

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, August 22, 2008

**TWO HUNDRED THIRTY-THIRD SESSION DAY
SIX HUNDRED TWENTY-EIGHTH 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
Friday, August 22, 2008

The Assembly met at 10:07 a.m.

Hon. Sally J. Lieber, Speaker pro Tempore of the Assembly, presiding.

Assistant Chief Clerk Lawrence Murman at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Garrick 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 10:45 a.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, We don't need to look very far to see that there are so many disturbing things in the world around us. Trouble can come upon us at any time and try to rob us of our joy and our hope . . . if we let it. But with Your love in our heart, Lord, we can overcome all the ugliness and the disturbing things we encounter. Keep us under Your protection, Lord, and help us to behold the beauty and the goodness of God all around us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Emmerson 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 Blakeslee.

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.

SPECIAL COMMITTEE MEETINGS

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

Governmental Organization, on Friday, August 22, 2008, at 9 a.m., in Room 437;

Business and Professions, on Friday, August 22, 2008, upon adjournment of Floor session, in Room 447.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

Senate Bill No. 1536, on request of Assembly Member De León.

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

Senate Bills Nos. 1597 and 1512, on request of Assembly Member De León.

CONSIDERATION OF DAILY 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. 541, 1543, and 191, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 53—An act relating to transportation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1177—An act to amend Section 470.5 of the Business and Professions Code, to amend Sections 68085.3, 68085.4, 68086.1, 70611, 70612, 70613, 70614, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70658, and 70670 of the Government Code, to amend Section 103470 of the Health and Safety Code, and to amend Section 7660 of the Probate Code, relating to the courts.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1335—An act to add Section 53395.92 to the Government Code, relating to infrastructure financing districts.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 791—An act to amend Section 14528.5 of, and to add Section 14528.55 to, the Government Code, relating to transportation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 765—An act to add and repeal Chapter 2.5 (commencing with Section 14999.11) of Part 5.7 of Division 3 of Title 2 of the Government Code, relating to at-risk urban communities, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 2356 (Arambula)—An act to amend Section 6103.4 of the Government Code, and to amend Sections 13476, 13477.5, and 13478 of, and to add Sections 13193.9 and 13477.6 to, the Water Code, relating to water quality.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—77

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	Solorio
Blakeslee	Furutani	Levine	Spitzer
Brownley	Gaines	Lieber	Strickland
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—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 545 (Walters)—An act to add Sections 75506.7 and 75506.8 to the Government Code, relating to judges' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 10:57 a.m.

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

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Speaker Bass was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor to permit guests in the Assembly Chamber.

REQUEST FOR PHOTOGRAPHER

Speaker Bass was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Torrico was granted unanimous consent that Senate Bill No. 1625 be referred from the third reading file to the Committee on Rules.

(NOTE: Later today, the action was rescinded whereby Senate Bill No. 1625 was referred from the third reading file to the Committee on Rules. See page 6800.)

ACTION RESCINDED ON SENATE BILL NO. 1352

Assembly Member De León was granted unanimous consent to rescind the action whereby the Assembly, on August 20, 2008 (Assembly Journal, page 6736), passed Senate Bill No. 1352, and whereby the bill was ordered transmitted to the Senate.

CONSIDERATION OF AMENDMENTS

Assembly Member Torrico announced that pursuant to a leadership agreement, the next vote would be on the adoption of proposed amendments to the following list of agreed upon bills.

SENATE BILL NO. 1362 (Margett)—An act to amend Section 7137 of the Business and Professions Code, and to amend Section 3099.2 of the Labor Code, relating to employment, and making an appropriation therefor.

Bill read third time.

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

SENATE BILL NO. 963 (Ridley-Thomas)—An act to amend Sections 22, 108, 473.1, 473.2, 473.3, 473.4, 473.15, 473.6, 2001, 2020, 2460, 2531, 2570.19, 2602, 2607.5, 2701, 2708, 2841, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3710, 3716, 4001, 4003, 4501, 4503, 4800, 4804.5, 4928, 4934, 4990, 4990.04, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 5810, 5811, 6710, 6714, 7000.5, 7011, 7200, 7810, 7815.5, 8000, 8005, 8520, 8528, 8710, 18602, and 18613 of, to amend and repeal Sections 1601.1, 1616.5, 2531.75, 2847, and 7303 of, to add Sections 27.5, 38, 127.5, 473.12, and 473.7 to, and to repeal and add Sections 101.1 and 473 of, the Business and Professions Code, relating to regulatory boards.

Bill read third time.

