

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 13, 2007**

**THIRTY-NINTH SESSION DAY**

**ONE HUNDREDTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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 13, 2007

The Assembly met at 7 a.m.

Hon. Jean Fuller, Assembly Member, 32nd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Elizabeth Potter reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

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

Quorum present.

**At 1:34 p.m., Hon. Patty Berg, 1st District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Garrick and Lieu.*

*Because of illness: Assembly Member Soto.*

**EXPLANATIONS OF ABSENCE**

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

March 9, 2007

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

Dear Mr. Speaker: I am respectfully requesting to be excused from check-in session on March 13, 2007. I will be in Southern California on legislative business.

Thank you for your prompt attention to this request.

Sincerely,

MARTIN GARRICK, Assembly Member  
Seventy-fourth District

March 12, 2007

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

Dear Speaker Núñez: I respectfully request permission to be excused from check-in session on March 13, 2007 to return to my district for legislative business.

If you have any questions regarding this request, please contact Addie Meyers or David Ford at 319-2053.

Sincerely,

TED W. LIEU, Assembly Member  
Fifty-third District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 13, 2007

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

Dear Dotson: Please be advised that I have created the Assembly Select Committee on Alcohol and Drug Abuse for the 2007–08 Regular Session and have appointed Assemblymember Jim Beall, Jr., as chair.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

March 13, 2007

*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 the following members to the Select Committee on Community Colleges for the 2007–08 Regular Session:

Assemblymember Julia Brownley  
Assemblymember Mervyn Dymally  
Assemblymember Ted Gaines  
Assemblymember John Laird  
Assemblymember Bill Maze  
Assemblymember Anthony Portantino  
Assemblymember Van Tran

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

March 13, 2007

*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 the following members to the Joint Legislative Committee on Emergency Services and Homeland Security:

Assemblymember Pedro Nava, Chair  
Assemblymember John Benoit  
Assemblymember Kevin de León  
Assemblymember Rick Keene  
Assemblymember Roger Niello  
Assemblymember Laura Richardson  
Assemblymember Ira Ruskin

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

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

March 12, 2007

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

*Mr. Gregory Schmidt  
Secretary of the Senate  
State Capitol, Room 400  
Sacramento, California*

Dear Mr. Wilson and Mr. Schmidt: Please be advised the Assembly and Senate contingents of the Joint Rules Committee have approved the following items:

- Appointment of Jon Waldie as Chief Administrative Officer of the California State Legislature for the 2007–08 Legislative Session (24–0)
- Selection of Assembly Member Hector De La Torre as the Chair of the Joint Rules Committee (24–0)
- Salary increase for Diane Boyer-Vine, Legislative Counsel of the California State Legislature (24–0)

Please ensure that these actions are printed in the Assembly Journal.

Sincerely,

HECTOR DE LA TORRE  
Chair

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 13, 2007

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

|                       |                       |
|-----------------------|-----------------------|
| Assembly Bill No. 17  | Assembly Bill No. 221 |
| Assembly Bill No. 84  | Assembly Bill No. 235 |
| Assembly Bill No. 112 | Assembly Bill No. 241 |
| Assembly Bill No. 185 | Assembly Bill No. 259 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 13, 2007

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

Assembly Concurrent Resolution No. 2  
Assembly Concurrent Resolution No. 8

And reports the same correctly enrolled, and presented to the Secretary of State on the 13th day of March, 2007, at 12:15 p.m.

E. DOTSON WILSON, Chief Clerk

### SPECIAL COMMITTEE MEETINGS

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

Labor and Employment, on Wednesday, March 28, 2007, at 1:30 p.m., in Room 447;

Joint Legislative Audit Committee, on Tuesday, April 17, 2007, at 3 p.m., in Room 126;

Human Services, on Tuesday, March 27, 2007, at 9 a.m., in Room 127;

Aging and Long-Term Care to convene jointly with the Health Committee on Tuesday, March 27, 2007, upon adjournment of Health Committee, in Room 4202;

Water, Parks and Wildlife, on Wednesday, April 18, 2007, at 9 a.m., in Room 126;

Business and Professions to convene jointly with the Senate Committee on Business, Professions and Economic Development, on Wednesday, March 28, 2007, at 10 a.m., in Room 3191.

