CALIFORNIA LEGISLATURE 2007–08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, June 10, 2008

TWO HUNDRED SECOND SESSION DAY FIVE HUNDRED FIFTY-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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento Tuesday, June 10, 2008

The Assembly met at 7 a.m.

Hon. Martin Garrick, Assembly Member, 74th 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—78:

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

Quorum present.

At 1:15 p.m., Hon. Doug La Malfa, 2nd 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 Lieu.

Because of illness: Assembly Member Soto.

EXPLANATIONS OF ABSENCE

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

May 13, 2008

The Honorable Karen Bass Speaker, California State Assembly State Capitol, Room 219 Sacramento, California

Dear Speaker Bass: I respectfully ask permission to be excused from Floor Session on Tuesday, June 10, 2008 due to Legislative Business. If you have any questions or concerns please contact Jeanette Garcia in my office at 319-2053.

Sincerely,

TED W. LIEU, Assembly Member Fifty-third District

COMMUNICATIONS

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

June 10, 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 Jean Fuller to replace Assemblymember Bill Emmerson on the Assembly Health Committee for today's hearing only. Sincerely,

KAREN BASS Speaker of the Assembly

June 10, 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 Warren Furutani to replace Assemblymember Ira Ruskin on the Assembly Higher Education Committee for today's hearing only.

Sincerely,

KAREN BASS Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Jobs, Economic Development, and the Economy, on Tuesday, June 24, 2008.

RESOLUTIONS

The following resolutions were offered:

 ${\bf ASSEMBLY\ CONCURRENT\ RESOLUTION\ NO.\ 145-Portantino.\ } Relative\ to pupil\ instruction.$

ASSEMBLY JOINT RESOLUTION NO. 67—Furutani. Relative to American Samoans.

AUTHOR'S AMENDMENTS Committee on Local Government

June 10, 2008

Mme. Speaker: The Chair of your Committee on Local Government reports: Senate Bill No. 1237

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

CABALLERO, Chair

SENATE BILL NO. 1237—An act to amend Sections 66412, 66434, 66439, 66445, 66447, 66452.6, 66463.5, and 66477.5 of, and to add Section 66452.21 to, the Government Code, relating to land use.

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 Housing and Community Development

June 10, 2008

Mme. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 1122

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

SALDAÑA, Chair

SENATE BILL NO. 1122—An act to amend Sections 18400.3 and 18506 of, and to add Section 18308 to, the Health and Safety Code, relating to mobilehomes.

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 Natural Resources

June 10, 2008

Mme. Speaker: The Chair of your Committee on Natural Resources reports: Senate Bill No. 1016

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

HANCOCK, Chair

SENATE BILL NO. 1016—An act to amend Section 41821 of, and to add Section 41826 to, the Public Resources Code, relating to solid waste.

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

June 10, 2008

Mme. Speaker: The Chair of your Committee on Transportation reports: Senate Bill No. 911

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

DE SAULNIER, Chair

SENATE BILL NO. 911—An act to amend Sections 5500, 5501, and 5513 of the Public Utilities Code, relating to commercial air carriers.

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 Revenue and Taxation

June 10, 2008

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports: Senate Bill No. 1233

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

CALDERON, Chair

SENATE BILL NO. 1233—An act to amend Section 63.1 of the Revenue and Taxation Code, relating to taxation.

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 Budget

June 10, 2008

Mme. Speaker: The Chair of your Committee on Budget reports:

Assembly Bill No. 1770

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

LAIRD, Chair

ASSEMBLY BILL NO. 1770—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, 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 AMENDMENTSCommittee on Education

June 10, 2008

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

Senate Bill No. 672

Senate Bill No. 681

Senate Bill No. 1322

Senate Bill No. 1248

Senate Bill No. 1524

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

MULLIN, Chair

SENATE BILL NO. 672—An act to amend, repeal, and add Section 51225.3 of the Education Code, relating to pupil instruction.

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.

SENATE BILL NO. 681—An act to add Section 46120 to the Education Code, relating to pupil attendance.

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.

SENATE BILL NO. 1248—An act to amend Section 52372 of the Education Code. relating to career technical education.

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.

SENATE BILL NO. 1321—An act to add Chapter 12.4 (commencing with Section 42615) to Part 3 of Division 30 of the Public Resources Code, relating to school

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.

SENATE BILL NO. 1322—An act to amend Sections 38135, 44932, 44939. 45303, and 88122 of, and to repeal Section 38136 of, the Education Code, and to amend Section 1028 of, and to repeal Sections 1027.5 and 1028.1 of, the Government Code, relating to communism.

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.

SENATE BILL NO. 1524—An act to amend Section 60900 of the Education Code, relating to the California Longitudinal Pupil Achievement Data System.

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

June 10, 2008

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

Senate Bill No. 1519

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

CABALLERO, Chair

SENATE BILL NO. 1519—An act to add Section 53075.8 to the Government Code. relating to taxicabs.

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

June 10, 2008

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

Senate Bill No. 1213

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

DYMALLY, Chair

SENATE BILL NO. 1213—An act to amend Sections 1765.150 and 1765.155 of the Health and Safety Code, relating to mobile health care units.

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

June 10, 2008

Mme. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Senate Bill No. 1518

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

WOLK, Chair

SENATE BILL NO. 1518—An act to add Chapter 8.5 (commencing with Section 537) to Division 1 of the Water Code, relating to water metering.

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 THE STANDING COMMITTEES Committee on Natural Resources

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 947

With the recommendation: Do pass, and be re-referred to the Committee on Transportation with recommendation: To Consent Calendar.

