

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, August 4, 2008**

**TWO HUNDRED NINETEENTH SESSION DAY  
SIX HUNDRED TENTH 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  
Monday, August 4, 2008

The Assembly met at 12:02 p.m.  
Hon. Sally J. Lieber, Speaker pro Tempore of the Assembly,  
presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Elizabeth Potter reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Cook moved a quorum call of the Assembly.  
Motion carried.  
The Speaker pro Tempore directed the Sergeant at Arms to close the  
doors, and to bring in the absent Members.

#### Quorum Present

At 12:25 p.m., Speaker pro Tempore Lieber declared a quorum of the  
Assembly present.

The roll call was completed, and the following answered to their  
names—78:

Adams	Duvall	Jeffries	Plescia
Aghazarian	Dymally	Jones	Portantino
Anderson	Emmerson	Karnette	Price
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	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
Cook	Hancock	Mendoza	Tran
Coto	Hayashi	Mullin	Villines
Davis	Hernandez	Nakanishi	Walters
De La Torre	Horton	Nava	Wolk
De León	Houston	Niello	Mme. Speaker
DeSaulnier	Huff	Núñez	
DeVore	Huffman	Parra	

**PRAYER**

Upon invitation of Speaker pro Tempore Lieber, the following prayer was offered by Assembly Chaplain Father Constantine C. Pappademos:

*Lord, During the course of a hectic day, there are times when we long for a moment of quiet and peace. And when we find these rare moments, we discover that You, Lord, are there with us. Your presence is like a refreshing breeze that comes to renew our spirit and our soul. Help us, Lord, to find a moment of silence in each day and give us the strength to face the challenges before us.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Lieber, Assembly Member Mullin then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Torrico, seconded by Assembly Member Cook.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness: Assembly Members Runner and Soto.*

**COMMUNICATIONS**

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

July 22, 2008

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

RE: Appointment of Mike Davis  
to California Cultural and Historical Endowment

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Mike Davis to the California Cultural and Historical Endowment. This is a pleasure appointment starting July 22, 2008. Assemblymember Davis will be my replacement on the Board.

Sincerely,

KAREN BASS  
Speaker of the Assembly

August 4, 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 Anthony Adams to replace Assemblymember Todd Spitzer on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

August 4, 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 Mike Duvall to replace Assemblymember Bill Emmerson on the Assembly Business and Professions Committee for the Tuesday, August 5 hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

August 4, 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 Mark DeSaulnier to replace Assemblymember Nell Soto on the Assembly Local Government Committee for the Wednesday, August 6 hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Select Committee on Wine to convene jointly with the Senate Select Committee on California's Wine Industry, on Wednesday, July 30, 2008, in Napa Valley;

Aging and Long-Term, on Tuesday, August 5, 2008, at 2 p.m.;

Business and Professions, on Tuesday, August 5, 2008, at 9 a.m., in Room 447;

Health, on Tuesday, August 5, 2008, at 1:30 p.m.;

Judiciary, on Tuesday, August 5, 2008, at 10:30 a.m.;

Agriculture on Wednesday, August 6, 2008, at 1:30 p.m., in Room 437;

Local Government, on Wednesday, August 6, 2008, at 1:30 p.m.;

Natural Resources to convene jointly with the Senate Committee on Energy, Utilities and Communications, on Wednesday, August 6, 2008, at 9:30 a.m.;

Utilities and Commerce, on Thursday, August 7, 2008, upon adjournment of Floor Session;

Agriculture to convene jointly with the Senate Committee on Agriculture, on Friday, August 8, 2008;

Select Committee on Domestic Violence, on Friday, August 8, 2008; and

Select Committee Procurement, on Saturday, August 23, 2008, at 10 a.m., in Los Angeles.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 23, 2008

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

Assembly Concurrent Resolution No. 99

Assembly Joint Resolution No. 49

Assembly Concurrent Resolution No. 122

Assembly Joint Resolution No. 52

Assembly Concurrent Resolution No. 127

Assembly Joint Resolution No. 62

Assembly Joint Resolution No. 31

Assembly Joint Resolution No. 41

And reports the same correctly enrolled, and presented to the Secretary of State on the 23rd day of July, 2008, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 24, 2008

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

Assembly Joint Resolution No. 48

And reports the same correctly enrolled, and presented to the Secretary of State on the 24th day of July, 2008, at 11:45 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 25, 2008

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

Assembly Bill No. 2323

And reports the same correctly enrolled, and presented to the Governor on the 25th day of July, 2008, at 2:40 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 25, 2008

Mme Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Joint Resolution No. 60

And reports the same correctly enrolled, and presented to the Secretary of State on the 25th day of July, 2008, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 31, 2008

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 628

And reports the same correctly enrolled, and presented to the Governor on the 31st day of July, 2008, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 4, 2008

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Joint Resolution No. 64

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

August 4, 2008

Mme. Speaker: The Chair of your Committee on Transportation reports:  
Senate Bill No. 28

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

DE SAULNIER, Chair

**SENATE BILL NO. 28**—An act to amend Section 23123 of the Vehicle Code, relating to vehicles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

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

August 4, 2008

Mme. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 1386

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

LENO, Chair

**SENATE BILL NO. 1386**—An act to amend Sections 1102.6 and 1102.6d of the Civil Code, and to amend Sections 13113.8 and 19211 of, and to add Chapter 8 (commencing with Section 13260) to Part 2 of Division 12 of, the Health and Safety Code, relating to residential building safety.

