CALIFORNIA LEGISLATURE 2007–08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 12, 2007 THIRTY-EIGHTH SESSION DAY NINETY-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 Monday, March 12, 2007

> Richardson Runner Ruskin Salas Saldaña Silva Smyth Solorio Spitzer Strickland Swanson Torrico Tran Villines Walters Wolk Mr. Speaker

The Assembly met at 12:05 p.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.

556

Quorum Call of the Assembly

Assembly Member Silva moved a quorum call of the Assembly. The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 12:18 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:

PRAYER

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

Lord, Our hope in You is the firm foundation under everything that makes life worth living. Although many people think of hope in terms of luck, to those who believe in You, hope is certainty and confidence . . . a great expectation of what is to come. Lord, we have confidence that what You say is true and we have assurance of Your great love for us. Let our faith in You be obvious to everyone we meet today.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Krekorian 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 Member Levine.

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

Because of illness: Assembly Member Soto.

EXPLANATIONS OF ABSENCE

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

March 8, 2007

Hon, Fabian Núñez

Speaker, California State Assembly State Capitol Building, Room 219 Sacramento, California

Dear Speaker Núñez: This letter is to respectfully request to be excused from Assembly Session on Monday, March 12, 2007. I will be in the district on legislative business.

Thank you in advance for your attention to this request.

Sincerely,

LLOYD LEVINE, Assembly Member Fortieth District

COMMUNICATIONS

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

March 7, 2007

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

Dear Speaker Núñez: The Senate Rules Committee has made the following appointments to joint committees:

Joint Committee on the Arts—Senators Scott, Chair, Ashburn, Battin, Kehoe, Kuehl and Maldonado;

Joint Legislative Audit Committee—Senators Cogdill, Vice Chair, Ducheny, Dutton, McClintock, Padilla, Ridley-Thomas and Wiggins;

Joint Legislative Committee on Emergency Services and Homeland Security—Senators Kehoe, Vice Chair, Aanestad, Alquist, Ashburn, Corbett, Dutton and Steinberg.

Sincerely,

GREGORY SCHMIDT Secretary of the Senate

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 12, 2007

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 9
Assembly Bill No. 38
Assembly Bill No. 176

Assembly Bill No. 38
Assembly Bill No. 50
Assembly Bill No. 188
Assembly Bill No. 54
Assembly Bill No. 253
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 12, 2007

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

Assembly Concurrent Resolution No. 13 Assembly Concurrent Resolution No. 18

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions 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
39	
	G.O. and B. & P.
169	
349	Jud.
	L. Gov. and Rev. & Tax.
387	Trans. and B. & P.
	H. & C.D.
458	
489	P.E.,R. & S.S.
499	
503	P.E.,R. & S.S.
509	
	Jud. and B. & P.
523	Higher Ed. and B. & P.
580	P.E.,R. & S.S.
597	
610	J., E.D. & E.
615	G.O.
617	B. & P.
625	
632	
638	
647	
648	
654	
	E.S. & T.M.
658	
	Agri. & Pub. S.
685	
687	
694	
695	
	Agri. & Jud.
	L. Gov. and Nat. Res.
714	
	H. & C.D.
722 724	
	Health Nat. Res. and E.S. & T.M.
/30	Aging & L.T.C.

740	_E.S. & T.M.
745	_L. Gov. and E. & R.
755	_ Pub. S.
776	_E.S. & T.M.
800	_E.S. & T.M.
801	
820	
824	
830	
831	
840	
847	
856	
865	D & D
893	- D. & F.
894	
895	
896	
897	Rev. & Tax.
900	
904	
906	
910	
912	_ W.,P. & W.
913	
915	_ Health
916	
917	_E. & R.
918	_U. & C.
920	_ Pub. S.
923	_ W.,P. & W.
924	
927	_H. & C.D.
932	
934	
937	_B. & P.
939	
941	
942	
943	
944	
945	
946	U. & C. and Nat. Res.
947	
950	Higher Ed

951	_G.O.
953	_P.E.,R. & S.S.
955	
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968	
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984	
985	
987	$_{-}$ Jud. and H. & C.D.
988	_G.O.
991	_ P.E.,R. & S.S.
993	_ Health
996	_Pub. S.
998	_Pub. S.
1001	Rev. & Tax.
1002	
1003	
1004	
1007	
1011	
1012	
1013	
1015	
1023	
1025	
1032	_ W.,P. & W.
1033	
1035	
1036	
1040	
1042	
1044	_ Health

