

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 23, 2007

ONE HUNDRED TENTH SESSION DAY

TWO HUNDRED SIXTY-THIRD 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
Thursday, August 23, 2007

The Assembly met at 7 a.m.

Hon. Felipe Fuentes, Assembly Member, 39th 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—65:

Adams	Emmerson	Krekorian	Salas
Aghazarian	Eng	La Malfa	Saldaña
Anderson	Evans	Laird	Silva
Arambula	Feuer	Leno	Smyth
Beall	Fuentes	Levine	Solorio
Berryhill	Gaines	Lieber	Soto
Brownley	Garcia	Ma	Strickland
Caballero	Garrick	Mullin	Swanson
Cook	Hancock	Nakanishi	Torrico
Coto	Hayashi	Nava	Tran
Davis	Hernandez	Niello	Villines
De La Torre	Huff	Parra	Walters
De León	Huffman	Plescia	Wolk
DeSaulnier	Jeffries	Portantino	Mr. Speaker
DeVore	Jones	Richardson	
Duvall	Karnette	Runner	
Dymally	Keene	Ruskin	

Quorum present.

At 11:18 a.m., Hon. Doug La Malfa, 2nd District, presiding

REGULAR BUSINESS DISPENSED WITH

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

LEAVES OF ABSENCE FOR THE DAY

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

On legislative business: Assembly Members Bass, Benoit, Blakeslee, Calderon, Carter, Galgiani, Horton, Houston, Lieu, Mendoza, Price, and Spitzer.

Because of illness: Assembly Members Berg and Maze.

Because of a death in her family: Assembly Member Fuller.

EXPLANATIONS OF ABSENCE

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

August 23, 2007

*The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Núñez: I, respectfully, request to be excused from Check-In Session on Thursday, August 23, 2007. I will be off-site conducting legislative business, and will be unable to check-in prior to departing for my district.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please contact my Chief of Staff, Notice Edwards at 319-2047.

Sincerely,

KAREN BASS, Assembly Member
Forty-seventh District

August 21, 2007

*Assembly Speaker Fabian Núñez
State Capitol, Room 219
Sacramento, California*

Dear Speaker Núñez,

Please excuse me from Session on Thursday, August 23, 2007 as I will be in the District attending to legislative business.

Should you have any questions please contact me or my Capitol Office at 916-319-2064.

Sincerely,

JOHN J. BENOIT, Assembly Member
Sixty-fourth District

August 23, 2007

*Fabian Núñez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Núñez: I am writing to request that I be excused from check-in session today, August 23, 2007, due to legislative business.

I appreciate your consideration of this request. Please contact Stacey Neese in my Capitol office at 319-2033 with any questions. Thank you.

Sincerely,

SAM BLAKESLEE, Assembly Member
Thirty-third District

August 21, 2007

The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Núñez: I respectfully request to be excused from Session, Thursday, August 23, 2007, for legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CHARLES M. CALDERON, Assembly Member
Fifty-eighth District

August 22, 2007

The Honorable Fabian Núñez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Núñez: I am requesting to be excused from Check-In Session on Thursday, August 23, 2007 due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMER AMINA CARTER, Assembly Member
Sixty-second District

August 23, 2007

The Honorable Fabian Núñez, Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Núñez: I would like to request that I be excused from legislative Check-In Session on Thursday, August 23, 2007 as I will be in the District on legislative business.

If you have any questions, please contact Reichel Feicht of my staff at 319-2017.

Thank you.

Sincerely,

CATHLEEN GALGIANI, Assembly Member
Seventeenth District

August 21, 2007

The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol—Room 219
Sacramento, California

Dear Speaker Núñez: This letter is to request to be excused from check-in session on Thursday, August 23, 2007 to attend legislative business in my district.

Please feel free to contact me regarding any requests or concerns you may have. Thank you in advance for your consideration and assistance.

Sincerely,

SHIRLEY HORTON, Assembly Member
Seventy-eighth District

August 21, 2007

The Honorable Fabian Núñez
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: It is my understanding that Thursday, August 23, 2007 is scheduled to be a Check-in Session. So that I may conduct legislative business in my district, I respectfully request to be excused from Check-In Session that day.

