

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, December 13, 2007

**ONE HUNDRED TWENTY-SECOND SESSION DAY
THREE HUNDRED SEVENTY-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
Thursday, December 13, 2007

At 6 a.m., pursuant to the provisions of the Assembly Rules the Assembly convened in check-in session upon Call of Speaker Núñez. (See Assembly Journal, page 3580.)

Hon. Michael D. Duvall, Assembly Member, 72nd District, presiding.

Assistant Chief Clerk Lawrence A. Murman at the Desk.
Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The following were placed upon the morning roll call—51:

Aghazarian	De La Torre	Garrick	Mendoza
Anderson	De León	Hancock	Mullin
Arambula	DeSaulnier	Hayashi	Nava
Bass	Duvall	Hernandez	Niello
Beall	Dymally	Huffman	Portantino
Benoit	Eng	Jeffries	Ruskin
Berg	Evans	Jones	Salas
Berryhill	Feuer	Karnette	Saldaña
Caballero	Fuentes	Krekorian	Strickland
Calderon	Fuller	Laird	Swanson
Carter	Gaines	Lieber	Torrico
Cook	Galgiani	Lieu	Mr. Speaker
Davis	Garcia	Ma	

Quorum present.

At 12:45 p.m., Hon. Audra Strickland, 37th 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 Adams, Blakeslee, DeVore, Emmerson, Horton, Houston, Huff, Keene, La Malfa, Leno, Levine, Maze, Price, Silva, Smyth, Solorio, Spitzer, Tran, and Walters.

On personal business, and waiving per diem: Assembly Members Brownley, Coto, Nakanishi, Parra, Plescia, Villines, and Wolk.

Because of illness: Assembly Members Runner and Soto.

EXPLANATIONS OF ABSENCE

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

December 11, 2007

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

Dear Mr. Speaker: I respectfully request authorization to be absent from check-in on Thursday, December 13, 2007. I will be in my district that day on legislative business.

Thank you for your consideration of my request.

Sincerely,

ANTHONY ADAMS, Assembly Member
Fifty-ninth District

December 11, 2007

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

Dear Speaker Núñez: I am writing to request that I be excused from check-in session on Thursday, December 13, 2007 due to important meetings in the district.

I appreciate your consideration of this request. Please contact me in the district office at (805) 549-3381 with any questions. Thank you.

Sincerely,

SAM BLAKESLEE, Assembly Member
Thirty-third District

December 10, 2007

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

Dear Mr. Speaker,

I write to you today to respectfully request an excuse from check-in session on Thursday, December 13, 2007. I have legislative business in my district office. If you have any questions, please contact Michelle Zierman at 319-2070.

Thank you for your prompt attention.

Sincerely,

CHUCK DE VORE, Assembly Member
Seventieth District

December 11, 2007

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

Dear Mr. Speaker: The purpose of this letter is to respectfully request an excuse from check-in session on Thursday, December 13, 2007 due to a previous commitment. I am scheduled to attend the State of the City Address in the City of Loma Linda.

If you have any questions, please contact Julie Paredes 319-2063. Thank you for your prompt attention to this matter.

Sincerely,

BILL EMMERSON, Assembly Member
Sixty-third District

December 10, 2007

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

Dear Speaker Núñez: This letter is to request to be excused from check-in session on Thursday, December 13, 2007 to attend legislative business in my district.

Please feel free to contact me regarding any requests or concerns you may have. Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY HORTON, Assembly Member
Seventy-eighth District

December 13, 2007

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

Dear Mr. Speaker: It is my understanding that Thursday, December 13, 2007, is scheduled to be a Check-in Session. So that I may conduct legislative business in my district, I respectfully request to be excused from Check-In Session that day.

If you have any questions, please contact Keith Ochwat in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

December 11, 2007

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

Dear Mr. Speaker: I am writing to respectfully request that I be excused from check-in session on December 13, 2007. I have legislative meetings in my district and will be conducting interviews to fill a vacancy on my district office staff. If you have any questions, please contact Kris Goldstein in my office at (916) 319-2060.

Sincerely,

BOB HUFF, Assembly Member
Sixtieth District

December 12, 2007

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

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Thursday, December 13, 2007, due to legislative business I am conducting in southern California on Wednesday evening as a member of the Joint Legislative Committee on Emergency Services and Homeland Security, and in my district on Thursday afternoon.

Please contact Johannes Escudero in my Capitol office at 319-2003 with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

RICK KEENE, Assembly Member
Third District

December 12, 2007

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

Dear Mr. Speaker,

I am respectfully requesting permission to be excused from check-in session on Thursday, December 13, 2007. I will be in my district attending to legislative business.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

DOUG LA MALFA, Assembly Member
Second District

December 13, 2007

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

Dear Speaker Núñez: I respectfully request permission to be excused from Check-in Session for Thursday, December 13, 2007. I was in the Sacramento office for legislative business, however, I neglected to check in at the Assembly Desk.

