

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED SEVENTIETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, March 26, 2008

The Senate met at 9 a.m.

Hon. Don Perata, of the 9th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Kipchoge Randall reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wyland, and Yee—36.

Quorum present.

*(NOTE: Senator Denham will be excused this day on personal business, Senators Dutton and Vincent will be excused this day due to family illness, and Senator Wiggins will be excused this day due to illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
March 26, 2008

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate



confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Ronald Joseph, operator of RJ Advisors specializing in government consulting; former director, Department of General Services from 2004 to 2006; and former executive director of the Medical Board of California from 1995 to 2004. Appointed 03/13/08. Effective 03/24/08.

Member, California Health Facilities Financing Authority, vice John M. Hilinski, M.D., not confirmed, term ending 03/31/12.

Michael J. Sobek, sergeant, San Leandro Police Department since 1991; former deputy sheriff, Alameda County Sheriff's Office from 1984 to 1991; adjunct faculty, Chabot/Las Positas Community College since 2002. Reappointed 01/24/08. Effective 03/25/08.

Member, Commission on Peace Officer Standards and Training, term ending 01/15/11.

Israel N. Rodriguez, assistant dean for Hispanic affairs, Seaver College of Pepperdine University since 1995; former university director of financial aid, Pepperdine University from 1972 to 1994; and has served as college advisor to the Need Analyst Team, California Student Aid Commission from 1977 to 1990. Appointed 03/11/08. Effective 03/24/08.

Member, Student Aid Commission, vice Sally M. Furay, Ph.D., term expired, term ending 12/31/11.

Anthony J. Intintoli, Jr., former mayor of Vallejo from 1987 to 1995 and from 1999 to 2007; former Vallejo City Councilmember from 1977 to 1985; former GED teacher at the Vallejo Adult School from 1996 to 2002; and served on the San Francisco Bay Area Water Transit Authority from 2000 to 2007. Appointed 03/20/08. Effective 03/25/08.

Member and Vice Chair, San Francisco Bay Area Water Emergency Transportation Authority, term ending 01/10/14.

Above appointments referred to the Committee on Rules.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Veterans Affairs**

Date of Hearing, March 25, 2008

Mr. President: The Committee on Veterans Affairs, to which were referred:

SB 1245      SB 1572      SB 1675      SB 1752

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

WYLAND, Chair

Above measures re-referred to the Committee on Appropriations.



Date of Hearing, March 25, 2008

Mr. President: The Committee on Veterans Affairs, to which were referred:

SB 1222

SB 1401

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

WYLAND, Chair

Above measures ordered to second reading.

**Committee on Transportation and Housing**

Date of Hearing, March 25, 2008

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 1228

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

LOWENTHAL, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 25, 2008

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 1240

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality.

LOWENTHAL, Chair

Above measure re-referred to the Committee on Environmental Quality.

Date of Hearing, March 25, 2008

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 1247

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Revenue and Taxation.

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, March 25, 2008

Mr. President: The Committee on Judiciary, to which was referred:

SB 1339



Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

CORBETT, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 25, 2008

Mr. President: The Committee on Judiciary, to which was referred:

SB 1234

Reports the same back with the recommendation: Do pass.

CORBETT, Chair

Above bill ordered to second reading.

Date of Hearing, March 25, 2008

Mr. President: The Committee on Judiciary, to which were referred:

SB 1182

SB 1287

SB 1498

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

CORBETT, Chair

Above measures ordered to second reading.

#### **Committee on Human Services**

Date of Hearing, March 25, 2008

Mr. President: The Committee on Human Services, to which was referred:

SB 1148

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

ALQUIST, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, March 25, 2008

Mr. President: The Committee on Human Services, to which were referred:

SB 1160

SB 1175

SB 1183

SB 1341

SB 1475

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ALQUIST, Chair

Above measures re-referred to the Committee on Appropriations.

#### **Committee on Transportation and Housing**

Date of Hearing, March 25, 2008

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 1366



Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

LOWENTHAL, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred: SB 1204

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

CALDERON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1204**—An act to add Section 87500.1 to the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1382

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

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1382**—An act relating to methamphetamines.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Veterans Affairs**

Date of Hearing, March 25, 2008

Mr. President: The Committee on Veterans Affairs, to which was referred:

SB 1534



Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

WYLAND, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Labor and Industrial Relations**

Date of Hearing, March 26, 2008

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 1244

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

MIGDEN, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, March 26, 2008

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

SB 1151

SB 1189

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MIGDEN, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Health**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Health, to which were referred:

SB 1058

SB 1474

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

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1058**—An act to add Sections 1255.8 and 120141 to the Health and Safety Code, relating to health.

Bill read second time.

**Senate Bill 1474**—An act to add Sections 1204.2 and 1204.25 to the Health and Safety Code, relating to clinics.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.