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

SENATE BILL NO. 691 (Calderon)—An act to amend Sections 21606, 21606.5, 21608, and 21609 of, and to add Sections 21608.3 and 21608.5 to, the Business and Professions Code, relating to junk dealers.

Bill read third time.

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

SENATE BILL NO. 1022 (Steinberg)—An act to amend Sections 11169 and 11170 of the Penal Code, relating to child abuse.

Bill read third time.

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

SENATE BILL NO. 1574 (Florez)—An act to add Sections 25292.6 and 25292.7 to the Health and Safety Code, relating to underground storage tanks.

Bill read third time.

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

SENATE BILL NO. 489 (Steinberg)—An act to amend Sections 1771 and 1788 of, and to add Article 9 (commencing with Section 1793.80) to Chapter 10 of Division 2 of, the Health and Safety Code, relating to continuing care retirement communities.

Bill read third time.

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

CONSIDERATION OF AMENDMENTS CONTINUED

Assembly Member Torrico announced that pursuant to a leadership agreement, the next roll call vote would be on the adoption of proposed amendments to the following list of agreed upon bills.

SENATE BILL NO. 1301 (Cedillo)—An act to add Section 66021.6 to the Education Code, relating to student financial aid.

Bill read third time.

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

(For the vote on the adoption of amendments to the above bill, see this day's roll call for the adoption of amendments.)

SENATE BILL NO. 981 (Perata)—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 third time.

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

(For the vote on the adoption of amendments to the above bill, see this day's roll call for the adoption of amendments.)

SENATE BILL NO. 529 (Oropeza)—An act to amend Section 512 of the Labor Code, relating to employment.

Bill read third time.

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

(For the vote on the adoption of amendments to the above bill, see this day's roll call for the adoption of amendments.)

SENATE BILL NO. 863 (Yee)—An act to amend Sections 19401 and 19426 of, and to add Sections 19421.3 and 19421.5 to, the Business and Professions Code, relating to horse racing.

Bill read third time.

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

(For the vote on the adoption of amendments to the above bill, see this day's roll call for the adoption of amendments.)

SENATE BILL NO. 1422 (Lowenthal)—An act to amend Section 10107 of the Public Contract Code, relating to public contracts.

Bill read third time.

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

(For the vote on the adoption of amendments to the above bill, see this day's roll call for the adoption of amendments.)

SENATE BILL NO. 509 (Simitian)—An act to add Article 6 (commencing with Section 108670) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to consumer product safety.

Bill read third time.

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

(For the vote on the adoption of amendments to the above bill, see this day's roll call for the adoption of amendments.)

Amendments Adopted Roll Call

The roll was opened, amendments to the above bills adopted by the following vote:

AYES—47

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

NOES—29

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

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Torrico was granted unanimous consent to suspend Assembly Rule 69(d) to waive the one calendar wait to permit consideration of Senate Bills Nos. 1351, 1425, 1714, 158, 432, 1447, and 1366.

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

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Lieber re-referred the following Senate bills to committees as noted:

Senate Bill No. 963, as amended, to the Committee on Business and Professions;

Senate Bill No. 863, as amended, to the Committee on Appropriations; and

Senate Bill No. 1422, as amended, to the Committee on Transportation.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 1092 (Committee on Budget and Fiscal Review)—An act relating to the Budget Act of 2008.

Bill read third time.

Motion to Amend

Assembly Member Laird moved the adoption of amendments.

Amendments read.

Parliamentary Inquiry

Assembly Member Spitzer arose to the following parliamentary inquiry: Is Senate Bill No. 1092 a budget trailer bill?

Reply by Speaker pro Tempore Lieber

The Speaker pro Tempore replied in the affirmative.

Point of Personal Privilege

Assembly Member Laird arose to a point of personal privilege.

Ruling by Speaker pro Tempore Lieber

The Speaker pro Tempore ruled the point of personal privilege not well-taken and informed Assembly Member Laird that time was remaining on his close.

Further Consideration of the Amendments to Senate Bill No. 1092

The roll was opened.

The amendments were adopted by the following vote:

AYES—47

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

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 reprinted, and ordered returned to the third reading file.

SENATE BILL NO. 201 (Florez)—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, and declaring the urgency thereof, to take effect immediately.

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

Bill passed by the following vote:

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—77

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—77

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 364 (Simitian)—An act to add Section 1724.5 to the Civil Code, relating to personal information.

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 11:41 a.m.