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**

August 4, 2008

Mme. Speaker: The Chair of your Committee on Health reports:  
Senate Bill No. 981

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

DYMALLY, Chair

**SENATE BILL NO. 981**—An act to add and repeal Sections 1371.42 and 1379.1 of, and to add and repeal Article 5.57 (commencing with Section 1374.40) of Chapter 2.2 of Division 2 of, the Health and Safety Code, 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 Appropriations**

August 4, 2008

Mme. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 588

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

LENO, Chair

**SENATE BILL NO. 588**—An act to amend Section 81142 of the Education Code, relating to postsecondary 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.

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

August 4, 2008

Mme. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 364

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

LENO, Chair

**SENATE BILL NO. 364**—An act to add Sections 1798.29.5 and 1798.82.5 to the Civil Code, relating to personal information.

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 Appropriations**

Date of Hearing: July 16, 2008

Mme. Speaker: Your Committee on Appropriations reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 380  | Senate Bill No. 1415 |
| Senate Bill No. 483  | Senate Bill No. 1502 |
| Senate Bill No. 1071 | Senate Bill No. 1553 |
| Senate Bill No. 1221 | Senate Bill No. 1565 |
| Senate Bill No. 1247 | Senate Bill No. 1754 |
| Senate Bill No. 1307 |                      |

With the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: July 16, 2008

Mme. Speaker: Your Committee on Appropriations reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 1186 | Senate Bill No. 1518 |
| Senate Bill No. 1246 | Senate Bill No. 1562 |
| Senate Bill No. 1251 | Senate Bill No. 1597 |
| Senate Bill No. 1380 | Senate Bill No. 1641 |

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.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: July 16, 2008

Mme. Speaker: Your Committee on Appropriations reports:

- Senate Bill No. 201
- Senate Bill No. 1105

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

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: July 16, 2008

Mme. Speaker: Your Committee on Appropriations reports:

- Senate Bill No. 1505

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

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: July 16, 2008

Mme. Speaker: Your Committee on Appropriations reports:

- Senate Bill No. 1250

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

LENO, Chair

Above bill ordered to second reading.



**Committee on Rules**

Date of Hearing: July 14, 2008

Mme. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 115

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.

LIEU, Chair

Above resolution ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: July 14, 2008

Mme. Speaker: Your Committee on Natural Resources reports:

Assembly Concurrent Resolution No. 149

Assembly Joint Resolution No. 51

With amendments with the recommendation: Amend, and be adopted as amended.

HANCOCK, Chair

Above resolutions ordered to second reading.

**Committee on Water, Parks and Wildlife**

Date of Hearing: July 15, 2008

Mme. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Joint Resolution No. 68

With amendments with the recommendation: Amend, and be adopted as amended.

WOLK, Chair

Above resolution ordered to second reading.

**MESSAGES FROM THE GOVERNOR**

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file.

**Veto Message—Assembly Bill No. 54**

Governor’s Office, Sacramento

August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 54 without my signature.

Without comprehensive health care reform that fully addresses affordability, cost containment and shared responsibility, I cannot support health plan mandates that place additional costs on a system that makes coverage less affordable and accessible for Californians.

Under current law, acupuncture coverage is required to be offered by health plans. Approximately 86% of insured Californians already have access to such coverage because they have chosen to purchase such coverage.

These mandates, when taken collectively or individually, increase and shift health care costs to consumers and purchasers.

I continue to call on the Legislature to work with me in the remaining days of this legislative session to enact reforms that embrace prevention strategies, contain costs, and protect consumers.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 628**

Governor's Office, Sacramento  
August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 628 without my signature. This bill is similar to a measure I vetoed last year because it failed to correct the broader inadequacies of California's meal period law and because it interfered with local governments' collective bargaining authority.

As the concerns raised in my prior veto message have not been addressed, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 1155**

Governor's Office, Sacramento  
August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1155 without my signature.

Current law already gives broad authority to the Department of Managed Health Care (Department) to assess administrative penalties against health plans for a variety of violations, including unlawful provider payment practices of health plans.

The Department has taken a number of actions to resolve payment disputes between plans and providers. Since the creation of the Department's provider complaint unit, it has assisted providers in recovering \$5.8 million in reimbursements. The Department has also collected over \$4.2 million in fines as a result of plans' failure to pay claims in a timely manner and based on other related violations of law.

It is ironic that the Department created an independent dispute resolution process as another mechanism to ensure the appropriate payment of non-contracting providers. Thus far, physicians have not utilized this process. Instead, many continue to engage in the practice of billing the patient when the plan and provider cannot agree on reimbursement. Providers should stop putting the patient in the middle of their payment disputes, and start developing a more comprehensive solution instead of a one-sided approach that AB 1155 represents.