**Committee on Judiciary**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1296

AB 171

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

CORBETT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1296**—An act to amend Sections 3509 of, and to add Section 3509.7 to, the Government Code, relating to the Public Employment Relations Board.

Bill read second time.

**Assembly Bill 171**—An act to amend Section 6211 of the Family Code, relating to domestic violence.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Business, Professions and Economic Development**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 1640

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

RIDLEY-THOMAS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1640**—An act to amend Section 2400 of, and to repeal Sections 2401, 2401.1, and 2402 of, the Business and Professions Code, relating to medicine.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, March 26, 2008

Mr. President: The Committee on Education, to which were referred:

SB 1097

SB 1110

SB 1111

SB 1112

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SCOTT, Chair

Above measures re-referred to the Committee on Appropriations.



Date of Hearing, March 26, 2008

Mr. President: The Committee on Education, to which was referred:

SJR 23

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

SCOTT, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 1326

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

NEGRETE McLEOD, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1326**—An act to amend Sections 2079 and 2082 of the Health and Safety Code, relating to vector control.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Health, to which was referred:

SB 1738

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

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1738**—An act to add Article 4.6 (commencing with Section 14147) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.





**Committee on Judiciary**

Date of Hearing, March 25, 2008

Mr. President: The Committee on Judiciary, to which was referred:

SB 1137

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Banking, Finance and Insurance.

CORBETT, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, March 25, 2008

Mr. President: The Committee on Public Safety, to which was referred:

SB 1187

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ROMERO, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 1354

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

SCOTT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1354**—An act to add Section 17070.36 to the Education Code, relating to school facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation and Housing**

Senate Chamber, March 26, 2008

Mr. President: The Chair of the Committee on Transportation and Housing, to which was referred:

SB 1386



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

LOWENTHAL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1386**—An act to add Chapter 8 (commencing with Section 13260) to Part 2 of Division 12 of the Health and Safety Code, relating to carbon monoxide.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 23:** By Senator Torlakson—Relative to Teen Driving Safety Week.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**Senate Bill 1673**—An act relating to state property, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

**Senate Joint Resolution 19**—Relative to health professionals.

Resolution read second time, ordered engrossed, and to third reading.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 1294** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Health;

**SB 1448** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules;

**SB 1752** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Education;

**SB 1094** was withdrawn from the Committee on Human Services and re-referred to the Committee on Rules; and

**SB 1096** was withdrawn from the Committee on Health and re-referred to the Committee on Rules.



**SENATE COMMITTEE ROLL CALLS****Committee on Human Services**

**SB 1148**—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Alquist, Romero, and Yee.

NOES (2)—Senators Cogdill and Harman.

**SB 1160**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Romero, and Yee.

NOES (2)—Senators Cogdill and Harman.

**SB 1175**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, Cogdill, Harman, Romero, and Yee.

NOES (0)—None.

**SB 1183**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Romero, and Yee.

NOES (2)—Senators Cogdill and Harman.

**SB 1341**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Romero, and Yee.

NOES (2)—Senators Cogdill and Harman.

**SB 1475**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Romero, and Yee.

NOES (2)—Senators Cogdill and Harman.

Date of Hearing: 3/25/2008

Alquist (Chair)

**Committee on Judiciary**

**SB 1137**—Do pass as amended and re-refer to Committee on Banking, Finance and Insurance

AYES (3)—Senators Corbett, Kuehl, and Steinberg.

NOES (2)—Senators Ackerman and Harman.

**SB 1140**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Corbett, Harman, Kuehl, and Steinberg.

NOES (1)—Senator Ackerman.

**SB 1182**—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Corbett, Harman, Kuehl, and Steinberg.

NOES (0)—None.

**SB 1202**—Do pass

AYES (2)—Senators Ackerman and Harman.

NOES (3)—Senators Corbett, Kuehl, and Steinberg.

Failed passage



**SB 1202—Reconsideration granted**

AYES (5)—Senators Ackerman, Corbett, Harman, Kuehl, and Steinberg.

NOES (0)—None.

**SB 1233—Do pass as amended**

AYES (5)—Senators Ackerman, Corbett, Harman, Kuehl, and Steinberg.

NOES (0)—None.

**SB 1234—Do pass**

AYES (3)—Senators Corbett, Kuehl, and Steinberg.

NOES (2)—Senators Ackerman and Harman.

**SB 1257—Do pass as amended**

AYES (3)—Senators Corbett, Kuehl, and Steinberg.

NOES (2)—Senators Ackerman and Harman.

**SB 1287—Do pass, to Consent Calendar**

AYES (5)—Senators Ackerman, Corbett, Harman, Kuehl, and Steinberg.

NOES (0)—None.

**SB 1319—Do pass as amended and re-refer to Committee on Appropriations**

AYES (3)—Senators Corbett, Kuehl, and Steinberg.

NOES (2)—Senators Ackerman and Harman.

**SB 1333—Do pass as amended**

AYES (5)—Senators Ackerman, Corbett, Harman, Kuehl, and Steinberg.