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

SENATE BILL NO. 1407 (Perata)—An act to amend Section 6322.1 of the Business and Professions Code, to amend Sections 68085.1, 68085.3, 68085.4, 68086.1, 70372, 70374, 70375, 70391, 70603, 70611, 70612, 70613, 70614, 70617, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70657, 70657.5, 70658, and 70670 of, and to add Sections 70371.5, 70371.6, 70373, and 70602 to, the Government Code, to amend Section 103470 of the Health and Safety Code, to amend Section 1463.010 of, and to amend, repeal, and add Section 1203.1d of, the Penal Code, to amend Section 7660 of the Probate Code, and to amend Sections 40611 and 42007.1 of the Vehicle Code, relating to court facilities, and making an appropriation therefor.

Bill read third time.

Motion to Amend

Assembly Member Jones moved the adoption of amendments.

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

SENATE BILL NO. 1420 (Padilla)—An act to add Section 114094 to the Health and Safety Code, relating to food facilities.

Bill read third time.

Motion to Amend

Assembly Member DeSaulnier moved the adoption of amendments.

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

SENATE BILL NO. 1425 (Steinberg)—An act to amend Section 1798.24 of the Civil Code, and to add Sections 49079.5 and 49079.6 to the Education Code, relating to pupil data.

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 11:50 a.m.

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

SENATE BILL NO. 1527 (Yee)—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 third time, and presented by Assembly Member Ma.

Urgency Clause

Urgency clause read.
The roll was opened.

Call of the Assembly

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

Motion carried. Time, 11:57 a.m.

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

ACTION RESCINDED ON SENATE BILL NO. 1625

Assembly Member Torrico was granted unanimous consent to rescind the action whereby the Assembly, earlier today (Assembly Journal, page 6793), referred Senate Bill No. 1625 from the third reading file to the Committee on Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 1625 (Corbett)—An act to amend Sections 14500, 14501, 14504, 14505, 14512.7, 14551, and 14575 of, to add Sections 14517.1 and 14518.6 to, and to repeal Section 14523.5 of, the Public Resources Code, relating to recycling, and making an appropriation therefor.

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

Motion to Amend

Assembly Member Hancock moved the adoption of amendments.
Amendments read and adopted by the following vote:

AYES—46

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

NOES—32

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

Bill ordered reprinted, and ordered returned to the third reading file.

SENATE BILL NO. 432 (Lowenthal)—An act to amend Sections 14530.1, 14679, 65070, 65072, and 65073 of the Government Code, to amend Sections 301, 302, 339, 366, 379, 384, 451, 460, and 464 of, to add Section 574 to, and to repeal Section 301.5 of, the Streets and Highways Code, and to amend Sections 5004.1, 21455.7, 21461, 21650, 22507.8, 22511.7, 22511.8, and 40203.5 of, and to add Sections 231.5 and 231.6 to, the Vehicle Code, relating to transportation.

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

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	Levine	Spitzer
Brownley	Gaines	Lieber	Strickland
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	Plescia	

NOES—1

Parra

Bill ordered transmitted to the Senate.

RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Torrico was granted unanimous consent that Senate Bill No. 1625, as amended, be referred from the third reading file to the Committee on Rules.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Lieu announced that the Committee on Rules would meet today, in the Tom Bane Rules Committee Room.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 12:04 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 1447 (Yee)—An act to add and repeal Section 17463.7 of the Education Code, relating the San Bruno Park School District, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—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	

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 1366 (Negrete McLeod)—An act to amend Sections 301, 334, 366, and 532 of the Streets and Highways Code, relating to state highways.

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

Bill passed by the following vote:

AYES—77

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	Solorio
Blakeslee	Furutani	Levine	Spitzer
Brownley	Gaines	Lieber	Strickland
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—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 564 (Ridley-Thomas)—An act to amend Sections 124174 and 124174.2 of, and to add Section 124174.6 to, the Health and Safety Code, relating to child health.

Bill read third time, and presented by Assembly Member Hayashi.
The roll was opened.

Call of the Assembly

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

Motion carried. Time, 12:08 p.m.

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

**CONSIDERATION OF SENATE BILL NO. 1352
BY UNANIMOUS CONSENT**

Assembly Member Swanson was granted unanimous consent to take up Senate Bill No. 1352 without reference to file, for purpose of amendment.

SENATE BILL NO. 1352 (Wyland)—An act to amend Section 1742.1 of, and to amend and repeal Section 1742 of, the Labor Code, relating to public works.

Bill read third time.

Motion to Amend

Assembly Member Swanson moved the adoption of amendments.

