, Bass, Beall, Benoit, Berg, Berryhill, Blakeslee, Brownley, Caballero, Calderon, Carter, Cook, Coto, Davis, De La Torre, de León, DeSaulnier, DeVore, Duvall, Dymally, Emmerson, Eng, Feuer, Fuller, Gaines, Garcia, Garrick, Hayashi, Hernandez, Horton, Houston, Huff, Jeffries, Jones, Karnette, Keene, Krekorian, La Malfa, Laird, Leno, Lieber, Lieu, Ma, Maze, Mullin, Nakanishi, Nava, Niello, Núñez, Parra, Portantino, Price, Richardson, Ruskin, Salas, Saldaña, Silva, Smyth, Soto, Spitzer, Strickland, Swanson, Tran, Walters, and Wolk.

Request for Unanimous Consent

Assembly Member Plescia was granted unanimous consent to take up House Resolution No. 8, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 8, as Amended

HOUSE RESOLUTION NO. 8—Relative to National Problem Gambling Awareness Week.

Resolution read, as amended, and adopted.

THIRD READING OF SENATE BILLS

SENATE CONCURRENT RESOLUTION NO. 12 (Alquist)—Relative to Brain Injury Awareness Month.

Resolution read, and presented by Assembly Member Laird.

Members Made Coauthors of Senate Concurrent Resolution No. 12

Assembly Member Laird was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Concurrent Resolution No. 12.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Laird was granted unanimous consent to take up Senate Concurrent Resolution No. 12, as amended, without reference to print or file.

Consideration of Senate Concurrent Resolution No. 12, as Amended SENATE CONCURRENT RESOLUTION NO. 12—Relative to Brain Injury Awareness Month.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

Monday, March 12, 2007, Floor Session, noon;

Tuesday, March 13, 2007, Check-in Session, 7 a.m.-3 p.m.;

Wednesday, March 14, 2007, Check-in Session, 7 a.m.-3 p.m.;

Thursday, March 15, 2007, Floor Session, 9:30 a.m.

ADJOURN IN MEMORY

Assembly Member Gaines was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kristofer D.S. Thomas, of Roseville.

Assembly Member Huffman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Emmet D. Condon, of Corte Madera.

Assembly Member Karnette was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bernice Weiss, of Belmont Park.

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 Marguerita Frances Barry, Thomas Owen Donaldson, John Neal Green, Ludwig E. Janzow, Paul Karl Stumph, and Shang Fa Yang, of Davis; Gary Lee Dockins, of Dixon; Timothy Franklin Grindle, of Fairfield; James Alvin Gilley, of Vacaville; Raymond Gleason, of West Sacramento; Lee William Gildart, Louis and Justine Mariani, Dan Martinez, Sr., and Frank I. Ramos, of Winters; Florence Patricia Gee and Timothy T. Gladney, of Woodland.

MOTION TO ADJOURN

At 9:54 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 9:54 a.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1728—Committee on Transportation (Nava (Chair), Duvall (Vice Chair), Carter, DeSaulnier, Galgiani, Garrick, Horton, Houston, Huff, Karnette, Portantino, Ruskin, Solorio, and Soto). An act to amend Sections 12810.5 and 13005 of the Vehicle Code, relating to identification cards.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 37—Mendoza. Relative to Automotive Career Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 38—Evans. (Principal coauthor: Senator Wiggins). Relative to Vintners Hall of Fame.

AUTHOR'S AMENDMENTS Committee on Education

March 8, 2007

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

Assembly Bill No. 50

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

ASSEMBLY BILL NO. 50—An act to amend Sections 51121 and 51122 of, and to repeal and add Section 51124 of, the Education Code, relating to parental involvement.

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 Insurance

March 8, 2007

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

Assembly Bill No. 54

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

COTO, Chair

ASSEMBLY BILL NO. 54—An act to amend Section 4600 of the Labor Code, relating to workers' compensation.

