

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, August 11, 2008

**TWO HUNDRED TWENTY-THIRD SESSION DAY
SIX HUNDRED SEVENTEENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

(Please Direct Any Inquiries and Report Any Omissions or Errors to
Sue Parker, Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, August 11, 2008

The Assembly met at 2:30 p.m.
Hon. Greg Aghazarian, Assembly Member, 26th District, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Gregory Vellines reading.

ROLL CALL

The following were placed upon the morning roll call—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	

Quorum present.

At 3:33 p.m., Hon. Dave Jones, 9th District, presiding

REGULAR BUSINESS DISPENSED WITH

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 11, 2008

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

Assembly Concurrent Resolution No. 147

Assembly Concurrent Resolution No. 148

Assembly Concurrent Resolution No. 150

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, August 11, 2008

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Joint Resolution No. 69
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, August 11, 2008

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 152
Assembly Concurrent Resolution No. 154
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

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 communication was presented by the Chief Clerk, and ordered printed in the Journal:

Explanation of Vote on Consent Calendar

August 11, 2008

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

Dear Mr. Wilson: Although I was in attendance for most of the August 4, 2008 Assembly Floor Session, I missed a series of votes on the Consent Calendar as I had legislative business in front of the Senate Appropriations Committee.

Cordially,

TED W. LIEU, Assembly Member
Fifty-third District

AUTHOR'S AMENDMENTS

Committee on Environmental Safety and Toxic Materials

August 11, 2008

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

Senate Bill No. 1574

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

HUFFMAN, Chair

ASSEMBLY BILL NO. 1574—An act to add Section 25292.6 to the Health and Safety Code, relating to underground storage tanks.

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.

MESSAGES FROM THE SENATE

Senate Chamber, August 11, 2008

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

Assembly Bill No. 368
Assembly Bill No. 2135
Assembly Bill No. 2189

Assembly Bill No. 2272
Assembly Bill No. 2529

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

Above bills ordered enrolled.

Senate Chamber, August 11, 2008

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

Assembly Joint Resolution No. 37

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

Above resolution ordered enrolled.

Senate Chamber, August 11, 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. 61
Senate Bill No. 157
Senate Bill No. 567
Senate Bill No. 593
Senate Bill No. 640
Senate Bill No. 697
Senate Bill No. 911
Senate Bill No. 967
Senate Bill No. 1140
Senate Bill No. 1173
Senate Bill No. 1184

Senate Bill No. 1186
Senate Bill No. 1246
Senate Bill No. 1279
Senate Bill No. 1303
Senate Bill No. 1491
Senate Bill No. 1509
Senate Bill No. 1562
Senate Bill No. 1666
Senate Bill No. 1778
Senate Concurrent Resolution No. 113

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

Senate Chamber, August 11, 2008

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

Assembly Bill No. 86
Assembly Bill No. 290
Assembly Bill No. 352
Assembly Bill No. 550
Assembly Bill No. 642
Assembly Bill No. 660
Assembly Bill No. 749
Assembly Bill No. 815
Assembly Bill No. 873
Assembly Bill No. 994
Assembly Bill No. 1209
Assembly Bill No. 1245
Assembly Bill No. 1709
Assembly Bill No. 1846
Assembly Bill No. 1900
Assembly Bill No. 1942
Assembly Bill No. 1959
Assembly Bill No. 1972
Assembly Bill No. 2028

Assembly Bill No. 2160
Assembly Bill No. 2162
Assembly Bill No. 2259
Assembly Bill No. 2370
Assembly Bill No. 2390
Assembly Bill No. 2413
Assembly Bill No. 2426
Assembly Bill No. 2440
Assembly Bill No. 2527
Assembly Bill No. 2584
Assembly Bill No. 2589
Assembly Bill No. 2630
Assembly Bill No. 2697
Assembly Bill No. 2706
Assembly Bill No. 2846
Assembly Bill No. 2881
Assembly Bill No. 2885
Assembly Bill No. 2899

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.

Senate Chamber, August 11, 2008

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

Assembly Concurrent Resolution No. 114

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate

By David Valverde, Assistant Secretary

Above resolution ordered to unfinished business file.

August 11, 2008

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

Dear Dotson: By direction of the Senate I am returning Senate Bill No. 1510 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
 Secretary of the Senate

Above bill ordered held at the Desk.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 151—Relative to Welcome Home Vietnam Veterans Days.

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

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

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

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 10 to Article IX thereof, relating to the University of California.

Resolution read second time, and ordered to third reading.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article II thereof, relating to elections.

Resolution read second time, and ordered to third reading.