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

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILL (RESUMED)**

SENATE BILL NO. 1627 (Wiggins)—An act to amend Section 13975 of the Government Code, to amend Sections 1130, 1137, 1150, 1152, 1153, 1154, 1155, 1156, 1156.5, 1156.6, 1157, 1158, 1159, 1159.1, 1171.5, 1180.6, 1181, and 1182 of, and to add Sections 1117, 1157.1, 1157.2, 1157.3, 1157.4, 1159.5, 1195.1, 1195.3, 1196.1, and 1196.3 to, and to add and repeal Section 1159.4 of, the Harbors and Navigation Code, relating to pilot commissioners, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—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	

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 375 (Steinberg)—An act to amend Sections 65080, 65400, 65583, 65584.01, 65584.02, 65584.04, 65587, and 65588 of, and to add Sections 14522.1, 14522.2, and 65080.01 to, the Government Code, and to amend Section 21061.3 of, to add Section 21159.28 to, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of, the Public Resources Code, relating to environmental quality.

Bill read third time.

Motion to Amend

Assembly Member DeSaulnier moved the adoption of amendments.

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

At 12:14 p.m., Acting Speaker Lloyd Levine, 40th District, presiding

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 545**

At 12:15 p.m., on motion of Assembly Member Walters, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 545 adopted 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	Lieu	Swanson
Calderon	Garcia	Ma	Torrico
Carter	Garrick	Maze	Tran
Cook	Hancock	Mendoza	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

The roll was opened, and the Assembly concurred in Senate amendments 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	Lieu	Swanson
Calderon	Garcia	Ma	Torrico
Carter	Garrick	Maze	Tran
Cook	Hancock	Mendoza	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

Above bill ordered enrolled.

At 12:16 p.m., Speaker pro Tempore Sally Lieber, 22nd District, presiding

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
MOTION TO RECONSIDER SENATE BILL NO. 1713**

Request for Reconsideration

In compliance with a motion given on a previous day, Assembly Member Ma requested unanimous consent that the vote be reconsidered whereby Senate Bill No. 1713 was refused passage.

Assembly Member Blakeslee withheld unanimous consent.

Motion

Assembly Member Ma moved that the vote be reconsidered whereby Senate Bill No. 1713 was refused passage.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 12:20 p.m.

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

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 1515 (Kuehl)—An act to amend Section 32282 of, and to add Article 5.5 (commencing with Section 49010) to Chapter 6 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to pupil discipline.

Bill read third time.

Motion to Amend

Assembly Member Brownley moved the adoption of amendments.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 364**

At 12:26 p.m., on motion of Assembly Member Jones, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 364 passed by the following vote:

AYES—57

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

NOES—19

Anderson	Gaines	Keene	Spitzer
Blakeslee	Horton	La Malfa	Tran
DeVore	Houston	Maze	Villines
Duvall	Huff	Nakanishi	Walters
Fuller	Jeffries	Niello	

Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 364: Assembly Member Berryhill from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 1425**

At 12:26.m., on motion of Assembly Member Brownley, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1425 passed by the following vote:

AYES—47

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

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.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 1527**

At 12:27 p.m., on motion of Assembly Member Ma, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 1527 adopted by the following vote:

AYES—64

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

NOES—14

Anderson	Fuller	La Malfa	Villines
Blakeslee	Gaines	Nakanishi	Walters
DeVore	Huff	Silva	
Duvall	Jeffries	Tran	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—64

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

NOES—14

Anderson	Fuller	La Malfa	Villines
Blakeslee	Gaines	Nakanishi	Walters
DeVore	Huff	Silva	
Duvall	Jeffries	Tran	

Bill ordered transmitted to the Senate.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 1597, on request of Assembly Member Torrico.

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES

Assembly Member Torrico requested unanimous consent that the Rules be suspended for the purpose of allowing all bills reported out of committee today with a “Do Pass as amended” recommendation be taken up today without reference to File for the purpose of adopting committee amendments, and return the bills to the second reading file.

Assembly Member Blakeslee withheld unanimous consent.

MOTION TO SUSPEND THE RULES

Assembly Member Torrico moved that the Rules be suspended for the purpose of allowing all bills reported out of committee today with a “Do Pass as amended” recommendation be taken up today without reference to File for the purpose of adopting committee amendments, and return the bills to the second reading file.

Assembly Member Davis seconded the motion.

Rules suspended by the following vote:

AYES—45

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

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	

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES

Assembly Member Torrico requested unanimous consent that Joint Rule 62(a) be suspended to permit the Committee on Business and Professions to meet today, to hear Senate Bill No. 963, upon Call of the Chair.

