

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, August 5, 2008**

**TWO HUNDRED TWENTIETH SESSION DAY  
SIX HUNDRED ELEVENTH 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  
Tuesday, August 5, 2008

The Assembly met at 7 a.m.  
Hon. Wilmer Amina Carter, Assembly Member, 62nd 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—75:

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

Quorum present.

**At 1:20 p.m., Hon. Patty Berg, 1st District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

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

*On legislative business: Assembly Members Price and Spitzer.*

*On personal business, and waiving per diem: Assembly Member De León.*

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

**EXPLANATIONS OF ABSENCE**

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

August 5, 2008

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

Dear Mme. Speaker: I would like to request to be excused from Check-in Session, Tuesday, August 5, 2008, on legislative business. Thank you for consideration.

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

July 17, 2008

*The Honorable Karen Bass  
Speaker of the Assembly  
Room 219, State Capitol Building  
Sacramento, California*

Dear Mme. Speaker: I would like to be excused from check-in session on Tuesday, August 5, 2008, for legislative business in my district.

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

Sincerely,  
TODD A. SPITZER, Assembly Member  
Seventy-first District

**COMMUNICATIONS**

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

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 Cathleen Galgiani to replace Assemblymember Curren Price 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 Gene Mullin to replace Assemblymember Kevin de León on the Assembly Health Committee for the Tuesday, August 5 hearing only.

Sincerely,

KAREN BASS  
 Speaker of the Assembly

#### **SPECIAL COMMITTEE MEETINGS**

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

Housing and Community Development, on Wednesday, August 13, 2008, at 9 a.m., in Room 126.

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

Assembly Chamber, August 5, 2008

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Joint Resolution No. 70

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, August 5, 2008

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Concurrent Resolution No. 65

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

#### **AUTHOR'S AMENDMENTS** **Committee on Judiciary**

August 5, 2008

Mme. Speaker: The Chair of your Committee on Judiciary reports:  
 Assembly Joint Resolution No. 46

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

JONES, Chair

**ASSEMBLY JOINT RESOLUTION NO. 46**—Relative to the right to keep and bear arms.

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 Transportation**

Date of Hearing: August 4, 2008

Mme. Speaker: Your Committee on Transportation reports:  
Assembly Bill No. 152  
Assembly Bill No. 996

With the recommendation: That the Senate amendments be concurred in.

DE SAULNIER, Chair

Above bills ordered to unfinished business.

Date of Hearing: August 4, 2008

Mme. Speaker: Your Committee on Transportation reports:  
Assembly Concurrent Resolution No. 148

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

DE SAULNIER, Chair

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: August 4, 2008

Mme. Speaker: Your Committee on Transportation reports:  
Assembly Concurrent Resolution No. 147  
Assembly Concurrent Resolution No. 150

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: August 4, 2008

Mme. Speaker: Your Committee on Transportation reports:  
Senate Concurrent Resolution No. 119

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

DE SAULNIER, Chair

Above resolution re-referred to the Committee on Appropriations.

**Committee on Business and Professions**

Date of Hearing: August 5, 2008

Mme. Speaker: Your Committee on Business and Professions reports:  
Senate Bill No. 140  
Senate Bill No. 1527

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: August 5, 2008

Mme. Speaker: Your Committee on Business and Professions reports:  
Assembly Bill No. 264

With the recommendation: That Senate amendments be concurred in.

ENG, Chair

Above bill ordered to unfinished business file.

**Committee on Judiciary**

Date of Hearing: August 5, 2008

Mme. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 171

Assembly Bill No. 1333

Assembly Bill No. 225

Assembly Bill No. 1405

Assembly Bill No. 926

Assembly Bill No. 1684

Assembly Bill No. 983

With the recommendation: That the Senate amendments be concurred in.

JONES, Chair

Above bills ordered to unfinished business.

Date of Hearing: August 5, 2008

Mme. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2357

With the recommendation: That the Senate amendments not be concurred in.

JONES, Chair

Above bill ordered to unfinished business.

Date of Hearing: August 5, 2008

Mme. Speaker: Your Committee on Judiciary reports:

Assembly Joint Resolution No. 67

With the recommendation: Be adopted.

