CALIFORNIA LEGISLATURE 2007–08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 14, 2007 FORTIETH SESSION DAY ONE HUNDRED FIRST 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 Wednesday, March 14, 2007

The Assembly met at 7 a.m.

Hon. Bonnie Garcia, Assembly Member, 80th 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—76:

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

Quorum present.

At 1:17 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 Alarcón and Tran. On legislative business, per diem waived for the 2007–2008 Session (See Assembly Journal, page 64): Assembly Member Wolk. Because of illness: Assembly Member Soto. Mar. 14, 2007

ASSEMBLY JOURNAL

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 California State Assembly State Capitol, Room 219 Sacramento, California

Dear Speaker Núñez: I would like to be excused from Session on Wednesday, March 14, 2007 for legislative business in my District. I shall be in attendance for Session on Thursday, March 15, 2007.

I thank you for your favorable consideration.

Yours truly,

RICHARD ALARCÓN, Assembly Member Thirty-ninth District

March 14, 2007

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

This letter is a request to be excused from check-in Session for Wednesday, March 14, 2007 for legislative business.

Thank you for your consideration of this matter.

Sincerely,

VAN TRAN, Assembly Member Sixty-eighth District

March 14, 2007

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

Dear Speaker Núñez: I respectfully request to be excused from the Check-in Session today, Wednesday, March 14, 2007 due to legislative business in my district.

If you have any questions or concerns, please contact Jenn Short, my scheduler, at 319-2008.

Sincerely,

LOIS WOLK, Assembly Member Eighth District

SPECIAL COMMITTEE MEETINGS

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

Health Committee, to hold an informational hearing, on Tuesday, May 15, 2007, at 1:30 p.m., in Room 4202;

Health Committee, to hold an informational hearing, on Friday, May 18, 2007, in Inglewood.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 14, 2007

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

Assembly Bill No. 97 Assembly Bill No. 260

And reports the same correctly engrossed.

Assembly Bill No.12

Assembly Bill No. 34

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 14, 2007 Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 6

And reports the same correctly enrolled, and presented to the Secretary of State on the 14th day of March, 2007, at 11:45 a.m.

E. DOTSON WILSON, Chief Clerk

REPORTS

The following reports were presented by the Chief Clerk:

Aging Services Data Report (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 January 10, 2007, referred by the Speaker to the Committee on Aging and Long-Term Care.

Fourth Quarter 2006 Non-Toll Seismic Retrofit Program Quarterly Report

(Pursuant to Assembly Bill 144, Chapter 71, Statutes of 2005)

Above transmitted report, together with letter of transmittal from Will Kempton, Director, Department of Transportation, dated February 1, 2007, referred by the Speaker to the Committee on Transportation.

University of California's Report on

the Medical Investigation of Neurodevelopment Disorders (M.I.N.D.) Institute (Pursuant to Supplemental Report to the 2000 Budget Act Item 6440-001-0001)

Above transmitted report, together with letter of transmittal from Robert C. Dynes, President, University of California, dated February 8, 2007, referred by the Speaker to the Committee on Health.

2003–04 Statewide Language Survey and Implementation Plan (Pursuant to Government Code Section 7299.6)

Above transmitted report, together with letter of transmittal from Floyd D. Shimomura, Executive Director, State Personnel Board, dated February 6, 2007, referred by the Speaker to the Committee on Budget.

2005–06 Transportation Rate Fund Report (Pursuant to Public Utilities Code Section 5012)

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, Public Utilities Commission, dated February 15, 2007, referred by the Speaker to the Committee on Transportation.

Medi-Cal Managed Care Program Quarterly Update Period: July through September 2006 (Pursuant to Budget Act 2005, Section 34)

Above transmitted report, together with letter of transmittal from Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated February 16, 2007, referred by the Speaker to the Committee on Health.

Medi-Cal Managed Care Program Quarterly Update Period: October through December 2006 (Pursuant to Budget Act 2005, Section 34)

Above transmitted report, together with letter of transmittal from Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated February 20, 2007, referred by the Speaker to the Committee on Health.