**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. 133, 302, 325, 360, 491, 585, 890, 1064, 1145, 1149, 1190, 1227, 1253, 1308, 1362, 1376, 1437, 1442, 1472, 1537, 1627, 27, 187, 312, 364, 434, 527, 535, 731, 775, 780, 899, 963, 973, 997, 1056, 1097, 1123, 1146, 1147, 1151, 1174, 1193, 1214, 1228, 1319, 1351, 1357, 1407, 1420, 1425, 1428, 1441, 1473, 1475, 1486, 1500, 1522, 1524, 1526, 1538, 1556, 1563, 1585, 1607, 1608, 1617, 1625, 1629, 1660, 1674, 1690, 1700, 1714, 1718, 1764, 1284, 1298, 1499, 1689, 153, 158, 1379, and 1440, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 28—An act to amend Section 12810.3 of, and to add Section 23123.5 to, the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 146—An act to add Section 46305.5 to the Education Code, relating to school finance.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 191—An act to amend Section 1771.7 of the Labor Code, relating to public works.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 286—An act to add Chapter 7.5 (commencing with Section 2370) to Division 3 of the Streets and Highways Code, relating to transportation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 375—An act to amend Sections 14527, 65080, and 65584.01 of, and to add Sections 14522.1, 14522.2, and 65080.01 to, the Government Code, and to amend Sections 21061.3 and 21094 of, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of, the Public Resources Code, relating to environmental quality.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 404—An act to add Section 5003.20 to the Public Resources Code, relating to public resources.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 977—An act relating to infrastructure.

Bill read second time, and ordered to third reading.

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, and ordered to third reading.

SENATE BILL NO. 1132—An act to amend Section 14005.28 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1198—An act to add Section 1367.28 to the Health and Safety Code, and to add Section 10123.24 to the Insurance Code, relating to health care coverage.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1199—An act relating to crime.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1217—An act to add Section 1157.5 to the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1277—An act relating to synthetic turf.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1330—An act to add Article 15.5 (commencing with Section 51876) to Chapter 5 of Part 28 of Division 4 of Title 2 of the Education Code, relating to education technology.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1354—An act relating to school facilities.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1527—An act to add Section 19622.5 to the Business and Professions Code, and to add Section 11011.27 to the Government Code, relating to state property, 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. 1549—An act to add Section 5004.7 to the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1634—An act to amend Section 1367.63 of the Health and Safety Code, and to amend Section 10123.88 of the Insurance Code, relating to health care coverage.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1646—An act to amend Section 40512 of the Health and Safety Code, and to amend Section 9250.11 of the Vehicle Code, relating to air pollution.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1698—An act to amend Section 7137 of, and to add Sections 7058.1 and 7058.2 to, the Business and Professions Code, relating to contractors, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1729—An act to add Section 1257.5 to the Health and Safety Code, relating to health facilities.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1731—An act to add Section 9250.6 to the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1738—An act to add and repeal Article 4.6 (commencing with Section 14147) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1758—An act relating to state employees.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1760—An act to amend Sections 12891 and 12892 of, and to add Section 14033 to, the Government Code, to amend Section 25620 of, and to add Part 5 (commencing with Section 71400) to Division 34 of, the Public Resources Code, relating to energy.

Bill read second time, and ordered to third reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 11, 2008

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

Assembly Constitutional Amendment No. 15

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

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. 413, 580, 702, 791, and 1042, on request of Assembly Member Torrico.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: August 7, 2008

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1055

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

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: August 7, 2008

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1406

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

LENO, Chair

Above bill ordered to second reading.

Date of Hearing: August 7, 2008

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 840

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

LENO, Chair

Above bill ordered to second reading.

SECOND READING OF BILLS BY UNANIMOUS CONSENT

Pursuant to unanimous consent granted on August 7, 2008 (Assembly Journal page 6248), the following bills were taken up without reference to file, for purpose of second reading and the adoption of committee amendments, and the bills ordered to the second reading file for Tuesday, August 12, 2008:

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 Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 1406—An act to amend Sections 3041 and 3152 of the Business and Professions Code, relating to optometry.

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. 840—An act to add Division 113 (commencing with Section 140000) to the Health and Safety Code, relating to health care coverage.

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.

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. 352, 749, 1846, 1959, 2440, 2527, 2584, 2589, 2706, and 2846; and Assembly Concurrent Resolution No. 114.

ADJOURNMENT

At 5 p.m., the Assembly adjourned until 9 a.m., Tuesday, August 12, 2008.

KAREN BASS, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 11, 2008**

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

ACR RN

151 0824598

153 0824624

SB RN

840 0823741

1055 0824977

1406 0824947

1574 0825006

Daily Total:**6****Cumulative Total:****5579**

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