JONES, Chair

Above resolution ordered to third reading.

**Committee on Higher Education**

Date of Hearing: August 5, 2008

Mme. Speaker: Your Committee on Higher Education reports:

Assembly Concurrent Resolution No. 146

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

PORTANTINO, Chair

Above resolution re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS****ASSEMBLY CONCURRENT RESOLUTION NO. 149**—Relative to firefighters.

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.

**ASSEMBLY JOINT RESOLUTION NO. 51**—Relative to offshore oil drilling.

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.

**ASSEMBLY JOINT RESOLUTION NO. 68**—Relative to marine mammals.

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. 1268, 1469, and 1561**, ordered to third reading;**Senate Bill No. 1391**, ordered to the Consent Calendar.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 380**—An act to amend Section 399.20 of the Public Utilities Code, relating to energy.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 483**—An act to amend Sections 14005, 14015, and 14018 of, to amend and renumber Section 14002 of, and to add Sections 14006.01, 14006.15, 14006.41, 14009.6, 14009.7, 14015.1, and 14015.2 to, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1071**—An act relating to prisons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1221**—An act to amend Section 15438.5 of the Government Code, and to add Part 7 (commencing with Section 1179.100) to Division 1 of the Health and Safety Code, relating to health facility financing.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1247**—An act to amend Sections 50199.7 and 50199.20 of, and to repeal Chapter 3.7 (commencing with Section 50199.50) of Part 1 of Division 31 of, the Health and Safety Code, and to amend Sections 12206, 17058, and 23610.5 of, and to repeal Sections 17053.14, 23608.2, and 23608.3 of, the Revenue and Taxation Code, relating to housing.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1307**—An act to amend Sections 4034 and 4163 of, to add Sections 4034.1, 4163.2, 4163.3, and 4163.4 to, and to repeal and add Section 4163.5 of, the Business and Professions Code, relating to pharmacy.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1415**—An act to add Section 123106 to the Health and Safety Code, relating to patient records.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1502**—An act to add and repeal Article 17 (commencing with Section 18881) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to amyotrophic lateral sclerosis (ALS).

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1553**—An act to amend Section 1368.015 of, and to add Section 1367.015 to, the Health and Safety Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1565**—An act to amend Section 125290.60 of, and to add Section 125293 to, the Health and Safety Code, relating to reproductive health.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1754**—An act to amend Sections 26003, 26011, 26011.6, and 26022 of, and to add Section 26001.5 to, the Public Resources Code, relating to energy.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1186**—An act to amend Sections 44225.7, 44252, 44252.5, 44380, 44385, 44560, 44561, 44830, and 44831 of the Education Code, relating to teachers.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1246**—An act to add Section 25611.3 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1251**—An act to amend Section 52052 of the Education Code, relating to school accountability.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1380**—An act to amend Sections 18358, 18358.05, 18358.10, 18358.15, 18358.20, 18358.23, 18358.25, and 18358.30 of the Welfare and Institutions Code, relating to foster care.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1518**—An act to add Section 9563.5 to the Welfare and Institutions Code, relating to aging.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1562**—An act to amend Section 211 of the Revenue and Taxation Code, relating to disaster relief, to take effect immediately, tax levy.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1597**—An act to amend Section 111656.5 of the Health and Safety Code, relating to medical devices.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1641**—An act to repeal and add Section 15653 of the Government Code, and to add Section 19534 to the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 201**—An act to add Article 1.5 (commencing with Section 33461) to Chapter 5 of Part 1 of Division 15 of the Food and Agricultural Code, relating to milk.

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. 1105**—An act to amend Sections 44009, 44242.5, and 44425 of the Education Code, relating to teacher credentialing.

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. 1505**—An act to amend Sections 8547.2, 8547.8, 19683, and 19683.5 of the Government Code, relating to whistleblower protections.

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. 1250**—An act to amend Sections 224.72, 1712.1, and 1766 of, and to add Section 223.1 to, the Welfare and Institutions Code, relating to juveniles.

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. 115**—Relative to California Lung Cancer Awareness Week.

Resolution read; amendments proposed by the Committee on Rules read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.



