

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 12, 2008

**ONE HUNDRED FIFTY-NINTH SESSION DAY
FOUR HUNDRED SIXTY-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.

(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
Wednesday, March 12, 2008

The Assembly met at 4:39 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.

Quorum Present

At 4:40 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	Price
Aghazarian	Duvall	Karnette	Runner
Anderson	Dymally	Keene	Ruskin
Arambula	Emmerson	Krekorian	Salas
Bass	Eng	La Malfa	Saldaña
Beall	Evans	Laird	Silva
Benoit	Feuer	Leno	Smyth
Berg	Fuentes	Levine	Solorio
Berryhill	Fuller	Lieber	Spitzer
Blakeslee	Furutani	Lieu	Strickland
Brownley	Gaines	Ma	Swanson
Caballero	Garcia	Maze	Torrico
Calderon	Garrick	Mendoza	Tran
Carter	Hancock	Mullin	Villines
Cook	Hayashi	Nakanishi	Walters
Coto	Hernandez	Nava	Wolk
Davis	Houston	Niello	Mr. Speaker
De La Torre	Huff	Parra	
De León	Huffman	Plescia	
DeSaulnier	Jeffries	Portantino	

PRAYER

Upon invitation of Speaker pro Tempore Lieber, the following prayer was offered by Hon. Mervyn Dymally, Assembly Member, District 52:

Father, During these difficult times, give us the ability and the will to act with rightful purpose. Let us remember that it is our duty to serve not only our State's residents but to also serve our God in a manner that does us honor individually and as a body.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Eng 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 De León, seconded by Assembly Member Emmerson.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

Because of illness: Assembly Members Galgiani, Horton, and Soto.

REPORTS

The following reports were presented by the Chief Clerk:

**Institutional Financial Aid Programs for Fiscal Year 2006–07
(Pursuant to Supplemental Report of the 2005 Budget Act
Item 6440-001-0001)**

Above transmitted report, together with letter of transmittal from Robert C. Dynes, President, University of California, dated February 14, 2008, referred by the Speaker to the Committee on Higher Education.

**Compensation Policy and Practices
(Pursuant to Budget Act 2007, Item 6440-001-0001, Provision 22)**

Above transmitted report, together with letter of transmittal from Robert C. Dynes, President, University of California, dated February 27, 2008, referred by the Speaker to the Committee on Budget.

**The California State University (CSU) Report on
Proposed Campus Master Plan Revisions and Mitigation Agreements for
Off-Campus Impacts
(Pursuant to Legislative Analyst's Supplemental Report to the 2007 Budget)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated February 27, 2008, referred by the Speaker to the Committee on Budget.

**Complaints Investigated by the State Bar in 2007 Alleging
Possible Fraudulent Activities by Attorneys
Relating to Workers' Compensation, Motor Vehicle Insurance,
or Disability Insurance
(Pursuant to Insurance Code Section 1872.95)**

Above transmitted report, together with letter of transmittal from Anthony Williams, Director, Office of Governmental Affairs, State Bar of California, dated February 29, 2008, referred by the Speaker to the Committee on Judiciary.

**California State University Mathematics and Science Teacher Initiative
(Pursuant to Budget Act 2007, Provision 6)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated March 1, 2008, referred by the Speaker to the Committee on Higher Education.

**Long-Term Care and Aging Services
Statistical Fact Sheets and Program Narratives
(Pursuant to Welfare and Institutions Code, Section 9102 (d))**

Above transmitted report, together with letter of transmittal from Lora Connolly, Chief Deputy Director, Department of Aging, dated March 3, 2008, referred by the Speaker to the Committee on Aging and Long-Term Care.

**2007–08 Second Quarter Update on the Staff Hiring Plan
(Pursuant to Budget Act 2007, Item 4440-011-0001, Provision (9))**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated March 5, 2008, referred by the Speaker to the Committee on Budget.

**2006 Statewide Employee Housing Statistical Summary
(Pursuant to Health and Safety Code Sections 17031.8 and 17050(f)(1))**

Above transmitted report, together with letter of transmittal from Lynn L. Jacobs, Director, Department of Housing and Community Development, dated March 7, 2008, referred by the Speaker to the Committee on Housing and Community Development.

**2006 Annual Report of the Bureau of Investigations
(Pursuant to Labor Code Section 6330)**

Above transmitted report, together with letter of transmittal from John C. Duncan, Director, Department of Industrial Relations, dated February 29, 2008, referred by the Speaker to the Committee on Labor and Employment.