HANCOCK, Chair

Above bill re-referred to the Committee on Transportation.

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1277

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

HANCOCK, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1663 Senate Bill No. 1781

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

HANCOCK, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: June 9, 2008

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

Senate Bill No. 1101

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

CALDERON, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2008

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

Senate Bill No. 1495 Senate Bill No. 1777

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

CALDERON, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Transportation reports:

Senate Bill No. 1685

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

DE SAULNIER, Chair

Above bill re-referred to the Committee on Local Government.

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Transportation reports:

Senate Bill No. 1419 Senate Bill No. 1720 Senate Bill No. 1627 Senate Bill No. 1731 Senate Bill No. 1646

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

DE SAULNIER, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Transportation reports:

Senate Bill No. 1263 Senate Bill No. 1727

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

DE SAULNIER, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Transportation reports:

Senate Concurrent Resolution No. 71 Senate Concurrent Resolution No. 103 Senate Concurrent Resolution No. 84 Senate Concurrent Resolution No. 109 Senate Concurrent Resolution No. 90

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

DE SAULNIER, Chair

Above resolutions re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 139 Assembly Concurrent Resolution No. 141

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

DE SAULNIER, Chair

Above resolutions re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2008

Mme. Speaker: Your Committee on Transportation reports:

Senate Bill No. 1217

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

DE SAULNIER, Chair

Above bill ordered to second reading.

Committee on Business and Professions

Date of Hearing: June 10, 2008

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

Senate Bill No. 441 Senate Bill No. 1178

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

ENG, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 10, 2008

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

Senate Bill No. 1581

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

ENG, Chair

Above bill re-referred to the Committee on Judiciary.

Date of Hearing: June 10, 2008

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

Senate Bill No. 447

With the recommendation: Do pass.

ENG, Chair

Above bill ordered to second reading.

Date of Hearing: June 10, 2008

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

Senate Bill No. 1206

With the recommendation: Do pass.

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

ENG, Chair

Above bill ordered to second reading.

Date of Hearing: June 10, 2008

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

Senate Bill No. 509

With the recommendation: Do pass, and be re-referred to the Committee on Environmental Safety and Toxic Materials.

ENG, Chair

Above bill re-referred to the Committee on Environmental Safety and Toxic Materials.

Committee on Judiciary

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Judiciary reports:

Assembly Joint Resolution No. 60

With the recommendation: Be adopted.

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

JONES, Chair

Above resolution ordered to the Consent Calendar.

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1287

With the recommendation: Do pass, and be re-referred to the Committee on Local Government with recommendation: To Consent Calendar.

JONES, Chair

Above bill re-referred to the Committee on Local Government.

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1225

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: June 10, 2008

Mme. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1370

With the recommendation: Do pass.

JONES, Chair

Above bill ordered to second reading.

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1182 Senate Bill No. 1255 Senate Bill No. 1333

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.

Committee on Education

Date of Hearing: June 4, 2008

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 1214 Senate Bill No. 1447

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

MULLIN, Chair

Above bills ordered to second reading.

Date of Hearing: June 4, 2008

Mme. Speaker: Your Committee on Education reports:

Senate Concurrent Resolution No. 88

With the recommendation: Be adopted, as amended.

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

MULLIN, Chair

Above resolution ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 1313

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

HUFFMAN, Chair

Above bill re-referred to the Committee on Health.

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 1161 Senate Bill No. 1258

Senate Bill No. 1395

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

HUFFMAN, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 1334

With the recommendation: Do pass.

HUFFMAN, Chair

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 129 Senate Bill No. 1162 Senate Bill No. 327 Senate Bill No. 1169

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

SOLORIO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 610Senate Bill No. 1261Senate Bill No. 1033Senate Bill No. 1302Senate Bill No. 1116Senate Bill No. 1554Senate Bill No. 1164Senate Bill No. 1684

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

SOLORIO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 612 Senate Bill No. 1343 Senate Bill No. 1126 Senate Bill No. 1356

Senate Bill No. 1236

With the recommendation: Do pass.

SOLORIO, Chair

Above bills ordered to second reading.

Date of Hearing: June 10, 2008

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 1196

With the recommendation: Do pass.

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

SOLORIO, Chair

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 2292—An act to amend Sections 17072, 17215, and 19184 of, to amend and repeal Sections 17131.4, 17131.5, 17215.1, and 17215.4 of, and to add Sections 17138.5, 17138.6, and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

SENATE BILLS RETURNED TO SECOND READING FILE PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 1103, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1102—An act to add Article 5 (commencing with Section 200) to Chapter 2 of Division 1 of, and to repeal Division 26.4 (commencing with Section 79400) of, the Water Code, relating to water.

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

SENATE BILL NO. 1360—An act to amend Section 65007 of the Government Code, and to amend Sections 8201, 8501, 8502, 8559, and 8560 of, to repeal and amend Sections 8522.3, 8522.5, and 8523 and to repeal Sections 8562, 8577, and 8578 of, the Water Code, relating to flood protection.

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

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

Senate Bills Nos. 191 and 28, on request of Assembly Member Torrico.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 11, 2008.

KAREN BASS, Speaker

SUE PARKER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JUNE 10, 2008

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

AB RN

1770	0861568
2293	0819621
SB	RN
672	0819380
681	0819378
911	0817037
1016	0819126
1102	0818848
1122	0819595
1213	0819817
1233	0819400
1237	0817629
1248	0819644
1321	0819683
1322	0819258
1360	0819370
1518	0819596

1519 0819379 1524 0818903

Daily Total: 18 Cumulative Total: 4988