2007 Five Year Maintenance Plan (Pursuant to Streets and Highways Code Section 164.6)

Above transmitted report, together with letter of transmittal from Ted Link-Oberstar, Acting Division Chief, Legislative and Local Government Affairs, Department of Transportation, dated February 14, 2007, referred by the Speaker to the Committee on Transportation.

2006 Annual Report on the State of the Workers' Compensation System (Pursuant to Labor Code Section 77(a))

Above transmitted report, together with letter of transmittal from Christine Baker, Executive Officer, Department of Industrial Relations, Commission on Health and Safety and Workers' Compensation, dated February 1, 2007, referred by the Speaker to the Committee on Insurance.

Annual Study of Access to Medical Treatment for Injured Workers (Pursuant to Labor Code Section 5307.2)

Above transmitted report, together with letter of transmittal from John M. Rea, Acting Director, Department of Industrial Relations, dated February 23, 2007, referred by the Speaker to the Committee on Insurance.

Commission on State Mandates

Denied Mandate Claims Report February 1, 2006 through December 31, 2006 (Pursuant to Government Code Section 17601)

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated February 21, 2007, referred by the Speaker to the Committee on Appropriations.

2006 Contracting Out for Services at Newly Developed Facilities Report (Pursuant to Supplemental Report of the 2002 Budget Act Item 6440-001-001)

Above transmitted report, together with letter of transmittal from Robert C. Dynes, President, University of California, dated February 14, 2007, referred by the Speaker to the Committee on Higher Education.

2007 Office of Administrative Law Determination No. 3 Report (Pursuant to Government Code Section 11340.5)

Above transmitted report, together with letter of transmittal from William L. Gausewitz, Director, Office of Administrative Law, dated February 16, 2007, referred by the Speaker to the Committee on Judiciary.

2003–05 Division of Apprenticeships Standards Annual Report (Pursuant to Labor Code Section 3073.5)

Above transmitted report, together with letter of transmittal from John M. Rea, Acting Director, Department of Industrial Relations, Office of the Director, dated February 20, 2007, referred by the Speaker to the Committee on Labor and Employment.

California Witness Protection Program (Pursuant to Penal Code Section 14031)

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated February 23, 2007, referred by the Speaker to the Committee on Public Safety.

Status of the Alternative Schools Accountability Model (Pursuant to Budget Act 2006, Item 6110-113-0890, Provision 1)

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 26, 2007, referred by the Speaker to the Committee on Education.

2005–06 California State University Channel Islands Site Authority Report on Funds Used to Support Increases in Enrollment Capacity (Pursuant to Government Code Section 67480(a)(3))

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated February 20, 2007, referred by the Speaker to the Committee on Higher Education.

2005–06 California State University Channel Islands Site Authority Financial Report on Revenues from Sales and Leases, and Expenditures for Prior Year Camarillo State Hospital Land Transfer to CSU (Pursuant to Education Code Section 89009 (c))

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated February 20, 2007, referred by the Speaker to the Committee on Higher Education.

Electronic Recording Equipment Purchased or Leased by the Superior Courts (Pursuant to Government Code Section 69958)

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated February 22, 2007, referred by the Speaker to the Committee on Judiciary.

Study of the Effectiveness of the Education Specialist with Mild/Moderate Disabilities District Intern Program (Pursuant to Education Code Section 44329)

Above transmitted report, together with letter of transmittal from Dale A. Janssen, Executive Director, Commission on Teacher Credentialing, dated February 26, 2007, referred by the Speaker to the Committee on Education.

Taxpayer's 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, 2007, referred by the Speaker to the Committee on Revenue and Taxation.

2005–2006 Court Facilities Trust Fund Expenditures (Pursuant to Government Code Section 70352 (c))

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated February 20, 2007, referred by the Speaker to the Committee on Judiciary.

Annual Report of Special Funds Expenditures for Fiscal Year 2005–2006 (Pursuant to Supplemental Report to the 2000 Budget Act Item 0450-101-0932)

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated February 20, 2007, referred by the Speaker to the Committee on Judiciary.

Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006 (Pursuant to Education Code Section 22324)

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, California State Teachers Retirement System, dated February 22, 2007, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

Mobile Equipment Expenditures Report for the 2005–06 Fiscal Year (Pursuant to Supplemental Report to the 2006 Budget Act Item 3540-001-0001)

Above transmitted report, together with letter of transmittal from Ruben Grijalva, Director, Department of Forestry and Fire Protection, dated February 14, 2007, referred by the Speaker to the Committee on Budget.

2005–06 Vocational Education Carryover Funds (Pursuant to Budget Act 2006, Item 6110-166-0890, Provision 3)

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated February 26, 2007, referred by the Speaker to the Committee on Budget.

San Diego Hospice 2006 Pilot Project Report (Pursuant to Senate Bill 2011, Chapter 413, Statutes of 1996)

Above transmitted report, together with letter of transmittal from Jan Ceti, President CEO, San Diego Hospice and Palliative Care, dated February 26, 2007, referred by the Speaker to the Committee on Health.

2006 Forest Legacy Program Report (Pursuant to Public Resources Code Sections 12290–12291)

Above transmitted report, together with letter of transmittal from Ruben Grijalva, Director, Department of Forestry and Fire Protection, dated February 27, 2007, referred by the Speaker to the Committee on Natural Resources.

Bureau of Medi-Cal Fraud and Elder Abuse Quarterly Statistical Report Ending December 31, 2006 (Pursuant to Budget Act 2005, Item 0820-001-0001, Provision 1)

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated February 28, 2007, referred by the Speaker to the Committee on Public Safety.

California Educational Facilities Authority Academic Assistance Grant Program (Pursuant to Education Code Section 94216)

Above transmitted report, together with letter of transmittal from Jose A. Gomez, Executive Director, California Educational Facilities Authority, dated February 28, 2007, referred by the Speaker to the Committee on Higher Education.

Annual Report of Trial Court Interpreters Program Expenditures for Fiscal Year 2005–06

(Pursuant to Budget Act 2005, Item 0250-101-0932, Provision 4)

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated February 28, 2007, referred by the Speaker to the Committee on Budget.

California Health Facilities Financing Authority Children's Hospital Program (Pursuant to Government Code Section 16724.4)

Above transmitted report, together with letter of transmittal from Sandra Simpson-Fontaine, Executive Director, California Health Facilities Financing Authority, dated February 28, 2007, referred by the Speaker to the Committee on Health.

Proof of Legal Presence Report (Pursuant to Senate Bill 976, Chapter 820, Statutes of 1993)

Above transmitted report, together with letter of transmittal from George Valverde, Director, Department of Motor Vehicles, dated March 2, 2007, referred by the Speaker to the Committee on Transportation.

Recommendations of the Task Force on Civil Fees (Pursuant to Government Code Section 70601 (b))

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated February 28, 2007, referred by the Speaker to the Committee on Judiciary.

Pelagic Fish Action Plan (Pursuant to Budget Act 2006, Item 0540-001-0140)

Above transmitted report, together with letter of transmittal from Mike Chrisman, Secretary, Resources Agency, dated March 2, 2007, referred by the Speaker to the Committee on Water, Parks and Wildlife.

California Beverage Container Recycling Program History and Fund Management Options (Pursuant to Budget Act 2006, Item 3480-001-0133)

Above transmitted report, together with letter transmittal from Bridgett Luther, Director, Department of Conservation, dated March 5, 2007, referred by the Speaker to the Committee on Natural Resources.

Division of Juvenile Justice Performance Measures Report (Pursuant to Budget Act 2006, Item 5225-001-0001, Provision 23)

Above transmitted report, together with letter of transmittal from James E. Tilton, Secretary, Department of Corrections and Rehabilitation, dated February 28, 2007, referred by the Speaker to the Committee on Public Safety.

Safe Routes to School—Safety and Mobility Analysis (Pursuant to Streets and Highways Code Section 2333.5)

Above transmitted report, together with letter of transmittal from Ted Link-Oberstar, Acting Division Chief, Legislative and Local Government Affairs, Department of Transportation, dated February 28, 2007, referred by the Speaker to the Committee on Transportation.