For these reasons, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 1292**

Governor's Office, Sacramento  
August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1292 without my signature.

I share the author's concerns that voters in one county in 2006 submitted absentee ballots before receiving sample ballots with candidate statements. However, I cannot support imposing additional costs on local governments in order to address something not shown to be a widespread problem. As absentee voting grows in popularity, it is crucial for absentee voters to ensure they have received and reviewed

the necessary information to make an informed choice. I believe the overwhelming number of absentee voters do this currently, making this bill unnecessary.

For these reasons, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 1769**

Governor's Office, Sacramento

August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1769 without my signature.

Currently a specified group of peace officers are exempt from voir dire due to the public need of their critical public safety function. This bill would extend the exemption to yet another specified group, in this instance police and peace officers employed by a community college or school district. All peace officers perform critical public safety functions but not all are exempt. In addition, this bill could reduce the pool of potential jurors, thus creating a strain on the judicial system. The judicial system already has enough difficulty gathering potential jurors. In the event that an officer is unable to serve on a jury, current law already allows jury service exemption for undue hardship, which renders this bill unnecessary.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 1832**

Governor's Office, Sacramento

August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1832 without my signature.

Current law allows cities and counties, acting as local trustees of state-owned land, to grant lands to federal entities for the completion of publicly beneficial projects, consistent with the principles of the Public Trust Doctrine. Last year, I signed into law SB 815 (Migden, Chapter 660, Statutes of 2007) which authorized the City and County of San Francisco to lease, sell, or otherwise transfer certain tidelands and submerged lands, free of any use restrictions associated with the public trust.

Both current law and SB 815 exemplify the inherent interest cities and counties have in creating partnerships with the federal government and others in utilizing water front lands for the benefit of the people of California. These measures highlight the idea that local government can balance the goal of environmental protection and public access to these lands with economic and homeland security interests.

This bill requires the State Lands Commission to represent the state on boundary issues involving tidelands and submerged lands. Although the state has an interest in the beneficial use of these public assets, I am

unable to sign this bill because it removes local government authorization to grant tidelands and submerged lands to the United States and diminishes local input for these projects.

Local governments should have the ability to enter into these agreements for uses negotiated with the federal government. However, I strongly believe that any future agreements must include reversionary rights should the federal government choose not to use the land in the manner originally proposed.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 2305**

Governor's Office, Sacramento  
August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2305 without my signature.

This bill is another attempt to curtail the work of charter schools in serving California students and families. It creates another unnecessary, prescriptive, and bureaucratic process for determining whether a charter school or the chartering authority will be administering the statewide pupil assessments. While charter schools generally operate independently from the existing school district structure, current law specifically requires charter schools to have these assessments administered. This bill serves only to impose additional administrative requirements on charter schools.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 2396**

Governor's Office, Sacramento  
August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2396 without my signature.

While I recognize that there are many civic and other educational opportunities outside of the classroom, nothing under current law prohibits parents from working with a school to allow their child to participate in civic opportunities if they choose to do so, even without this measure.

For this reason, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 2649**

Governor's Office, Sacramento  
August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2649 without my signature.

Current law already requires physicians to determine the competency of, and bear responsibility for, the actions of the medical assistants under their supervision. To enact a law that prohibits a specified task on a specified population is both unnecessary and overly restrictive.

For these reasons, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 2843**

Governor's Office, Sacramento  
August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2843 without my signature.

As one of the strongest proponents of After School Programs in California and being familiar with many across the state, I have never seen any of the programs denying the opportunity to provide foreign language activities in their educational enrichment component, particularly since they do not need any additional authority to do so. Therefore, providing a statutory authorization for that option is unnecessary.

For this reason, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

**Veto Message—Assembly Bill No. 2959**

Governor's Office, Sacramento  
August 1, 2008

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2959 without my signature.

Existing law allows any voter to request a recount of an election, but protects against abuse by requiring the requesting party to pay a refundable deposit to cover the cost of the recount. This bill would require an elections official to provide the requesting party a daily, itemized estimate of the costs of the recount.

This bill imposes an unnecessary mandate on elections officials. Recounts are requested in a scant few elections and the proponents have failed to demonstrate any abuse on the part of elections officials estimating recount costs. Further, the bill potentially imposes a reimbursable state mandate of unknown costs.

For these reasons, I am returning the bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 1st day of August at 3:05 p.m., of Assembly Bills: 54, 628, 1155, 1292, 1769, 1832, 2305, 2396, 2649, 2843, 2959 without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>	
<i>Bill No.</i>	<i>Committee</i>
<b>1527</b> -----	B. & P.

**ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR**

Assembly Member Coto was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests to sit at his desk in the Assembly Chamber, whereupon he introduced his nephew, Raiden Grady.

**ACTION RESCINDED ON ASSEMBLY BILL NO. 225**

Assembly Member Torrico was granted unanimous consent to rescind the action whereby the Assembly, on July 14, 2008 (Assembly Journal, page 6038), re-referred Assembly Bill No. 225, pursuant to Assembly Rule 77.2, to the Committee on Public Safety.

