

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, April 30, 2008**

**ONE HUNDRED EIGHTY-FIRST SESSION DAY  
FIVE HUNDRED THIRTEENTH 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  
Wednesday, April 30, 2008

The Assembly met at 7 a.m.

Hon. Tom Berryhill, Assembly Member, 25th 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	DeVore	Huffman	Price
Aghazarian	Duvall	Jeffries	Runner
Anderson	Dymally	Jones	Ruskin
Arambula	Emmerson	Karnette	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	Galgiani	Maze	Torrico
Calderon	Garcia	Mendoza	Tran
Carter	Garrick	Mullin	Villines
Cook	Hancock	Nakanishi	Walters
Coto	Hayashi	Nava	Wolk
Davis	Hernandez	Niello	Mr. Speaker
De La Torre	Horton	Parra	
De León	Houston	Plescia	
DeSaulnier	Huff	Portantino	

Quorum present.

**At 11:16 a.m., Hon. Greg Aghazarian, 26th 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 Member Keene.*

*Because of illness: Assembly Member Soto.*

*On paternity leave: Assembly Member Krekorian.*

**EXPLANATIONS OF ABSENCE**

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

April 29, 2008

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Wednesday April 30, 2008 due to legislative business in my district.

Please contact Johannes Escudero in my Capitol office with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

RICK KEENE, Assembly Member  
Third District

**COMMUNICATIONS**

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

April 29, 2008

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

Dear Dotson: Please be advised that I have appointed Assemblymember Cathleen Galgiani to replace Assemblymember Nell Soto on the Assembly Local Government Committee for the Wednesday, April 30 hearing only.

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Water, Parks and Wildlife, on Wednesday, June 4, 2008, at 1 p.m., in Room 437.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 135—Tran (Coauthors: Eng, Furutani, Hayashi, Horton, Lieu, Ma, Nakanishi, and Torrico) (Coauthor: Senator Yee).** Relative to Asian and Pacific Islander American Heritage Month.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 30, 2008

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

Assembly Bill No. 2402

Assembly Bill No. 1917

Assembly Bill No. 2553

Assembly Bill No. 3014

Assembly Bill No. 3069

Assembly Bill No. 2396

Assembly Bill No. 2259

Assembly Bill No. 2148

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, April 30, 2008

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

Assembly Concurrent Resolution No. 43

Assembly Concurrent Resolution No. 45

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

Assembly Chamber, April 30, 2008

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

Assembly Concurrent Resolution No. 102

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, April 30, 2008

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

Assembly Bill No. 1771

Assembly Bill No. 2178

Assembly Bill No. 1780

Assembly Bill No. 2240

Assembly Bill No. 1860

Assembly Bill No. 2292

Assembly Bill No. 2053

Assembly Bill No. 2913

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 30, 2008

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

Assembly Concurrent Resolution No. 106

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, April 30, 2008

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

Assembly Concurrent Resolution No. 83

Assembly Concurrent Resolution No. 101

Assembly Concurrent Resolution No. 125

And reports the same correctly enrolled, and presented to the Secretary of State on the 30th day of April, 2008 at 2 p.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

April 30, 2008

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

Assembly Bill No. 2212

Assembly Bill No. 2399

Assembly Bill No. 2898

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

LENO, Chair

**ASSEMBLY BILL NO. 2212**—An act to amend Section 13.2 of, to add Sections 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, and 7.12 to, and to repeal and add Sections 7, 7.1, 7.2, and 7.3 of, the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District.

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. 2399**—An act to add Section 10609.45 to the Welfare and Institutions Code, relating to human services.

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. 2898**—An act to amend Sections 27491.4 and 27491.45 of the Government Code, relating to coroners.

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: April 29, 2008

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1944

Assembly Bill No. 2694

With the recommendation: Do pass.

DYMALLY, Chair

Above bills ordered to second reading.

**Committee on Human Services**

Date of Hearing: April 29, 2008

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 2608

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

BEALL, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Health**

Date of Hearing: April 29, 2008

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2702

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.

**Committee on Judiciary**

Date of Hearing: April 29, 2008

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2747

Assembly Bill No. 2780

With the recommendation: Do pass.

JONES, Chair

Above bills ordered to second reading.

Date of Hearing: April 29, 2008

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2801

Assembly Bill No. 3004

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 bills be placed on the Consent Calendar

JONES, Chair

Above bills ordered to second reading.

Date of Hearing: April 29, 2008

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2651

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

JONES, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: April 29, 2008

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 3013

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

JONES, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Housing and Community Development**

Date of Hearing: April 30, 2008

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 2604

Assembly Bill No. 2846

With amendments with the recommendation: Amend, and do pass, as amended.

SALDAÑA, Chair

Above bills ordered to second reading.

Date of Hearing: April 30, 2008

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 2000

Assembly Bill No. 2069

With the recommendation: Do pass.

SALDAÑA, Chair

Above bills ordered to second reading.

**Committee on Insurance**

Date of Hearing: April 30, 2008

Mr. Speaker: Your Committee on Insurance reports:

Assembly Joint Resolution No. 56

With the recommendation: Be adopted.

COTO, Chair

Above resolution ordered to third reading.

Date of Hearing: April 30, 2008

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 2091

Assembly Bill No. 2800

Assembly Bill No. 2203

Assembly Bill No. 2956

Assembly Bill No. 2688

With the recommendation: Do pass.

COTO, Chair

Above bills ordered to second reading.