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 8, 2007

Mr. Speaker: The Chair of your Committee on Business and Professions reports: Assembly Bill No. 253

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

ENG, Chair

ASSEMBLY BILL NO. 253—An act to amend Sections 2002, 2004, 2012, 2013, 2015, 2017, and 2018 of, to repeal Sections 2003 and 2005 of, and to repeal and add Section 2008 of, the Business and Professions Code, relating to medicine.

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 8, 2007

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

Assembly Bill No. 90

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

MULLIN, Chair

 $\textbf{ASSEMBLY BILL NO. 90} \\ -- \text{An act to add Section 49431.7 to the Education Code, relating to pupil nutrition.}$

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 Rules

March 8, 2007

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

Assembly Concurrent Resolution No. 18

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

DE LA TORRE, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 18—Relative to arts education.

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 Public Safety

March 8, 2007

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

Senate Bill No. 40

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

SOLORIO, Chair

SENATE BILL NO. 40—An act to amend, repeal, and add Section 1170 of the Penal Code, relating to sentencing and declaring the urgency thereof, to take effect immediately.

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 Health

March 8, 2007

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

Assembly Concurrent Resolution No. 13

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

DYMALLY, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 13—Relative to Chronic Obstructive Pulmonary Disease.

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 Human Services

March 8, 2007

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 176

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

BEALL, Chair

ASSEMBLY BILL NO. 176—An act to amend, repeal, and add Section 11475.3 of the Welfare and Institutions Code, relating to CalWORKs.

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 Natural Resources

March 8, 2007

Mr. Speaker: The Chair of your Committee on Natural Resources reports: Assembly Bill No. 188

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

HANCOCK, Chair

ASSEMBLY BILL NO. 188—An act to add Section 10265 to the Public Resources Code, relating to resource conservation.

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 Governmental Organization

March 8, 2007

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Assembly Bill No. 38

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

TORRICO, Chair

ASSEMBLY BILL NO. 38—An act to add Section 8587.9 to, and to repeal Section 12016 of, the Government Code, relating to the Office of Homeland Security.

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 Elections and Redistricting

March 8, 2007

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports: Assembly Bill No. 9

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

PRICE, Chair

ASSEMBLY BILL NO. 9—An act to add Section 14218.3 to the Elections Code, relating to voting.

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 8, 2007

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 9

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.

MESSAGES FROM THE SENATE

Senate Chamber, March 8, 2007

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

Assembly Concurrent Resolution No. 2

Assembly Concurrent Resolution No. 8

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

Above resolutions ordered enrolled.

Senate Chamber, March, 8, 2007

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

Senate Concurrent Resolution No. 13

Senate Concurrent Resolution No. 18

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

FIRST READING OF SENATE BILLS

The following resolutions were read:

SENATE CONCURRENT RESOLUTION NO. 13—Relative to Irish-American Heritage Month.

SENATE CONCURRENT RESOLUTION NO. 18—Relative to California Fitness Month.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 12 p.m., Monday, March 12, 2007, out of respect to the memory of Kristofer D.S. Thomas, on motion of Assembly Member Gaines; out of respect to the memory of Emmet D. Condon, on motion of Assembly Member Huffman; out of respect to the memory of Bernice Weiss, on motion of Assembly Member Karnette; and out of respect to the memory of Marguerita Frances Barry, Thomas Owen Donaldson, John Neal Green, Ludwig E. Janzow, Paul Karl Stumph, Shang Fa Yang, Gary Lee Dockins, Timothy Franklin Grindle, James Alvin Gilley, Raymond Gleason, Lee William Gildart, Louis and Justine Mariani, Dan Martinez, Sr., Frank I. Ramos, Florence Patricia Gee, and Timothy T. Gladney, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 8, 2007

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

AB	RN
9	0710049
38	0710299
50	0709832
54	0710139
90	0710355
176	0710000

188 0710250 253 0710188

ACR RN

13 0710360 18 0710342

SB RN 40 0710175

Daily Total: 11 Cumulative Total: 60