Thank you for your consideration of my request. If you have any questions regarding this request, please contact Linda Forrest in my Capitol office.

Sincerely,

MARK LENO, Assembly Member
Thirteenth District

December 10, 2007

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session on Thursday, December 13, 2007, for legislative business in my district office.

Thank you for your consideration of my request. Should you have any questions please contact my office.

Sincerely,

LLOYD E. LEVINE, Assembly Member
Fortieth District

December 10, 2007

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

Dear Speaker Núñez: I am requesting to be excused from check-in session on Thursday, December 13, 2007 on legislative business. I will be attending the California Blue Ribbon Commission on Foster Care—Beyond the Bench meeting in San Diego, California.

Thank you for your assistance.

Sincerely,

BILL MAZE, Assembly Member
Thirty-fourth District

October 31, 2007

The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 319
Sacramento, California

Dear Speaker Núñez: I would like to be excused from Check-in Session, Thursday, December 13, 2007 on legislative business.

Thank you for consideration.

Respectfully,

CURREN D. PRICE, JR., Assembly Member
Fifty-first District

December 10, 2007

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

Dear Speaker Núñez: I am writing this letter to request to be excused on legislative business from Assembly Check-In Session on Thursday, December 13, 2007. I will not be able to be in Sacramento that day.

Please contact me or my chief of staff, Paul Dress, at 916-319-2067 if there is anything else you or your staff need from me regarding this request.

Sincerely,

JIM SILVA, Assembly Member
Sixty-seventh District

December 10, 2007

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 Thursday, December 13, 2007 due to legislative business in my district.

Thank you for your attention to this request. Should you have any questions, please contact Donda Scholl in my Capitol Office at 916-319-2038.

Sincerely,

CAMERON SMYTH, Assembly Member
Thirty-eighth District

December 11, 2007

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

Dear Speaker Núñez: I respectfully ask permission to be excused from Check-in Session on Thursday, December 13, 2007 due to legislative business in my district. If you have any questions or concerns, please contact Jeanette Garcia in my office at 319-2069.

Sincerely,

JOSE SOLORIO, Assembly Member
Sixty-ninth District

December 10, 2007

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

Dear Mr. Speaker: I would like to be excused from check-in session on Thursday, December 13, 2007 for legislative business in my district.

Thank you for your consideration. If you have any questions please call my office at (916) 319-2071.

Sincerely,

TODD A. SPITZER, Assembly Member
Seventy-first District

December 12, 2007

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

Dear Speaker Núñez,

This letter is a request to be excused from Check-In Session on Thursday, December 13, 2007 for legislative business in my district.

Thank you for your consideration of this matter.

Sincerely,

VAN TRAN, Assembly Member
Sixty-eighth District

December 12, 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 Check in Session on Thursday, December 13, 2007 due to Legislative business in my district.

Thank you for your consideration of this request. If you need any additional information, please contact me at (916) 319-2073.

Sincerely,

MIMI WALTERS, Assembly Member
Seventy-third District

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2007-102.2
December 11, 2007

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning California State University's (university) hiring practices and employment discrimination lawsuits. This report concludes that the chancellor's office and board of trustees (board) of the university have delegated the hiring authority of assistant, associate, and full professors (professors) to the campuses but have issued little systemwide guidance to the campuses regarding the hiring process. Not surprisingly, the campuses we reviewed are inconsistent in their consideration of gender and ethnicity when hiring professors. For instance, departments at some campuses consider the gender and ethnic composition of search committees for professors, while others forbid it, and we noted that women and minorities were not always represented on search committees.

The university has also delegated authority to the campuses for hiring Management Personnel Plan employees (management personnel), and campuses have developed hiring policies that vary in terms of the amount of guidance they provide search committees for these positions. In fact, one campus has developed no policies for management personnel positions that relate to nonacademic areas. While the hiring process for presidents requires input from many stakeholders, the process used to hire system executives is largely at the discretion of the chancellor in consultation with the board. Further, as of June 30, 2007, the university spent \$5.3 million for outside counsel in defending 75 of the 92 employment discrimination lawsuits filed during fiscal years 2002–03 through 2006–07, while the defense for the remaining 17 lawsuits was assigned to its own litigators. Finally, plaintiffs alleged race or gender discrimination in 63 of the 92 lawsuits filed, of which 30 resulted in a settlement as of June 30, 2007. These 30 settlements cost the university \$1.6 million.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Higher Education.

The following reports were presented by the Chief Clerk:

**2007 OAL Determination No. 24(S)
(Pursuant to Government Code Section 11340.5)**

Above transmitted report, together with letter of transmittal from Susan Lapsley, Director, Office of Administrative Law, dated December 5, 2007, referred by the Speaker to the Committee on Judiciary.