Date of Hearing: April 30, 2008

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 2731

Assembly Bill No. 2987

Assembly Bill No. 3057

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 bills be placed on the Consent Calendar.

COTO, Chair

Above bills ordered to second reading.

**Committee on Business and Professions**

Date of Hearing: April 29, 2008

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Bill No. 2360

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

ENG, Chair

Above bill ordered to second reading.

**Committee on Utilities and Commerce**

Date of Hearing: April 28, 2008

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 3011

With amendments with the recommendation: Amend, and do pass, as amended.

LEVINE, Chair

Above bill ordered to second reading.

**Committee on Veterans Affairs**

Date of Hearing: April 29, 2008

Mr. Speaker: Your Committee on Veterans Affairs reports:

Assembly Bill No. 1818

With the recommendation: Do pass.

SALAS, Chair

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 2553, 3069, 2259, 1917, 2396, and 2148**, ordered to third reading;

**Assembly Bills Nos. 2402 and 3014**, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1982**—An act to amend Section 9802.5 of the Unemployment Insurance Code, relating to employment development.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 3060**—An act to amend Section 1024 of the Labor Code, relating to employment.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2269**—An act to add Section 387.7 to the Public Utilities Code, relating to energy.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2720**—An act to amend Sections 21151.4 and 21151.8 of the Public Resources Code, relating to the environment.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY JOINT RESOLUTION NO. 53**—Relative to greenhouse gas emissions.

Resolution read; amendments proposed by the Committee on Transportation read and adopted; resolution ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY JOINT RESOLUTION NO. 40**—Relative to the South Coast Air Basin.

Resolution read; amendments proposed by the Committee on Transportation read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

**ASSEMBLY BILL NO. 3035**—An act to add Section 75.24 to the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2459**—An act to add Section 2511.2 to the Revenue and Taxation Code, relating to taxation.

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

**ASSEMBLY BILL NO. 2187**—An act to amend Sections 2924 and 2924c of, and to add Section 2924.8 to, the Civil Code, relating to mortgages.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file.



**ASSEMBLY BILL NO. 2076**—An act to add Article 2.5 (commencing with Section 2811) to Chapter 2 of Division 3 of the Labor Code, relating to employment.

Bill read second time; amendments proposed by the Committee on Labor and Employment read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 2232**—An act to amend Section 7910 of the Public Utilities Code, relating to communications service employees.

Bill read second time; amendments proposed by the Committee on Labor and Employment read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1767**—An act to amend Section 1377 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1955**—An act to amend Section 1204.5 of the Penal Code, relating to criminal proceedings.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2306**—An act to amend Section 1473.5 of the Penal Code, relating to battering.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2498**—An act to add Article 9 (commencing with Section 12820) to Chapter 6 of Title 2 of Part 4 of the Penal Code, relating to private firearms training organizations.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1973**—An act to amend Sections 305, 307, and 308 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2307**—An act to amend Section 2889.5 of the Public Utilities Code, relating to telephone service.

Bill read second time; amendments proposed by the Committee on Utilities and Commerce read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ASSEMBLY BILL NO. 2385**—An act to add Section 2891.3 to the Public Utilities Code, relating to telecommunications.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1931**—An act to amend Section 830.7 of the Penal Code, relating to peace officers.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2028**—An act to add Section 12940.2 to the Government Code, relating to fair employment.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2245**—An act to amend Section 12002 of the Penal Code, relating to enforcement officers.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2750**—An act to amend Section 1202.4 of the Penal Code, relating to music piracy.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1932**—An act to add Section 8125.5 to the Health and Safety Code, relating to cemeteries.

Bill read second time; amendments proposed by the Committee on Business and Professions read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 2169**—An act to add Sections 16005 and 16106 to the Business and Professions Code, relating to business licenses.

Bill read second time; amendments proposed by the Committee on Business and Professions read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 2649**—An act to amend Section 2069 of the Business and Professions Code, relating to healing arts.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2733**—An act to amend Sections 1103, 1103.4, and 1103.5 of, to amend the heading of Article 1.7 (commencing with Section 1103) of Chapter 2 of Title 4 of Part 4 of Division 2 of, and to add Section 1103.6 to, the Civil Code, relating to real property disclosures.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2769**—An act to add Section 1724 of the Civil Code, relating to digital television.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2841**—An act to add Section 2259.9 to the Business and Professions Code, relating to medical procedures.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 3037**—An act to amend Section 473.4 of the Business and Professions Code, relating to regulatory programs.

Bill read second time, and ordered to third reading.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 30, 2008

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

Assembly Bill No. 1982

Assembly Bill No. 2385

Assembly Bill No. 3060

Assembly Bill No. 2028

Assembly Bill No. 3035

Assembly Bill No. 2245

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

Assembly Chamber, April 30, 2008

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

Assembly Bill No. 1767

Assembly Bill No. 1973

Assembly Bill No. 2306

Assembly Bill No. 2733

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, May 1, 2008.

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 30, 2008**

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

<b>AB</b>	<b>RN</b>
1932	0812930
2076	0812528
2169	0812611
2187	0812551
2212	0812587
2232	0812571
2307	0813012
2399	0812578
2459	0812547
2720	0812579
2898	0812441

<b>AJR</b>	<b>RN</b>
40	0812593
53	0812602

<b>Daily Total:</b>	<b>13</b>
<b>Cumulative Total:</b>	<b>4491</b>

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