California High-Speed Rail Authority Report (Pursuant to Budget Act 2006, Item 2665-001-0046)

Above transmitted report, together with letter of transmittal from Carrie Pourvahidi, Deputy Director, California High-Speed Rail Authority, dated March 8, 2007, referred by the Speaker to the Committee on Transportation.

2006–07 Second Quarter—December 2006 Report on the Department of Mental Health Compliance on Consent Judgement and Agreement with the United States Department of Justice (Pursuant to Assembly Bill 1807 Chapter 74, Section 74, Statutes of 2006)

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated March 8, 2007, referred by the Speaker to the Committee on Health.

2006–07 Third Quarter—March 2007 Report on the Department of Mental Health Compliance with the Consent Judgement and Agreement with the United States Department of Justice (Pursuant to Assembly Bill 1807 Chapter 74, Section 74, Statutes of 2006)

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated March 9, 2007, referred by the Speaker to the Committee on Health.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1730—Committee on Elections and Redistricting. An act to amend Sections 6023, 6145, 6180, and 6201 of the Elections Code, relating to Presidential primaries.

ASSEMBLY BILL NO. 1731—Committee on Elections and Redistricting. An act to amend Sections 4000, 9290, and 9295 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 1732—Committee on Elections and Redistricting. An act to amend Sections 320, 9237, and 13308 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 1733—Committee on Elections and Redistricting. An act to amend Section 1780 of the Government Code, and to amend Section 5520 of the Public Resources Code, relating to districts.

ASSEMBLY BILL NO. 1734—Committee on Elections and Redistricting. An act to amend Sections 13102 and 15375 of the Elections Code, relating to elections.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 21—Portantino. Relative to the Federal Lands Recreation Enhancement Act.

AUTHOR'S AMENDMENTS Committee on Revenue and Taxation

March 14, 2007

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Assembly Bill No. 33

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

CALDERON, Chair

ASSEMBLY BILL NO. 33—An act to add Section 17053.96 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 14, 2007

Mr. Speaker: The Chair of your Committee on Transportation reports: Assembly Bill No. 11

Assembly Bill No. 23

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

NAVA, Chair

ASSEMBLY BILL NO. 11—An act to add Section 5101.10 to the Vehicle Code, relating to vehicles.

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. 23—An act to add Section 21368.5 to the Vehicle Code, relating to vehicles.

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 14, 2007

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports: Assembly Bill No. 78

Assembly Bill No. 119

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

PRICE, Chair

ASSEMBLY BILL NO. 78—An act to amend Sections 83122, 84102, and 84211 of, and to add Section 85705 to, and Article 8 (commencing with Section 85901) to Chapter 5 of Title 9 of, the Government Code, relating to the Political Reform Act of 1974, 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. 119—An act to add Section 13001 to the Elections Code, relating to elections, 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 Public Safety

March 14, 2007

Mr. Speaker: The Chair of your Committee on Public Safety reports: Assembly Bill No. 115

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

SOLORIO, Chair

ASSEMBLY BILL NO. 115—An act to amend Section 290 of the Penal Code, relating to sex offenders.

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 14, 2007

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

Assembly Bill No. 227

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

JONES, Chair

ASSEMBLY BILL NO. 227—An act to amend Sections 77200, 77201.1, and 77201.2 of, and to add Section 77201.3 to, the Government Code, and to amend Section 1463.17 of the Penal Code, relating to trial court funding.

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 13, 2007

Mr. Speaker: Your Committee on Health reports: Assembly Bill No. 106

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

DYMALLY, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 13, 2007

Mr. Speaker: Your Committee on Health reports:

Assembly Concurrent Resolution No. 13

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

DYMALLY, Chair

Above resolution re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 151—An act to amend Section 830.1 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately. Bill read second time, and ordered to Consent Calendar.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 14, 2007

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 151

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

ADJOURNMENT

At 4:40 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 15, 2007.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

AMENDMENTS CONSIDERED BY THE **ASSEMBLY ON MARCH 14, 2007**

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

AB	RN	
11	0710340	
23	0709304	
33	0710147	
78	0710144	
115	0710313	
119	0709352	
227	0710173	
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Cumulative Total: 79

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