**ACTION RESCINDED ON SENATE BILL NO. 434**

Assembly Member Torrico was granted unanimous consent to rescind the action whereby the Assembly, on July 14, 2008 (Assembly Journal, page 6063), re-referred Senate Bill No. 434, pursuant to Assembly Rule 77.2, to the Committee on Health.

**ACTION RESCINDED ON SENATE BILL NO. 140**

Assembly Member Torrico was granted unanimous consent to rescind the actions whereby the Assembly, on July 15, 2008 (Assembly Journal, page 6108), re-referred Senate Bill No. 140, pursuant to Assembly Rule 77.2, from the Committee on Business and Professions to the Committee on Appropriations; and whereby the Assembly, on July 3, 2008 (Assembly Journal, page 6019), re-referred Senate Bill No. 140, pursuant to Assembly Rule 77.2, to the Committee on Business and Professions.

**ACTION RESCINDED ON SENATE BILL NO. 1141**

Assembly Member Torrico was granted unanimous consent to rescind the action whereby the Assembly, on June 26, 2008 (Assembly Journal, page 5895), passed Senate Bill No. 1141, and whereby the bill was ordered transmitted to the Senate.

**BILL RETURNED TO SENATE**

Upon request of Assembly Member Torrico, Assembly Member Huffman was granted unanimous consent that Assembly Bill No. 371 be returned to the Senate for further action.

**ASSEMBLY BILL NO. 2034 WITHDRAWN FROM ENROLLMENT**

Assembly Member Torrico was granted unanimous consent that Assembly Bill No. 2034 be withdrawn from enrollment and that the bill be returned to the Senate for further action.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following bills were removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Senate Bills Nos. 1496, 1574, 1595, 1633, 1678, 1780, and 1723**, on request of Assembly Member Torrico;

**Senate Bill No. 1697**, on request of Assembly Member Blakeslee.

**BILLS REMOVED FROM CONSENT CALENDAR  
AND PLACED UPON THE INACTIVE FILE**

The following bill was removed from the Consent Calendar, pursuant to Joint Rule 22.2 and placed upon the inactive file pursuant to Assembly Rule 78:

**Senate Bill No. 1512**, on request of Assembly Member Torrico.

**BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Senate Bills Nos. 529, 1429, 1604, and 1749**, on request of Assembly Member Torrico.

**NOTICE OF INTENTION TO REMOVE BILL  
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Torrico announced his intention to request that Senate Bills Nos. 356, 388, 410, 894, 946, 992, 1062, 1302, and 1781 be removed from the inactive file.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO  
ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Lieber re-referred Senate Bill No. 434 to the Committees on Health and Appropriations; Assembly Bill No. 225, to the Committee on Judiciary; and Senate Bill No. 140, to the Committees on Business and Professions and Appropriations.

**JOINT RULE 62(a) WAIVED**

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 1527 and 140 for hearing in the Committee on Business and Professions on Tuesday, August 5, 2008, at 9 a.m.

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 434 for hearing in the Committee on Health on Tuesday, August 5, 2008, at 1:30 p.m.

**SUSPEND ASSEMBLY RULE 56 AND JOINT RULE 62(a)**

Assembly Member Torrico was granted unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended for the purpose of permitting the Committee on Appropriations to notice hearing of Senate Bills Nos. 28, 53, 140, 434, 981, and 1527 on Thursday, August 7, 2008, pending re-referral to the committee.

**JOINT RULE 62(a) WAIVED**

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 225 for hearing in the Committee on Judiciary on Tuesday, August 5, 2008 at 10:30 a.m.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY JOINT RESOLUTION NO. 70**—Relative to the Los Angeles River.

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

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

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

**Senate Bills Nos. 1171, 561, 1355, 1694, and 381** ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 640**—An act to amend Section 905 of the Government Code, relating to government tort claims.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1007**—An act to add and repeal Division 20.5 (commencing with Section 51000) of the Financial Code, relating to exchange facilitators.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1268**—An act to amend Sections 1416.22 and 1416.55 of, and to add and repeal Section 1416.23 of, the Health and Safety Code, relating to nursing home administrators.

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

**SENATE BILL NO. 1469**—An act to amend Sections 7502.1, 7504, 7505.1, and 7507.10 of the Business and Professions Code, and to amend Sections 14602.6, 14602.7, 14602.8, 21100.4, 22651.1, 22658, 24605, and 29004 of, and to add Section 23118 to, the Vehicle Code, relating to collateral recovery.

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

**SENATE BILL NO. 1561**—An act to amend Sections 99170 and 102122 of, and to add Section 99171 to, the Public Utilities Code, relating to transportation.

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

**SENATE BILL NO. 1391**—An act to add Section 13577.5 to the Water Code, relating to water.

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



**SENATE CONCURRENT RESOLUTION NO. 113**—Relative to the Emanuel Fritz Forest Ecosystem Research Area.

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

### THIRD READING OF SENATE BILLS

**SENATE BILL NO. 1510 (Kehoe)**—An act to amend Section 1936 of the Civil Code, and to amend Sections 170010, 170011, 170013, 170016, 170017, and 170018 of, and to add Sections 170035 and 170036 to, the Public Utilities Code, relating to airports.