**2007 Cost of Living Report
(Pursuant to Government Code Section 20233)**

Above transmitted report, together with letter of transmittal from Rob Feckner, President, California Public Employees' Retirement System, dated February 26, 2008, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Taxpayers' Bill of Rights—Annual Certification
(Pursuant to Revenue and Taxation Code Section 21008)**

Above transmitted report, together with letter of transmittal from Selvi Stanislaus, Executive Officer, Franchise Tax Board, dated February 26, 2008, referred by the Speaker to the Committee on Revenue and Taxation.

**Uninsured Employers Benefits Trust Fund Job Classifications
(Pursuant to Labor Code Section 3716.5(b))**

Above transmitted report, together with letter of transmittal from John C. Duncan, Director, Department of Industrial Relations, dated February 27, 2008, referred by the Speaker to the Committee on Labor and Employment.

**California International Trade and Investment Strategy
(Pursuant to Senate Bill 1513, Chapter 633, Statutes of 2006)**

Above transmitted report, together with letter of transmittal from Dale E. Bonner, Secretary, Business, Transportation and Housing Agency, dated February 28, 2008, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Unclaimed Property Program
(Pursuant to Budget Act 2007, Item 0840-001-0001)**

Above transmitted report, together with letter of transmittal from Michael Carter, Chief Operating Officer, California State Controller, dated February 29, 2008, referred by the Speaker to the Committee on Budget.

**California Low Cost Automobile Insurance Program
(Pursuant to Senate Bill 1427, Chapter 742, Statutes of 2002
Senate Bill 1500, Chapter 920, Statutes of 2004
Senate Bill 20, Chapter 435, Statutes of 2005, and
Assembly Bill 1183, Chapter 717, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Richard Robinson, Deputy Commissioner of Community Relations, Department of Insurance, dated February 29, 2008, referred by the Speaker to the Committee on Insurance.

**Complaints Alleging Violations of
Business and Professions Code Sections 6175–6176
Regarding Requirements for the Sale of Financial Products
by Attorneys to Clients in 2007
(Pursuant to Business and Professions Code Section 6177)**

Above transmitted report, together with letter of transmittal from Anthony Williams, Director, Office of Governmental Affairs, State Bar of California, dated February 29, 2008, referred by the Speaker to the Committee on Judiciary.

**2008 Annual Report of the Lawyer Assistance Program
(Pursuant to Business and Professions Code Section 6238)**

Above transmitted report, together with letter of transmittal from Anthony Williams, Director, Office of Governmental Affairs, State Bar of California, dated March 1, 2008, referred by the Speaker to the Committee on Judiciary.

**Mental Health Services Act Expenditure Report 2007–08
(Pursuant to Assembly Bill 131, Chapter 80, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated March 5, 2008, referred by the Speaker to the Committee on Budget.

**Final Audit Report—California Energy Commission
Renewable Resource Trust Fund, for the Fiscal Year Ended June 30, 2007
(Pursuant to Public Resources Code Section 25751(g))**

Above transmitted report, together with letter of transmittal from David Botelho, Chief, Office of State Audits and Evaluations, Department of Finance, dated March 6, 2008, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual DNA Identification Fund
(Pursuant to Government Code Section 76104.6) from:**

Placer County, Theresa Wiech, Accountant Auditor II, dated February 28, 2008;

Sacramento County, Dave Irish, Director of Finance, dated February 28, 2008;

San Benito County, Larry Chapin, Accounting Manager, dated February 29, 2008;

Santa Cruz County, Renee Harrison, Accountant, dated February 29, 2008; calendar years 2006 and 2007 submitted.

Riverside County, Steve Schubert, Principal Management Analyst, dated March 4, 2008.

Referred by the Speaker to the Committee on Public Safety.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 12, 2008

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

Assembly Bill No. 1880

Assembly Bill No. 2132

Assembly Bill No. 1951

Assembly Bill No. 2319

Assembly Bill No. 2050

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Torrico 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.

POINT OF ORDER

Assembly Member Benoit arose to the following point of order:

The announced schedule for today was Floor session in the Third Extraordinary Session. Floor session in the Regular Session was not announced. Do the Assembly rules permit Floor action on bills in the Regular Session?

Reply by Speaker pro Tempore Lieber

The Speaker pro Tempore replied that pursuant to Assembly Rule 2, the presiding officer has the authority to determine the time of convening a session.

RECESS

By unanimous consent, at 4:53 p.m., Speaker pro Tempore Lieber declared the Assembly recessed.

RECONVENED

At 8:03 p.m., the Assembly reconvened.

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

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker Núñez in extending best wishes to Assembly Member Calderon on the occasion of his birthday.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

- Thursday, March 13, 2008, Check-in Session, 6 a.m.–3 p.m.
- Monday, March 24, 2008, Floor Session, noon;
- Tuesday, March 25, 2008, Floor Session, 3:30 p.m. for the State of the Judiciary.