NOES (0)—None.

**SB 1339—Do pass and re-refer to Committee on Appropriations**

AYES (5)—Senators Ackerman, Corbett, Harman, Kuehl, and Steinberg.

NOES (0)—None.

**SB 1421—Do pass as amended**

AYES (5)—Senators Ackerman, Corbett, Harman, Kuehl, and Steinberg.

NOES (0)—None.

**SB 1498—Do pass, to Consent Calendar**

AYES (5)—Senators Ackerman, Corbett, Harman, Kuehl, and Steinberg.

NOES (0)—None.

**SB 1630—Do pass as amended and re-refer to Committee on Appropriations**

AYES (3)—Senators Corbett, Kuehl, and Steinberg.

NOES (2)—Senators Ackerman and Harman.

**SB 1696—Do pass as amended**

AYES (4)—Senators Corbett, Harman, Kuehl, and Steinberg.

NOES (1)—Senator Ackerman.

Date of Hearing: 3/25/2008

Corbett (Chair)



**Committee on Transportation and Housing****SB 1228**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Corbett, Harman, Kehoe, Lowenthal, Oropeza, Simitian, Torlakson, and Yee.

NOES (2)—Senators Ashburn and McClintock.

**SB 1240**—Do pass and re-refer to Committee on Environmental Quality

AYES (8)—Senators Cedillo, Corbett, Kehoe, Lowenthal, Oropeza, Simitian, Torlakson, and Yee.

NOES (3)—Senators Ashburn, Harman, and McClintock.

**SB 1247**—Do pass as amended and re-refer to Committee on Revenue and Taxation

AYES (9)—Senators Ashburn, Cedillo, Corbett, Harman, Kehoe, Lowenthal, Simitian, Torlakson, and Yee.

NOES (1)—Senator McClintock.

**SB 1263**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Ashburn, Cedillo, Corbett, Harman, Kehoe, Lowenthal, McClintock, Oropeza, Simitian, Torlakson, and Yee.

NOES (0)—None.

**SB 1366**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Cedillo, Corbett, Harman, Kehoe, Lowenthal, McClintock, Simitian, Torlakson, and Yee.

NOES (0)—None.

**SB 1394**—Do pass as amended and re-refer to Committee on Judiciary

AYES (8)—Senators Ashburn, Cedillo, Corbett, Harman, Kehoe, Lowenthal, Torlakson, and Yee.

NOES (0)—None.

**AB 23**—Reconsideration granted

AYES (4)—Senators Cedillo, Kehoe, Simitian, and Torlakson.

NOES (5)—Senators Ashburn, Corbett, Harman, McClintock, and Yee.

Failed Passage

Date of Hearing: 3/25/2008

Lowenthal (Chair)

**Committee on Veterans Affairs****SB 1222**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Correa, Denham, Negrete McLeod, Wiggins, and Wyland.

NOES (0)—None.

**SB 1245**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Correa, Denham, Negrete McLeod, Wiggins, and Wyland.

NOES (0)—None.



**SB 1401**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Correa, Denham, Negrete McLeod, Wiggins, and Wyland.

NOES (0)—None.

**SB 1534**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Correa, Denham, Negrete McLeod, Wiggins, and Wyland.

NOES (0)—None.

**SB 1572**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Correa, Denham, Negrete McLeod, Wiggins, and Wyland.

NOES (0)—None.

**SB 1675**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Correa, Denham, Negrete McLeod, Wiggins, and Wyland.

NOES (0)—None.

**SB 1752**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Correa, Denham, Negrete McLeod, Wiggins, and Wyland.

NOES (0)—None.

Date of Hearing: 3/25/2008

Wyland (Chair)

#### **Committee on Labor and Industrial Relations**

**SB 1151**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Kuehl, Migden, and Padilla.

NOES (2)—Senators Ackerman and Wyland.

**SB 1189**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Kuehl, Migden, and Padilla.

NOES (2)—Senators Ackerman and Wyland.

**SB 1244**—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Kuehl, Migden, and Padilla.

NOES (2)—Senators Ackerman and Wyland.

**SB 1345**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Ackerman and Wyland.

NOES (0)—None.

Failed passage

**SB 1345**—Reconsideration granted

AYES (5)—Senators Ackerman, Kuehl, Migden, Padilla, and Wyland.

NOES (0)—None.

Date of Hearing: 3/26/2008

Migden (Chair)



**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator Denham.

The following Senators were granted leaves of absence for the day due to family illness: Senators Dutton and Vincent.

The following Senator was granted leave of absence for the day due to illness: Senator Wiggins.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Margett requested that when the Senate adjourns this day it do so in memory of Victor Wang of Claremont.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Gary Richard Cooper of Tuscon, AZ.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Richard Granzella of El Cerrito.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, March 27, 2008.

PAULA K. ROSSETTO, Minute Clerk

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