Bill read third time, and presented by Assembly Member Plescia.

Bill passed by the following vote:

#### AYES—76

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

#### NOES—None

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1457 (Steinberg)**—An act to amend Section 69981 of the Education Code, relating to postsecondary education, and making an appropriation therefor.

Bill read third time.

#### Motion to Amend

Assembly Member Portantino moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 107 (Alquist)**—An act to add Article 2.7 (commencing with Section 115950) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to wave pools.

Bill read third time.

#### Motion to Amend

Assembly Member Beall, on behalf of Speaker pro Tempore Lieber, moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1162 (Maldonado)**—An act to amend Section 12020.1 of the Penal Code, relating to hard plastic knuckles.

Bill read third time, and presented by Assembly Member Feuer.

Bill passed by the following vote:

**AYES—77**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1511 (Ducheny)**—An act to amend Section 2924b of the Civil Code, relating to common interest developments.

Bill read third time.

**Motion to Amend**

Assembly Member Nava moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1396 (Cox)**—An act to amend Section 27388 of the Government Code, relating to local government.

Bill read third time, and presented by Assembly Member Niello.

Bill passed by the following vote:

**AYES—55**

Aghazarian	Dymally	Jones	Plescia
Arambula	Emmerson	Karnette	Portantino
Beall	Eng	Krekorian	Price
Berg	Evans	Laird	Ruskin
Berryhill	Feuer	Leno	Salas
Brownley	Fuentes	Lieber	Saldaña
Caballero	Furutani	Lieu	Solorio
Carter	Galgiani	Ma	Spitzer
Cook	Garcia	Mendoza	Swanson
Coto	Hancock	Mullin	Torrico
Davis	Hayashi	Nava	Tran
De La Torre	Hernandez	Niello	Wolk
De León	Horton	Núñez	Mme. Speaker
DeSaulnier	Huffman	Parra	

**NOES—16**

Adams	Fuller	Huff	Silva
Anderson	Gaines	Keene	Strickland
Blakeslee	Garrick	Maze	Villines
DeVore	Houston	Nakanishi	Walters

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1567 (Oropeza)**—An act to amend Section 26708 of the Vehicle Code, relating to vehicles.

Bill read third time, and presented by Assembly Member Ruskin.

Bill passed by the following vote:

**AYES—75**

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

**NOES—None**

Bill ordered transmitted to the Senate.

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

Bill read third time, and presented by Assembly Member Plescia.

Bill passed by the following vote:

**AYES—73**

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

**NOES—2**

Anderson                      Strickland

Bill ordered transmitted to the Senate.

**At 1:03, Assistant Speaker pro Tempore Lori Saldaña,  
76th District, presiding**

**SENATE BILL NO. 1175 (Steinberg)**—An act to amend Section 15432 of the Government Code, and to add Section 4688.6 to the Welfare and Institutions Code, relating to regional center housing, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Assembly Member Beall moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 1285 (Corbett)**—An act to amend Sections 5096.501 and 5096.511 of, and to add Section 5096.517 to, the Public Resources Code, relating to state lands.

Bill read third time.

**Motion to Amend**

Assembly Member Laird moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 697 (Yee)**—An act to add Sections 12693.55 and 12698.26 to the Insurance Code, relating to health care coverage.

Bill read third time, and presented by Assembly Member De La Torre.

Bill passed by the following vote:

**AYES—77**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1296 (Corbett)**—An act to amend Section 3509 of the Government Code, relating to the Public Employment Relations Board.

Bill read third time, and presented by Assembly Member Jones.

Bill passed by the following vote:

**AYES—73**

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

**NOES—1**

Niello

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1322 (Lowenthal)**—An act to amend Sections 38135, 44932, 44939, 45303, and 88122 of, and to repeal Section 38136 of, the Education Code, and to amend Sections 1028, 1360, 3103, and 18150 of, to add Section 1225.5 to, and to repeal Sections 1027.5 and 1028.1 of, the Government Code, relating to public employment and property.

Bill read third time.

**Motion to Amend by Assembly Member Garrick—Set 1**

Assembly Member Garrick moved the adoption of amendments.  
Amendments read.

**Motion to Table Garrick Amendments  
to Senate Bill No. 1322—Set 1**

Assembly Member Torrico moved that the amendments offered by Assembly Member Garrick to Senate Bill No. 1322—Set 1 be laid upon the table.

Assembly Member De León seconded the motion.