Assembly Member Blakeslee withheld unanimous consent.

MOTION TO SUSPEND JOINT RULE 62(a)

Assembly Member Torrico moved that Joint Rule 62(a) be suspended to permit the Committee on Business and Professions to meet today to hear Senate Bill No. 963, upon Call of the Chair.

Assembly Member Davis seconded the motion.

Rules suspended by the following vote:

AYES—45

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

NOES—29

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

**REPORTS OF STANDING COMMITTEES
Committee on Governmental Organization**

Date of Hearing: August 22, 2008

Mme. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1369

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

PRICE, Chair

Above bill re-referred to the Committee on 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 Bill No. 1369 for hearing in the Committee on Appropriations today, upon Call of the Chair.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

MOTION TO RECONSIDER SENATE BILL NO. 110

Request for Reconsideration

In compliance with a motion given on a previous day, Assembly Member Leno requested unanimous consent that the vote be reconsidered whereby Senate Bill No. 110 was refused passage.

Assembly Member Benoit withheld unanimous consent.

Motion

Assembly Member Leno moved that the vote be reconsidered whereby Senate Bill No. 110 was refused passage.

Point of Order

Assembly Member Torrico arose to the following point of order:

The question before the body is the motion to reconsider Senate Bill No. 110, not amendments.

Ruling by Speaker pro Tempore Lieber

The Speaker pro Tempore ruled the point of order well-taken.

Further Consideration of the Motion to Reconsider Senate Bill No. 110

The roll was opened.

Senate Bill No. 110 reconsidered by the following vote:

AYES—44

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

NOES—32

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

CONSIDERATION OF SENATE BILL NO. 110

SENATE BILL NO. 110 (Romero)—An act to amend Sections 11105, 11150.6, 11153, 11162.5, 11162.6, 11350, 11351, 11351.5, 11352, 11352.1, 11353, 11353.1, 11353.4, 11353.5, 11353.6, 11353.7, 11354, 11355, 11356.5, 11357, 11358, 11359, 11360, 11361, 11363, 11364.7, 11366, 11366.5, 11366.6, 11366.7, 11366.8, 11368, 11370, 11370.1, 11370.2, 11370.4, 11370.6, 11370.9, 11371, 11371.1, 11372, 11374, 11374.5, 11375, 11377, 11378, 11378.5, 11379, 11379.2, 11379.5, 11379.6, 11379.7, 11379.8, 11379.9, 11380, 11380.1, 11380.7, 11382, 11383, 11383.5, 11383.6, 11383.7, 11390, 11391, 11536, and 11550, of the Health and Safety Code, to amend Sections 18, 19, 126, 186.10, 186.11, 191.5, 193, 193.5, 204, 205, 208, 209, 209.5, 210, 210.5, 213, 214, 215, 220, 222, 236.1, 237, 241, 241.1, 241.2, 241.3, 241.4, 241.6, 241.7, 241.8, 243, 243.10, 243.2, 243.25, 243.3, 243.35, 243.4, 243.6, 243.7, 243.8, 243.9, 244, 244.5, 245, 245.2, 245.3, 245.5, 245.6, 246, 246.3, 247, 247.5, 261.5, 264, 264.1, 266, 266a, 266b, 266c, 266d, 266e, 266f, 266g, 266h, 266i, 266j, 266k, 267, 269, 270, 271, 271a, 272, 273a, 273ab, 273d, 273.4, 273.5, 273.6, 273.65, 278, 278.5, 280, 285, 286, 286.5, 288, 288a, 288.2, 288.3, 288.5, 288.7, 289, 289.5, 289.6, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, 311.9, 311.10, 311.11, 313.4, 314, 368, 380, 381, 381b, 422, 422.75, 451, 451.1, 451.5, 452, 452.1, 453, 454, 455, 456, 461, 462, 462.5, 463, 473, 474, 476a, 478, 479, 487, 487a, 487b, 487c, 487d, 487e, 487f, 487g, 487h, 488, 489, 490, 490.1, 490.5, 490.7, 496, 498, 499, 499b, 499c, 499d, 520, 524, 530.5, 546.9, 664, 666, 666.5, 667.10, 667.15, 667.16, 667.17, 667.5, 67.51, 667.6, 667.61, 667.7, 667.71, 667.75, 667.8, 667.85, 667.9, 668, 674, 675, 2931, 2932, 2932.5, 2933, 2933.1, 2933.2, 2933.3, 2933.4, 2933.5, 2933.6, 3000, 3000.1, 3001, 3046, 3049, 3057, 4019, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 12022.6, 12022.7, 12022.75, 121022.8, 12022.85, 12022.9, and 12022.95 of, and to add Title 6.5 (commencing with Section 4950) to Part 3 of, the Penal Code, relating to sentencing.