1048	_Pub. S.
1049	_Pub. S.
1050	Rev. & Tax.
1051	_Ins.
1052	_ Higher Ed.
1054	_Pub. S.
1056	_Nat. Res.
1060	_ Hum. S.
1061	_Ed.
1064	U. & C. and Nat. Res.
1067	_ Pub. S.
1068	_ Pub. S.
1069	_ Trans.
1072	_ Health
1073	_Ins.
1075	_Nat. Res.
Assembly Concurrent	
Resolution No.	Committee
24	_Pub. S.
29	_ A.,E.,S.,T. & I.M.
35	
36	_Rls.
Assembly Joint	
Resolution No.	Committee
17	_B. & F.
Senate Concurrent	
Resolution No.	Committee
13	_Rls.
18	_Rls.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Local Government, on Wednesday, March 28, 2007, April 18, 2007,

and May 2, 2007, at 1:30 p.m., in Room 127; Revenue and Taxation, on Monday, April 9, 2007, at 1:30 p.m., in Room 126.

RE-REFERENCE OF BILLS

Assembly Member Bass was granted unanimous consent that Assembly Bill No. 419 be re-referred from the Committee on Public Employees, Retirement and Social Security to the Committee on Insurance.

RECESS

By unanimous consent, at 12:22 p.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of special guests.

Speaker pro Tempore Lieber introduced Hon. Hannah-Beth Jackson (Assembly Member 2000–2006).

Assembly Member Bass introduced and presented a resolution to Jennifer Dal Poggetto, President of the California Academy of Physician Assistants; Miguel Medina, Chair of the California Academy of Physician Assistants Committee on Diversity; and Bob Miller, past President of the California Academy of Physician Assistants in recognition of Physician Assistant Appreciation Day.

Assembly Member Duvall introduced Bishop Isao Ito of the Shinnyo-En Buddhist Order. Bishop Ito was joined by Akira Mochizuki, Vice-Chairman of Ichinyosha Group; Atoshiaki Shimamura, Executive Secretary; and Makoto Kobayashi, President of Ichenyosha International USA, Inc.

Assembly Member Nava introduced James Lee Witt, former Director of the Federal Emergency Management Agency (FEMA), and his wife Lea Ellen.

RECONVENED

At 12:29 p.m., the Assembly reconvened.

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

CONSIDERATION OF DAILY FILE THIRD READING OF ASSEMBLY BILLS

ASSEMBLY JOINT RESOLUTION NO. 4 (Beall)—Relative to CalWORKs.

Resolution read, and adopted by the following vote:

AYES-45

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

NOES-30

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

Resolution ordered transmitted to the Senate immediately.

RECESS

By unanimous consent, at 12:43 p.m., Speaker pro Tempore Lieber declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Gaines introduced students from the Lake Tahoe Community College.

Assembly Member Torrico introduced public policy students from the University of California, Berkeley and their professor, Hon. Wilma Chan (Assembly Member from 2000–2006).

Assembly Members Laird and Caballero introduced and welcomed visitors from the Watsonville Aptos Adult School.

Assembly Member Davis introduced representatives of the Young Center for Academic and Cultural Enrichment: William A. Young, President; Helen Young, Executive Director; Howard Ransom, Jr., board member; and Christine Moore, board member. They were joined by the 2006 California Youth Think Tank Ambassadors: Hector Carmona, of Huntington Park; Erica Duncan, of San Diego; Selina Duran, of Los Angeles; Brijet Finister, of Stockton; Branche Foston, of Fallbrook; Lauren Furniss, of Santa Ana; Jennifer Guerra, of Los Angeles; Connie Ip, of Oakland; Grace Kimmerlein, of Camino; Kenecia Kinler, of Stockton; Takeisha McComb, of Compton; Bertrand Perdomo, of Los Angeles; Khyrysta Renteria, of Hawthorne; Michael Tubbs, of Stockton; Alexander Vickers, of Los Angeles; and James Willis, of San Diego.

Assembly Member Berryhill introduced his niece, Alex, a California Youth Think Tank Ambassador and her father, Assembly Member Berryhill's brother, Bill Berryhill, of Ceres.

RECONVENED

At 12:50 p.m., the Assembly reconvened.

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

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

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 Galgiani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Clyde Bland, of Tracy.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Silva was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pat Cohen, of Huntington Beach and Frank Laszlo, of Seal Beach.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Torrico was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ted Ohira, of Gardena.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Arambula was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jeffrey Davidson, of Sanger.

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ida Honorof, of Arcata.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jacqueline Drago, of South San Francisco.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Walter Willibrand, of Lancaster.

Assembly Member Smyth was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ann Michele Irvine, of Santa Clarita.

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 Robert Barry Landy and Joyce A. Wilson, of Davis; Glenda F. Meitrott, of Dixon; Ruben P. Alinea, Sr., Colleen Marie Angle, Noriko Hannuki Connolly-Cline, and James Lee Ford, Sr., of Fairfield; Brigitte Pauline Huliganga, of Suisun City; Doris Lorraine Bremer, Richard W. Brown, Frances Anglo Fleig, Pebble L. Frank, Richard Arthur Gillen, Pamela Jarvinen, Lois M. Lindsey, and Mary Maertz, of Vacaville.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following item:

Assembly Joint Resolution No. 4: Villines—No.