Motion carried by the following vote:

**AYES—42**

Arambula	Dymally	Karnette	Price
Beall	Eng	Krekorian	Ruskin
Berg	Evans	Laird	Salas
Brownley	Feuer	Leno	Saldaña
Caballero	Fuentes	Lieber	Solorio
Calderon	Furutani	Ma	Swanson
Carter	Hancock	Mendoza	Torrico
Coto	Hayashi	Mullin	Wolk
Davis	Hernandez	Nava	Mme. Speaker
De León	Huffman	Núñez	
DeSaulnier	Jones	Parra	

**NOES—31**

Adams	Duvall	Huff	Silva
Aghazarian	Emmerson	Jeffries	Smyth
Anderson	Fuller	Keene	Spitzer
Benoit	Gaines	La Malfa	Strickland
Berryhill	Garcia	Maze	Tran
Blakeslee	Garrick	Nakanishi	Villines
Cook	Horton	Niello	Walters
DeVore	Houston	Plescia	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on the amendments offered by Assembly Member Garrick to Senate Bill No. 1322: Assembly Members Leno and Nava from “No” to “Aye”; Assembly Member Portantino from “Aye” to “Not Voting”.

**Motion to Amend by Assembly Member DeVore—Set 2**

Assembly Member DeVore moved the adoption of amendments.  
Amendments read.

**Motion to Table DeVore Amendments  
to Senate Bill No. 1322—Set 2**

Assembly Member Torrico moved that the amendments offered by Assembly Member DeVore to Senate Bill No. 1322—Set 2 be laid upon the table.

Assembly Member De León seconded the motion.

Motion carried by the following vote:

**AYES—34**

Arambula	DeSaulnier	Huffman	Ruskin
Beall	Dymally	Jones	Salas
Berg	Eng	Laird	Saldaña
Brownley	Evans	Leno	Solorio
Caballero	Feuer	Lieber	Swanson
Carter	Furutani	Ma	Torrico
Coto	Hancock	Mendoza	Mme. Speaker
Davis	Hayashi	Mullin	
De León	Hernandez	Nava	

**NOES—31**

Adams	Duvall	Huff	Silva
Aghazarian	Emmerson	Jeffries	Smyth
Anderson	Fuller	Keene	Spitzer
Benoit	Gaines	La Malfa	Strickland
Berryhill	García	Maze	Tran
Blakeslee	Garrick	Nakanishi	Villines
Cook	Horton	Niello	Walters
DeVore	Houston	Plescia	

**Vote Changes**

By unanimous consent, the following vote change was permitted on the amendments offered by Assembly Member DeVore to Senate Bill No. 1322: Assembly Member Portantino from “Aye” to “Not Voting”.

**SENATE BILL NO. 1322 (Lowenthal)**—An act to amend Sections 38135, 44932, 44939, 45303, and 88122 of, and to repeal Section 38136 of, the Education Code, and to amend Sections 1028, 1360, 3103, and 18150 of, to add Section 1225.5 to, and to repeal Sections 1027.5 and 1028.1 of, the Government Code, relating to public employment and property.

Bill presented by Assembly Member Mullin.

**Assembly Rule 112 Suspended**

Assembly Member Spitzer was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor of the Assembly.

**Parliamentary Inquiry**

Assembly Member Spitzer arose to the following parliamentary inquiry:

Assembly Member Mullin stated that Legislative Counsel would have raised its objection regarding the constitutionality of this measure. It’s not in the legal record whether or not Senator Lowenthal received a Legislative Counsel opinion. For the legal record, is there a Legislative Counsel opinion? Or did Assembly Member Mullin just surmise that Counsel issued an opinion?

**Reply by Assistant Speaker pro Tempore Saldaña**

The Assistant Speaker pro Tempore replied that without objection Assembly Member Mullin would respond instead of the Presiding Officer.

**Reply by Assembly Member Mullin**

Generally when we have issues with constitutional considerations we request a Legislative Counsel opinion. I do not know factually if Senator Lowenthal’s office requested an opinion. I will acknowledge the point that I do not have that particular information and for the record that was my assessment.

**Further Consideration of Senate Bill No. 1322**

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Mullin moved a call of the Assembly.

Motion carried. Time, 1:41 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SECOND READING OF BILLS BY UNANIMOUS CONSENT**

Assembly Member De León was granted unanimous consent to take up the following Senate bills without reference to committee or file, for the purpose of reading the bills a second time:

Senate Bills Nos. 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, and 1092.

**SENATE BILL NO. 1072**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1073**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1074**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1075**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1076**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1077**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1078**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1079**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1080**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1081**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1082**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1083**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1084**—An act relating to the Budget Act of 2008.

Bill read second time.

**SENATE BILL NO. 1085**—An act relating to the Budget Act of 2008.

Bill read second time.



**SENATE BILL NO. 1086**—An act relating to the Budget Act of 2008.  
Bill read second time.

**SENATE BILL NO. 1087**—An act relating to the Budget Act of 2008.  
Bill read second time.

**SENATE BILL NO. 1088**—An act relating to the Budget Act of 2008.  
Bill read second time.

**SENATE BILL NO. 1089**—An act relating to the Budget Act of 2008.  
Bill read second time.

**SENATE BILL NO. 1090**—An act relating to the Budget Act of 2008.  
Bill read second time.

**SENATE BILL NO. 1091**—An act relating to the Budget Act of 2008.  
Bill read second time.

**SENATE BILL NO. 1092**—An act relating to the Budget Act of 2008.  
Bill read second time.

#### **CONSIDERATION OF CONSENT CALENDAR**

The Assistant Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

##### **Consent Calendar—Senate Bills**

**SENATE BILL NO. 1245 (Negrete McLeod)**—An act to amend Section 1334 of, and to add Section 1335.5 to the Military and Veterans Code, relating to veterans memorials.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 83 (Battin)**—Relative to California Indian Heritage Month.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 118 (Maldonado)**—Relative to Sea Otter Awareness Week.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**SENATE CONCURRENT RESOLUTION NO. 121 (Ashburn)**—Relative to Valley Fever Awareness Month.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