Bill read third time.

Motion to Amend

Assembly Member Leno moved the adoption of amendments.

Amendments read.

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.

Further Consideration of the Amendments to Senate Bill No. 110

The roll was opened.

Amendments adopted by the following vote:

AYES—37

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

NOES—32

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

Bill ordered reprinted, and ordered returned to the third reading file.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 1379 (Ducheny)—An act to amend Section 2455 of, and to add Section 2455.1 to, the Business and Professions Code, to amend Sections 1367.01, 1367.03, 1368, 1368.04, 1374.9, 1374.34, 1393.6, 128553, and 128555 of, and to add Section 1341.45 to, the Health and Safety Code, and to amend Section 12739 of the Insurance Code, relating to health care, and making an appropriation therefor.

Bill read third time.

Motion to Amend

Assembly Member Emmerson moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

SENATE BILL NO. 1762 (Perata)—An act to add Division 25.7 (commencing with Section 38700) to the Health and Safety Code, relating to greenhouse gas reduction representations.

Bill read third time.

Motion to Amend

Assembly Member Jones moved the adoption of amendments. Amendments read and adopted by the following vote:

AYES—40

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

NOES—31

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

Bill ordered reprinted, and ordered returned to the third reading file.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

Monday, August 25, 2008, Floor Session, 1 p.m.

Tuesday, August 26, 2008, No Session

Wednesday, August 27, 2008, No Session

Thursday, August 28, 2008, No Session

Friday, August 29, 2008, Floor Session, 9:30 p.m.

COMMITTEE MEETING ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following committee meeting schedule:

Committee on Rules would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room;

Committee on Business and Professions would meet today, upon adjournment of Floor session, in Room 447; and

Committee on Appropriations would meet today, 30 minutes after adjournment of Floor session, in Room 4202.

ADJOURN IN MEMORY

Assembly Members Dymally, Coto, Duvall, and Swanson were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gene Upshaw, of Lake Tahoe.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 Harry Herman Wetzel, Jr. of Healdsburg.

Assembly Member Evans was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Vann A. Smith, of Sacramento.

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

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Senate Bill No. 762 to the Committees on Utilities and Commerce, Natural Resources, and Appropriations.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 564**

At 1:06 p.m., on motion of Assembly Member Hayashi, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 564 passed by the following vote:

AYES—46

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

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
MOTION TO RECONSIDER SENATE BILL NO. 1713**

At 1:07 p.m., on motion of Assembly Member Ma, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

Pending the announcement of the vote, Assembly Member Ma moved to continue the call of the Assembly.

Motion carried. Time, 1:08 p.m.

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

CALL OF THE ASSEMBLY DISPENSED WITH ON MOTION TO RECONSIDER SENATE BILL NO. 1713

At 1:11 p.m., on motion of Assembly Member Ma, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The motion to reconsider the vote whereby Senate Bill No. 1713 was refused passage carried by the following vote:

AYES—42

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

NOES—33

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

CONSIDERATION OF SENATE BILL NO. 1713

SENATE BILL NO. 1713 (Migden)—An act to amend Sections 108937 and 108939 of the Health and Safety Code, relating to product safety.

Bill read third time.

Motion to Amend

Assembly Member Ma moved the adoption of amendments.

Amendments read and adopted by the following vote:

AYES—37

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

NOES—31

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

Bill ordered reprinted, and ordered returned to the third reading file.

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES

Assembly Member Levine requested unanimous consent that Assembly Rules 78 and 63 be suspended for the purpose of waiving the one day notice when removing a bill from the Inactive File and take the bill up without reference to file, for the purpose of amendment.

Assembly Member Blakeslee withheld unanimous consent.

MOTION TO SUSPEND THE RULES

Assembly Member Levine moved that Assembly Rules 78 and 63 be suspended for the purpose of waiving the one day notice when removing a bill from the Inactive File and take the bill up without reference to file, for the purpose of amendment.

Assembly Member Torrico seconded the motion.

Rules suspended by the following vote:

AYES—43

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

NOES—29

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

CONSIDERATION OF SENATE BILL NO. 1536

Pursuant to a roll call vote, Assembly Member Levine was granted unanimous consent to take up Senate Bill No. 1536 without reference to file, for the purpose of amendment.