**SENATE BILL NO. 1055**—An act to add Section 17144.5 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 Revenue and Taxation 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. 356, 388, 410, 894, 946, 992, 1062, 1302, and 1781**, on request of Assembly Member Torrico.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 5, 2008

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2308 | Assembly Bill No. 2996 |
| Assembly Bill No. 2465 | Assembly Bill No. 3062 |
| Assembly Bill No. 2994 |                        |

GREGORY P. SCHMIDT, Secretary of the Senate  
By David Valverde, Assistant Secretary

Above bills ordered enrolled.

Senate Chamber, August 5, 2008

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

- |                      |                                     |
|----------------------|-------------------------------------|
| Senate Bill No. 301  | Senate Bill No. 1245                |
| Senate Bill No. 348  | Senate Bill No. 1296                |
| Senate Bill No. 441  | Senate Bill No. 1322                |
| Senate Bill No. 634  | Senate Bill No. 1370                |
| Senate Bill No. 974  | Senate Bill No. 1396                |
| Senate Bill No. 1065 | Senate Bill No. 1691                |
| Senate Bill No. 1102 | Senate Bill No. 1720                |
| Senate Bill No. 1136 | Senate Concurrent Resolution No. 85 |
| Senate Bill No. 1160 | Senate Joint Resolution No. 28      |

GREGORY P. SCHMIDT, Secretary of the Senate  
By David Valverde, Assistant Secretary

Senate Chamber, August 5, 2008

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 117  | Assembly Bill No. 2050 |
| Assembly Bill No. 499  | Assembly Bill No. 2180 |
| Assembly Bill No. 885  | Assembly Bill No. 2213 |
| Assembly Bill No. 1366 | Assembly Bill No. 2214 |
| Assembly Bill No. 1480 | Assembly Bill No. 2231 |
| Assembly Bill No. 1751 | Assembly Bill No. 2295 |
| Assembly Bill No. 1816 | Assembly Bill No. 2550 |
| Assembly Bill No. 1866 | Assembly Bill No. 2567 |
| Assembly Bill No. 1910 | Assembly Bill No. 2610 |
| Assembly Bill No. 1917 | Assembly Bill No. 2768 |
| Assembly Bill No. 1974 | Assembly Bill No. 2849 |
| Assembly Bill No. 2001 | Assembly Bill No. 2950 |
| Assembly Bill No. 2042 | Assembly Bill No. 3030 |
| Assembly Bill No. 2045 |                        |

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate  
By David Valverde, Assistant Secretary

Above bills ordered to unfinished business file.

August 5, 2008

*The Honorable E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bills 1446 and 1560 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT  
Secretary of the Senate

Above bills held at Desk.

#### **SPECIAL CONSENT CALENDAR ANNOUNCEMENT**

Assembly Member Torrico was granted unanimous consent that commencing today a special consent calendar for the Assembly bills amended in the Senate, and Senate measures on the Senate third reading file will be created. The criteria for a bill being placed on this special consent calendar will be: (1) No "NO" votes in any Senate or Assembly committee, and (2) No "NO" votes on either the Assembly or Senate Floor. Bills will be placed on a First Day Special Consent Calendar and will be voted upon on the Second Day Special Consent Calendar. Any bill placed upon the Special Consent Calendar may be removed upon the objection of a Member.

#### **BILLS PLACED ON SPECIAL CONSENT CALENDAR**

The following bills will be placed upon the Special Consent Calendar, subsequent to one calendar day on the Unfinished Business file:

Assembly Bills Nos. 299, 2750, 2878, 1903, and 2078.

The following Senate measures will be placed upon the Special Consent Calendar, subsequent to one calendar day on the Special Consent Calendar for Senate Third Reading:

Senate Bills Nos. 640, 1268, 1391, 1387, 1220, 1778, and 1666; and Senate Concurrent Resolutions Nos. 113 and 122.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 6, 2008.

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KAREN BASS, Speaker

TRESHA PETIT-PHAR, Assistant Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 5, 2008**

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

**ACR RN**

149 0823334

**AJR RN**

46 0824145

51 0823328

68 0823379

**SB RN**

201 0823432

1055 0824241

1105 0823412

1250 0822636

1505 0823466

**SCR RN**

115 0823240

**Daily Total: 10****Cumulative Total: 5457**

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