**Consent Calendar Roll Call**

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

**AYES—77**

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

**NOES—None****ADJOURN IN MEMORY**

Assembly Member Eng was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Anthony Zant, of La Habra.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Garrick was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anne Armstrong, of Houston, Texas.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Garcia was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carole Starr, of El Centro.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Members Jones, Berg, and Niello were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joan Lee, of Sacramento.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Ma was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ryan Jones, of San Francisco.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Price was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kevin Wicks, of Inglewood.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Arambula was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mayor Don Tow, of Selma.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Emmerson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Louise McDaniel, of Rancho Cucamonga.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Aghazarian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard A. Haines, Jr., of Stockton.

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pfc. Ivan Wilson, of Clearlake; Jane Wong, of Modesto; and Mary C. Berg, of Seattle, Washington.

Assembly Members Brownley and Feuer were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joey Lutz, of Santa Monica.

Assembly Member Emmerson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tyler Guge, of San Francisco.

Assembly Member La Malfa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Curtis Ralph, of Yolo and Colusa Counties.

Assembly Member Lieber was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sergeant First Class Ehud Goldwasser and Staff Sergeant Eldad Regev, of Nahariya, Israel.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Andrew Estigoy, of South San Francisco.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Billy Gene Yarbrough, of Fairfield.

**ANNOUNCEMENTS**

Assistant Speaker pro Tempore Saldaña announced the following session schedule:

Tuesday, August 5, 2008, Check-in Session, 7 a.m.–3 p.m.

Wednesday, August 6, 2008, Check-in Session, 7 a.m.–3 p.m.

Thursday, August 7, 2008, Floor Session, at 9 a.m.

Assistant Speaker pro Tempore Saldaña announced that on Thursday, August 7, 2008, the Committee on Appropriations will meet upon Call of the Chair or upon adjournment of Floor Session; that Thursday, August 7, 2008 is the Assembly's last day to amend bills that amend the Political Reform Act of 1974; and that Friday, August 8, 2008 is the last day for fiscal bills to be reported to the Floor of either House.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1322**

At 2:01 p.m., on motion of Assembly Member Mullin, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1322 passed by the following vote:

**AYES—41**

Beall	Eng	Krekorian	Price
Berg	Evans	Laird	Ruskin
Brownley	Feuer	Leno	Salas
Caballero	Fuentes	Levine	Saldaña
Carter	Furutani	Lieber	Solorio
Coto	Hancock	Ma	Swanson
Davis	Hayashi	Mendoza	Torrico
De La Torre	Hernandez	Mullin	Mme. Speaker
De León	Huffman	Nava	
DeSaulnier	Jones	Núñez	
Dymally	Karnette	Portantino	

**NOES—31**

Adams	Duvall	Huff	Silva
Aghazarian	Emmerson	Jeffries	Smyth
Anderson	Fuller	Keene	Spitzer
Benoit	Gaines	La Malfa	Strickland
Berryhill	Garcia	Maze	Tran
Blakeslee	Garrick	Nakanishi	Villines
Cook	Horton	Niello	Walters
DeVore	Houston	Plescia	

Bill ordered transmitted to the Senate.

**BILLS RETURNED TO UNFINISHED BUSINESS FILE**

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the unfinished business file:

**Assembly Bill No. 437**, on request of Assembly Member De León.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bill No. 110, Assembly Constitutional Amendment No. 8, Assembly Bill No. 1840, and Senate Bill No. 823 were continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Senate Bill No. 1510:** Beall, Benoit, Carter, De La Torre, DeSaulnier, Galgiani, Hancock, Horton, Houston, Keene, Mendoza, Nava, Niello, Salas, Solorio, Strickland, and Swanson—Aye.

**Senate Bill No. 1162:** Anderson, Carter, De La Torre, DeSaulnier, Galgiani, Hancock, Horton, Lieu, Mendoza, Nakanishi, Salas, Strickland, and Swanson—Aye.

**Senate Bill No. 1396:** Aghazarian, Berryhill, De La Torre, DeSaulnier, Galgiani, Hancock, Hayashi, Horton, Salas, Spitzer, and Swanson—Aye; Adams, Huff, Strickland, and Villines—No.

**Senate Bill No. 1567:** Anderson, Arambula, Beall, DeSaulnier, Galgiani, Hancock, Hayashi, Horton, Jones, Mendoza, Nakanishi, Salas, Strickland, and Swanson—Aye.

**Senate Bill No. 1233:** Arambula, Blakeslee, Galgiani, Hancock, Hayashi, Horton, Mendoza, Nava, Swanson, and Villines—Aye; Anderson and Strickland—No.