SENATE BILL NO. 1536 (Dutton)—An act to amend Sections 216, 330, 331, 335, 339, 340, 341.2, 341.5, 359, 361, 365, 367, 373, and 376, of, to repeal Sections 338 and 367.7 of, and to repeal Article 4 (commencing with Section 355) of Chapter 2.3 of Part 1 of Division 1 of, the Public Utilities Code, relating to the electricity.

Bill read third time.

Motion to Amend

Assembly Member Levine moved the adoption of amendments.

Amendments read and adopted by the following vote:

AYES—42

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

NOES—28

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

Bill ordered reprinted.

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

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Senate Bill No. 1536 to the Committee on Utilities and Commerce.

RECESS

By unanimous consent, at 1:20 p.m., Speaker pro Tempore Lieber declared the Assembly recessed.

RECONVENED

At 1:23 p.m., the Assembly reconvened.

Hon. Sally Lieber, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

MOTION TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Constitutional Amendment No. 8, Assembly Bill No. 1840, Senate Bill No. 1118, Senate Bill No. 1443, and Assembly Constitutional Amendment No. 15 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):

Assembly Bill No. 2356, Concurrence: Adams, Aghazarian, Anderson, Berryhill, Caballero, Calderon, Davis, De La Torre, De León, Eng, Evans, Gaines, Garcia, Horton, Houston, Huffman, Jeffries, Keene, Krekorian, La Malfa, Levine, Lieu, Maze, Mendoza, Mullin, Nakanishi, Parra, Plescia, Portantino, Price, Silva, Solorio, Spitzer, Swanson, Tran, and Villines—Aye.

Consideration of Amendments: Caballero, Calderon, Davis, De La Torre, De León, Eng, Evans, Huffman, Jones, Krekorian, Levine, Lieu, Mendoza, Parra, Portantino, Price, and Solorio—Aye; Gaines, Horton, Houston, Jeffries, Keene, La Malfa, Nakanishi, Plescia, Silva, Tran, and Villines—No.

Senate Bill No. 1092, Laird Amendments: Berg, Caballero, Galgiani, Huffman, Levine, Lieu, Mendoza, Núñez, Parra, and Price—Aye; Horton, Houston, and Silva—No.

Senate Bill No. 201 and Urgency: Arambula, Caballero, Eng, Galgiani, Hayashi, Hernandez, Houston, Huff, Huffman, Levine, Lieu, Mendoza, Parra, and Price—Aye.

Senate Bill No. 1625: Arambula, Brownley, Caballero, Calderon, Coto, De La Torre, Eng, Evans, Feuer, Galgiani, Huffman, Krekorian, Laird, Levine, Lieu, and Mendoza—Aye; Aghazarian, Houston, and Parra—No.

Senate Bill No. 432: Arambula, Brownley, Caballero, Coto, De La Torre, Eng, Feuer, Galgiani, Houston, Huffman, Krekorian, Laird, Levine, Lieu, and Strickland—Aye; Parra—No.

Senate Bill No. 1447: Arambula, Brownley, Caballero, Carter, Coto, De La Torre, Eng, Evans, Feuer, Fuentes, Houston, Huffman, Krekorian, Laird, Levine, Lieu, Mendoza, Parra, Plescia, and Strickland—Aye.

Senate Bill No. 1366: Arambula, Caballero, Carter, Coto, Davis, De La Torre, Eng, Feuer, Fuentes, Houston, Huffman, Karnette, Krekorian, Laird, Lieu, Mendoza, Mullin, Parra, Plescia, Price, Strickland, and Torrico—Aye.

Senate Bill No. 1627: Arambula, Caballero, Eng, Evans, Feuer, Galgiani, Garrick, Houston, Jones, Karnette, Krekorian, Laird, Levine, Lieu, Maze, Mendoza, Parra, Plescia, Price, Strickland, and Villines—Aye.

Assembly Bill No. 545, Urgency and Concurrence: Anderson, Berryhill, Caballero, Calderon, Evans, Fuller, Levine, Mendoza, Parra, Plescia, Price, and Villines—Aye.

Senate Bill No. 364: Arambula, Eng, Feuer, Fuentes, Huffman, Laird, Levine, Lieu, Parra, and Silva—Aye; Villines—No.

Senate Bill No. 1425: Arambula, Feuer, Huffman, Laird, Levine, and Parra—Aye.

Senate Bill No. 1527 and Urgency: Arambula, Calderon, Feuer, Krekorian, Laird, Levine, Maze, Niello, and Parra—Aye.