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1729—Committee on Water, Parks and Wildlife (Wolk (Chair), Maze (Vice Chair), Caballero, Huffman, Lieu, Mullin, Nava, and Salas).** An act to amend Sections 18, 62, 331, 332, 396, 711.2, 856, 1001, 1011, 1050.1, 1052, 1052.5, 1053.5, 1054, 1054.2, 1054.8, 1124, 2001, 2005, 2006, 2011, 2012, 2016, 2019, 2106, 2115, 2120, 2121, 2127, 2150.3, 2150.4, 2186, 2187, 2189, 2192, 2345, 2346, 2347, 2348, 2349, 2353, 2362, 2535, 3001, 3003.5, 3004, 3007, 3031.2, 3050, 3051, 3054, 3080, 3087, 3242, 3500, 3683, 3801, 3801.6, 3803, 4000, 4005, 4012, 4152, 4180, 4181.1, 4181.5, 4186, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 4904, 5514, 5650, 5652, 6301, 7145, 7147, 7149.2, 7149.4, 7149.45, 7153, 7180, 7852.27, 8022, 8030, 8250.5, 8284, 8372, 8383, 8573, 8576, 8597, 8598, 8632, 8681, 10500, 10506, 11032, 12000, 12001.5, 12002, 12002.1, and 12013 of, to add Sections 19, 89.1, 12002.11, and 12002.2.1 to, to repeal Sections 397, 2150.5, 3005.9, 3005.91, 3005.92, 3005.93, 3005.94, 3055, 3055.1, 3304, 3680, 4001, 4181.2, 5020, and 5502 of, and to repeal and add Section 12157.5 of, the Fish and Game Code, relating to fish and wildlife.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 8—Huffman.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 18 of Article XVI thereof, relating to local development.

### AUTHOR'S AMENDMENTS

#### Committee on Health

March 13, 2007

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

Assembly Bill No. 12

Assembly Bill No. 34

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

DYMALLY, Chair

**ASSEMBLY BILL NO. 12—**An act to add Division 113 (commencing with Section 131500) to the Health and Safety Code, relating to health care coverage.

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. 34**—An act relating to umbilical cord blood banking.

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 13, 2007

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

Assembly Bill No. 260

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

MULLIN, Chair

**ASSEMBLY BILL NO. 260**—An act to add Article 8.5 (commencing with Section 17075.50) to Chapter 12.5 of Part 10 of Division 1 of Title 1 of the Education Code, relating to school facilities.

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 Revenue and Taxation**

Date of Hearing: March 12, 2007

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 28

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

CALDERON, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing: March 12, 2007

Mr. Speaker: Your Committee on Transportation reports:

- Assembly Concurrent Resolution No. 4
- Assembly Concurrent Resolution No. 10
- Assembly Concurrent Resolution No. 20
- Assembly Concurrent Resolution No. 22

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

NAVA, Chair

Above resolutions re-referred to the Committee on Appropriations.

**Committee on Public Safety**

Date of Hearing: March 13, 2007

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 40

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

SOLORIO, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 13, 2007

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 151

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

SOLORIO, Chair

Above bill ordered to second reading.

Date of Hearing: March 13, 2007

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 81

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.

Date of Hearing: March 13, 2007

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 225

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

SOLORIO, Chair

Above bill re-referred to the Committee on Appropriations.

#### **Committee on Higher Education**

Date of Hearing: March 13, 2007

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 153

Assembly Bill No. 175

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

PORTANTINO, Chair

Above bills re-referred to the Committee on Appropriations.

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

**ASSEMBLY BILL NO. 97**—An act to add Article 6.6 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

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

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 14, 2007.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk



## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 13, 2007

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

| AB                       | RN      |           |
|--------------------------|---------|-----------|
| 12                       | 0710187 |           |
| 34                       | 0710046 |           |
| 97                       | 0710331 |           |
| 260                      | 0710230 |           |
| <b>Daily Total:</b>      |         | <b>4</b>  |
| <b>Cumulative Total:</b> |         | <b>72</b> |

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