**Senate Bill No. 697:** Adams, Galgiani, Hancock, Horton, Maze, Strickland, and Swanson—Aye.

**Senate Bill No. 1296:** Anderson, De La Torre, Galgiani, Hancock, Horton, Keene, Strickland, Swanson, and Villines—Aye; Niello—No.

**Senate Bill No. 1322, Garrick Amendments, Torrico Motion to Table:** Horton, Maze, and Villines—No.

**Senate Bill No. 1322, DeVore Amendments, Torrico Motion to Table:** Maze, Strickland, and Villines—No.

**Consent Calendar:** Arambula and Fuller—Aye.

**MOTION TO ADJOURN**

At 2:02 p.m., Assembly Member De León moved that the Assembly do now adjourn.

Assembly Member De La Torre seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 2:03 p.m., Assistant Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 153—Laird.** Relative to California Coastal Trail Day.

**ASSEMBLY CONCURRENT RESOLUTION NO. 154—Laird.** Relative to archival institutions.

**ASSEMBLY CONCURRENT RESOLUTION NO. 155—Beall.** Relative to Alcohol and Drug Addiction Recovery Month.

**ASSEMBLY JOINT RESOLUTION NO. 71—Huffman.** Relative to public transportation.

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
<b>65</b> -----	Rls.
<b>151</b> -----	Rls.
<b>152</b> -----	Rls.
<b>153</b> -----	Rls.
<b>154</b> -----	Rls.

**AUTHOR’S AMENDMENTS**

**Committee on Rules**

August 4, 2008

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

Assembly Concurrent Resolution No. 65

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

LIEU, Chair

**ASSEMBLY CONCURRENT RESOLUTION NO. 65**—Relative to the Region of Souss-Massa-Draa in the Kingdom of Morocco: sister-state relationship.

Resolution read; author’s amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**

**Committee on Revenue and Taxation**

Date of Hearing: August 4, 2008

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

Senate Bill No. 1055

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

CALDERON, Chair

Above bill ordered to second reading.

Date of Hearing: August 4, 2008

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

Assembly Bill No. 2914

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.

**Committee on Transportation**

Date of Hearing: August 4, 2008

Mme. Speaker: Your Committee on Transportation reports:

Senate Bill No. 28

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

DE SAULNIER, Chair

Above bill re-referred to the Committee on Appropriations.

**INTRODUCTION OF GUESTS**

Speaker pro Tempore Lieber, of the 22nd Assembly District, introduced Lt. Governor John Garamendi, on the Assembly Floor.

**ADJOURNMENT**

At 4 p.m., pursuant to the motion by Assembly Member De León, the Assembly adjourned until 7 a.m., Tuesday, August 5, 2008, out of respect to the memory of James Anthony Zant, on motion of Assembly Member Eng; out of respect to the memory of Anne Armstrong, on motion of Assembly Member Garrick; out of respect to the memory of Carole Starr, on motion of Assembly Member Garcia; out of respect to the memory of Joan Lee, on motion of Assembly Members Jones, Berg, and Niello; out of respect to the memory of Ryan Jones, on motion of Assembly Member Ma; out of respect to the memory of Kevin Wicks, on motion of Assembly Member Price; out of respect to the memory of Mayor Don Tow, on motion of Assembly Member Arambula; out of respect to the memory of Mary Louise McDaniel, on motion of Assembly Member Emmerson; out of respect to the memory of Richard A. Haines, Jr., on motion of Assembly Member Aghazarian; out of respect to the memory of Pfc. Ivan Wilson, Jane Wong, and Mary C. Berg, on motion of Assembly Member Berg; out of respect to the memory of Joey Lutz, on motion of Assembly Members Brownley and Feuer; out of respect to the memory of Tyler Guge, on motion of Assembly Member Emmerson; out of respect to the memory of Curtis Ralph, on motion of Assembly Member La Malfa; out of respect to the memory of Sergeant First Class Ehud Goldwasser and Staff Sergeant Eldad Regev, on motion of Assembly Member Lieber; out of respect to the memory of Andrew Estigoy, on motion of Assembly Member Mullin; and out of respect to the memory of Billy Gene Yarbrough, on motion of Assembly Member Wolk.

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KAREN BASS, Speaker

TRESHA PETIT-PHAR, Assistant Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 4, 2008

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

**ACR RN**  
65 0823838

**AJR RN**  
70 0823172

**SB RN**  
28 0823263  
107 0822585  
364 0824014  
588 0823797  
981 0824098  
1175 0824317  
1268 0823059  
1285 0824312  
1386 0823564  
1391 0822870  
1457 0822415  
1469 0822689  
1511 0823282  
1561 0822381

**SCR RN**  
113 0820498

**Daily Total: 17**  
**Cumulative Total: 5447**

Amendments were considered by the Assembly, but not adopted, to the following measure:

**SB**  
1322 (Garrick amendments—Set 1, RN0823277, laid upon the table)  
(DeVore amendments—Set 2, RN0823279, laid upon the table)