Torrico Motion to Suspend the Rules: Calderon, Feuer, and Laird—Aye; Berryhill, Fuller, Horton, and Niello—No.

Torrico Motion to Suspend Joint Rule 62(a): Calderon, Feuer, Laird, and Lieu—Aye; Fuller and Villines—No.

Senate Bill No. 110: Feuer, Laird, and Levine—Aye; Fuller—No.

Senate Bill No. 110: Davis, Feuer, Karnette, Krekorian, Laird, and Torrico—Aye; Fuller and Galgiani—No.

Senate Bill No. 1762: Feuer, Karnette, Laird, and Levine—Aye; Fuller—No.

Senate Bill No. 564: Feuer, Laird, and Mendoza—Aye.

Senate Bill No. 1713, Ma Motion to Reconsider: Calderon—Aye; Galgiani—No.

Senate Bill No. 1713, Ma Amendments: DeSaulnier—Aye; Blakeslee and Galgiani—No.

Senate Bill No. 1536: Galgiani—Aye.

MOTION TO ADJOURN

At 1:26 p.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Davis seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:27 p.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 73—Blakeslee (Coauthors: Aghazarian, DeVore, and Gaines) (Coauthor: Senator McClintock). Relative to military action in the Republic of Georgia.

AUTHOR'S AMENDMENTS

Committee on Budget

August 22, 2008

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

Assembly Constitutional Amendment No. 19

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

LAIRD, Chair

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 10 and 12 of Article IV thereof, by repealing and adding Section 3 of Article XIII A thereof, by repealing and adding Article XIII B thereof, by amending Section 2 of Article XIII C thereof, by adding Article XIII F thereto, and by amending Sections 8.5 and 20 of Article XVI thereof, relating to expenditure limitations.

Resolution read second time; 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 Business and Professions

Date of Hearing: August 22, 2008

Mme. Speaker: Your Committee on Business and Professions reports:
Senate Bill No. 963

With the recommendation: Do pass.

ENG, Chair

Above bill ordered to second reading.

Committee on Rules

Date of Hearing: August 22, 2008

Mme. Speaker: Your Committee on Rules reports:
Senate Concurrent Resolution No. 128
Senate Concurrent Resolution No. 130

With the recommendation: Be adopted.

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

LIEU, Chair

Above resolutions ordered to Consent Calendar.

Committee on Health

Date of Hearing: August 22, 2008

Mme. Speaker: Your Committee on Health reports:
Assembly Bill No. 1188

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

DYMALLY, Chair

Above bill ordered to unfinished business.

Committee on Housing and Community Development

Date of Hearing: August 20, 2008

Mme. Speaker: Your Committee on Housing and Community Development reports:
Senate Bill No. 870

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

SALDAÑA, Chair

Above bill ordered to second reading.

Committee on Local Government

Date of Hearing: August 20, 2008

Mme. Speaker: Your Committee on Local Government reports:
Senate Bill No. 732

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

CABALLERO, Chair

Above bill ordered to second reading.

SECOND READING OF BILLS BY UNANIMOUS CONSENT

Pursuant to consent granted earlier this day by a roll call vote, the following bills were taken up without reference to file, for the purpose of adopting committee amendments, and then ordering the bills to the Second Reading File:

SENATE BILL NO. 870—An act to amend Sections 50086, 51050, and 51101 of the Health and Safety Code, relating to housing.

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

SENATE BILL NO. 732—An act to amend Sections 75076 and 75077 of, and to add Chapter 12 (commencing with Section 75100) and Chapter 13 (commencing with Section 75120) to Division 43 of, the Public Resources Code, relating to the environment , and making an appropriation therefor.

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

ADJOURNMENT

At 5 p.m., pursuant to the motion by Assembly Member Torrico the Assembly adjourned until 1 p.m., Monday, August 25, 2008, out of respect to the memory of Gene Upshaw, on motion of Assembly Members Dymally, Coto, Duvall, and Swanson; out of respect to the memory of Harry Herman Wetzel, Jr., on motion of Assembly Member Berg; and out of respect to the memory of Vann A. Smith, on motion of Assembly Member Evans.

KAREN BASS, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 22, 2008**

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

ACA	RN	SB	RN
19	0826228	1092	0825987
		1301	0826436
		1352	0826424
		1362	0826305
		1379	0826333
		1407	0826474
		1420	0826458
		1422	0826293
		1515	0826598
		1536	0826530
		1574	0826415
		1625	0826343
		1713	0826275
		1762	0826258
1022	0826328		

Daily Total: 27
Cumulative Total: 5752

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