**2006/2007 Motor Vehicle Theft Prevention Act Annual Report
(Pursuant to Senate Bill 1743, Chapter 1248, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from M. L. Brown, Commissioner, Department of California Highway Patrol, dated December 5, 2007, referred by the Speaker to the Committee on Transportation.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

<i>Bill No.</i>	<i>Committee</i>
75 -----	W., P. & W.
132 -----	G.O.
529 -----	B. & F.
531 -----	Ed.
564 -----	L. Gov.
730 -----	B. & P.
748 -----	Agri.
954 -----	E.S. & T.M.
963 -----	Trans.
1086 -----	Health
1110 -----	Pub. S.
1169 -----	L. Gov. and H. & C.D.
1292 -----	E. & R.
1327 -----	U. & C.
1421 -----	G.O.
1446 -----	Ed.
1480 -----	P.E., R. & S.S.
1666 -----	L. & E.
1675 -----	Trans.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, December 13, 2007

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

Assembly Bill No. 1083

Assembly Bill No. 1301

Assembly Bill No. 1479

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Elections and Redistricting

December 13, 2007

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:
Assembly Bill No. 1292

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

PRICE, Chair

ASSEMBLY BILL NO. 1292—An act to add Section 15819.16 to the Government Code, relating to state property.

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

December 13, 2007

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

Assembly Bill No. 1480

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

HERNANDEZ, Chair

ASSEMBLY BILL NO. 1480—An act to amend Section 2003 of the Business and Professions Code, relating to physicians and surgeons.

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

December 13, 2007

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

Assembly Bill No. 963

Assembly Bill No. 1675

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

NAVA, Chair

ASSEMBLY BILL NO. 963—An act relating to the Off-Highway Motor Vehicle Recreation Commission.

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. 1675—An act to amend Section 53560 of the Health and Safety Code, relating to housing.

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 Health

December 13, 2007

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 1086

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

DYMALLY, Chair

ASSEMBLY BILL NO. 1086—An act to amend Section 877.6 of the Code of Civil Procedure, relating to civil actions.

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 Environmental Safety and Toxic Materials

December 13, 2007

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 954

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

HUFFMAN, Chair

ASSEMBLY BILL NO. 954—An act to add Section 6057 to the Harbors and Navigation Code, relating to harbor districts.

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 Governmental Organization

December 13, 2007

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:
Assembly Bill No. 132
Assembly Bill No. 1421

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

TORRICO, Chair

ASSEMBLY BILL NO. 132—An act to amend Section 12012.85 of the Government Code, relating to gaming.

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. 1421—An act relating to disasters.

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 Banking and Finance

December 13, 2007

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:
Assembly Bill No. 529

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

LIEU, Chair

ASSEMBLY BILL NO. 529—An act to amend Section 3507.1 of the Government Code, relating to public employment.

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

December 13, 2007

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 1110

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

SOLORIO, Chair

ASSEMBLY BILL NO. 1110—An act relating to child pornography.

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 Water, Parks and Wildlife

December 13, 2007

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Assembly Bill No. 75

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

WOLK, Chair

ASSEMBLY BILL NO. 75—An act 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.

AUTHOR'S AMENDMENTS
Committee on Education

December 13, 2007

Mr. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 531
Assembly Bill No. 1446

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

MULLIN, Chair

ASSEMBLY BILL NO. 531—An act to amend Section 5920 of the Corporations Code, relating to nonprofit public benefit corporations.

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. 1446—An act relating to pupils.

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

December 13, 2007

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

Assembly Bill No. 564

Assembly Bill No. 1169

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

CABALLERO, Chair

ASSEMBLY BILL NO. 564—An act relating to building standards.

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. 1169—An act relating to redevelopment.

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

December 13, 2007

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

Assembly Bill No. 730

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

ENG, Chair

ASSEMBLY BILL NO. 730—An act to amend Section 14043 of the Education Code, relating to education finance.

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 Utilities and Commerce

December 13, 2007

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 1327

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

LEVINE, Chair

ASSEMBLY BILL NO. 1327—An act relating to the environment.

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 Agriculture

December 13, 2007

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

Assembly Bill No. 748

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

PARRA, Chair

ASSEMBLY BILL NO. 748—An act to amend Section 3003.5 of the Penal Code, relating to parole.

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.

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1309—An act to add Section 798.46 to the Civil Code, relating to mobilehomes.

Bill read second time, and ordered to third reading.

ADJOURNMENT

At 3:15 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON DECEMBER 13, 2007**

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

AB	RN
75	0731002
132	0731665
529	0731425
531	0731192
564	0731139
730	0730519
748	0731421
954	0730993
963	0730792
1086	0731237
1110	0730613
1169	0712779
1292	0731004
1327	0731320
1421	0731262
1446	0731606
1480	0731091
1675	0731479

Daily Total:	18
Cumulative Total:	2883

O