MOTION TO ADJOURN

At 1 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 1:01 p.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY JOINT RESOLUTION NO. 20—Feuer (Coauthors: Bass, Carter, Dymally, Krekorian, and Levine) (Coauthors: Senator Kuehl) Relative to a Tom Bradley commemorative postal stamp.

HOUSE RESOLUTION NO. 9—Aghazarian. Relative to Greek Independence Day.

AUTHOR'S AMENDMENTS Committee on Public Safety

March 12, 2007

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

Assembly Bill No. 235 Assembly Bill No. 259

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

SOLORIO, Chair

ASSEMBLY BILL NO. 235—An act to amend Section 803 of the Penal Code, relating to statutes of limitations.

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. 259—An act to amend Section 11054 of the Health and Safety Code, relating to controlled substances.

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 12, 2007

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

Assembly Bill No. 17 Assembly Bill No. 185 Assembly Bill No. 241

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

ENG. Chair

ASSEMBLY BILL NO. 17—An act to amend Section 1973 of, and to add Section 1716.5 to, the Business and Professions Code, relating to dentistry, 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.

ASSEMBLY BILL NO. 185—An act to amend Sections 1202, 1205, 1206, 1206.5, 1209, 1209.5, 1212, 1222.5, 1243, 1263, and 2069 of, and to repeal and add Section 1269 of, the Business and Professions Code, and to amend Section 117995 of the Health and Safety Code, relating to clinical laboratories.

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. 241**—An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology.

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 Employees, Retirement and Social Security

March 12, 2007

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

Assembly Bill No. 221

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

HERNANDEZ, Chair

ASSEMBLY BILL NO. 221—An act to amend Section 16642 of, and to add and repeal Section 7513.7 of, the Government Code, relating to investments.

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 Revenue and Taxation

March 12, 2007

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 84 With author's amendments with the recommendation: Amend, and re-refer to the

CALDERON, Chair

ASSEMBLY BILL NO. 84—An act to amend Sections 17072, 17215, and 19184 of, and to add Sections 17138.5, 17138.6, and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 12, 2007

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

Assembly Bill No. 112

committee.

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

NAVA. Chair

ASSEMBLY BILL NO. 112—An act to add and repeal Section 97.5 of the Streets and Highways Code, relating to highways.

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 Health

Date of Hearing: March 6, 2007

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 97

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

DYMALLY, Chair

Above bill ordered to second reading.

Committee on Rules

Date of Hearing: March 12, 2007

Mr. Speaker: Your Committee on Rules reports: Assembly Concurrent Resolution No. 18 With the recommendation: Be adopted.

DE LA TORRE, Chair

Above resolution ordered to third reading.

Date of Hearing: March 12, 2007

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 17 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 12, 2007

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

Assembly Concurrent Resolution No. 6

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

Above resolution 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. 25

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

Senate Chamber, March 12, 2007

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

Senate Concurrent Resolution No. 27

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. 25—Relative to César Chávez Day.

SENATE CONCURRENT RESOLUTION NO. 27—Relative to California Agriculture Day.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Tuesday, March 13, 2007, out of respect to the memory of Clyde Bland, on motion of Assembly Member Galgiani; out of respect to the memory of Ernest Gallo, on motion of Assembly Members Galgiani, Berryhill, Aghazarian, and Evans; out of respect to the memory of Frank Laszlo and Pat Cohen, on motion of Assembly Member Silva; out of respect to the memory of Ted Ohira, on motion of Assembly Member Torrico; out of respect to the memory of Jeffrey Davidson, on motion of Assembly Member Arambula; out of respect to the memory of Ida Honorof, on motion of Assembly Member Berg; out of respect to the memory of Jacqueline Drago, motion of Assembly Member Mullin; out of respect to the memory of Walter Willibrand, on motion of Assembly Member Runner; out of respect to the memory of Ann Michele Irvine, on motion of Assembly Member Smyth; and out of respect to memory of Robert Barry Landy, Joyce A. Wilson, Glenda F. Meitrott, Ruben P. Alinea, Sr., Colleen Marie Angle, Noriko Hannuki Connolly-Cline, James Lee Ford, Brigitte Pauline Huliganga, Doris Lorraine Bremer, Richard W. Brown, Frances Anglo Fleig, Pebble L. Frank, Richard Arthur Gillen, Pamela Jarvinen, Lois M. Lindsey, and Mary Maertz, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 12, 2007

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

Daily Total: Cumulative Total: 68