ADJOURN IN MEMORY

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 Margaret “Margot” Wright, of Rialto.

Assembly Member De León was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anthony Escobar, of Los Angeles.

Assembly Member Hayashi was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Wood Sr., of Hayward.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

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

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1823—An act to amend Section 749.22 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time, and ordered to third reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 12, 2008

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

Assembly Bill No. 1823

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading file.

**CONSIDERATION OF DAILY FILE (RESUMED)
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.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member De La Torre announced that the Committee on Rules would meet on Thursday, March 13, 2008 at 9 a.m. in the Tom Bane Rules Committee Room.

MOTION TO ADJOURN

At 8:06 p.m., Assembly Member De León moved that pursuant to Joint Rule 51(a)(2) the Assembly do now adjourn for the 2008 Spring Recess until Monday, March 24, 2008.

Assembly Member Davis seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 8:07 p.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 116—Strickland. Relative to Adolfo Camarillo Memorial Highway.

AUTHOR'S AMENDMENTS

Committee on Health

March 12, 2008

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

Assembly Bill No. 2966

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

DYMALLY, Chair

ASSEMBLY BILL NO. 2966—An act to amend Section 129825 of the Health and Safety Code, relating to hospitals.

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 12, 2008

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

Assembly Concurrent Resolution No. 106

House Resolution No. 5

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

DE LA TORRE, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 106—Relative to Teen Driving Safety Week.

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

HOUSE RESOLUTION NO. 5—Relative to glaucoma.

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 Employees, Retirement and Social Security

March 12, 2008

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

Assembly Bill No. 1844

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

HERNANDEZ, Chair

ASSEMBLY BILL NO. 1844—An act to add Section 22010 to the Education Code, to amend Sections 7504 and 7507 of, to add Sections 7504.5 and 31455.5 to, and to add Article 3 (commencing with Section 20085) to Chapter 1 of Part 3 of Division 5 of Title 2 of, the Government Code, to amend Section 1877.1 of, and to add Section 1877.35 to, the Insurance Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to public employee benefits.

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 Housing and Community Development

March 12, 2008

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 1892

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

SALDAÑA, Chair

ASSEMBLY BILL NO. 1892—An act to add Section 1353.9 to the Civil Code, relating to common interest developments.

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 12, 2008

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

Assembly Bill No. 2182

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

CABALLERO, Chair

ASSEMBLY BILL NO. 2182—An act to add Article 8 (commencing with Section 65055) to Chapter 1.5 of Division 1 of Title 7 of the Government Code, relating to land use.

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, 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 ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Insurance

March 12, 2008

Mr. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 1910

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

COTO, Chair

ASSEMBLY BILL NO. 1910—An act to amend Section 926.2 of, and to add Section 926.3 to, the Insurance Code, relating to insurer 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 Judiciary

March 12, 2008

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Assembly Bill No. 2130

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

JONES, Chair

ASSEMBLY BILL NO. 2130—An act to amend Section 104113 of the Health and Safety Code, relating to public health.

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 Public Safety

Date of Hearing: March 11, 2008

Mr. Speaker: Your Committee on Public Safety reports:
Assembly Bill No. 1900

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

Above bill re-referred to the Committee on Judiciary.

Committee on Higher Education

Date of Hearing: March 4, 2008

Mr. Speaker: Your Committee on Higher Education reports:
Assembly Concurrent Resolution No. 69

With amendments with the recommendation: Amend, and be adopted as amended.
PORTANTINO, Chair

Above resolution ordered to second reading.

INTRODUCTION OF GUESTS

Assembly Member Lieu, of the 53rd Assembly District, introduced Dustin Tygret, a Torrance High School student; Terry Ragins and Robin Funk, Torrance Unified School District Board members; and members from the Manhattan Beach Parent Teachers' Association.

ADJOURNMENT

At 8:07 p.m., pursuant to the motion by Assembly Member De León the Assembly adjourned until 6 a.m., Thursday, March 13, 2008, out of respect to the memory of Margaret “Margot” Wright, on motion of Assembly Member Carter; out of respect to the memory of Anthony Escobar, on motion of Assembly Member De León; out of respect to the memory of William Wood Sr., on motion of Assembly Member Hayashi.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 12, 2008**

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

AB RN

1844	0808049
1892	0808128
1910	0808256
2130	0807578
2182	0807942
2966	0808145

ACR RN

106	0807575
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HR RN

5	0807899
22	0808117

Daily Total:	9
Cumulative Total:	3196

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