If you have any questions, please contact Aaron Bone in my office at 319-2015. Thank you for your consideration of this request.

Sincerely,

GUY S. HOUSTON, Assembly Member
Fifteenth District

August 21, 2007

The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 219

Dear Speaker Núñez: I respectfully request permission to be excused from check-in session on August 23, 2007 to return to my district for legislative business.

If you have any questions regarding this request, please contact Addie Meyers or David Ford at 319-2053.

Sincerely,

TED W. LIEU, Assembly Member
Fifty-third District

August 21, 2007

The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Assembly Check-In Session on Thursday, August 23, 2007, due to legislative business in my district. I will return to Sacramento on Monday, August 27, 2007 in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you should have any questions I can be reached at 319-2056.

Sincerely,

TONY MENDOZA, Assembly Member
 Fifty-sixth District

August 22, 2007

The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 319
Sacramento, California

Dear Speaker Núñez: I would like to request to be excused from Check-in Session, Thursday, August 23, 2007, to attend to legislative business in my District.

Thank you for consideration.

Respectfully,

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

August 21, 2007

The Honorable Fabian Núñez
Speaker of the Assembly
Room 219, State Capitol Building
Sacramento, California

Dear Mr. Speaker: I would like to be excused from check-in session on Thursday, August 23, 2007 for legislative business in my district.

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

Sincerely,

TODD A. SPITZER, Assembly Member
 Seventy-first District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 23, 2007

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

Assembly Bill No. 199

Assembly Bill No. 201

Assembly Bill No. 203

And reports the same correctly enrolled, and presented to the Governor on the 23rd day of August, 2007, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 23, 2007

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

Assembly Concurrent Resolution No. 62

And reports the same correctly enrolled, and presented to the Secretary of State on the 23rd day of August, 2007, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 74—Fuentes. Relative to California Firefighters Memorial Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 75—Coto. Relative to the Chumash Highway.

ASSEMBLY JOINT RESOLUTION NO. 39—Huffman. Relative to the Winnemem Wintu Tribe.

ASSEMBLY JOINT RESOLUTION NO. 40—De León (Coauthors: Brownley, Carter, Eng, Krekorian, Lieu, Mendoza, Portantino, and Solorio). Relative to the declaration of a state of emergency in the South Coast Air Basin.

**AUTHOR’S AMENDMENTS
Committee on Appropriations**

August 23, 2007

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 539

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

LENO, Chair

SENATE BILL NO. 539—An act to amend Section 68085 of the Government Code, relating to courts.

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

**AUTHOR’S AMENDMENTS
Committee on Appropriations**

August 23, 2007

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 645

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

LENO, Chair

SENATE BILL NO. 645—An act to amend Section 20175.2 of, and to add and repeal Section 20785 of, the Public Contract Code, relating to public contracts.

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

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Date of Hearing: August 22, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 70	Senate Bill No. 619
Senate Bill No. 235	Senate Bill No. 624
Senate Bill No. 379	Senate Bill No. 719
Senate Bill No. 472	Senate Bill No. 730
Senate Bill No. 489	Senate Bill No. 863
Senate Bill No. 490	Senate Bill No. 867
Senate Bill No. 515	Senate Bill No. 869
Senate Bill No. 520	Senate Bill No. 886

With the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: August 22, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 920
Senate Bill No. 1047

With the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: August 22, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 10	Senate Bill No. 449
Senate Bill No. 39	Senate Bill No. 516
Senate Bill No. 272	Senate Bill No. 523
Senate Bill No. 295	Senate Bill No. 567
Senate Bill No. 339	Senate Bill No. 633
Senate Bill No. 341	Senate Bill No. 667
Senate Bill No. 370	Senate Bill No. 720
Senate Bill No. 410	

With the recommendation: Do pass.

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

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: August 22, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 789
Senate Bill No. 904
Senate Bill No. 906

With the recommendation: Do pass.

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

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: August 22, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 164
Senate Bill No. 1048

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

LENO, Chair

Above bills ordered to second reading.

Date of Hearing: August 22, 2007

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 38

Senate Bill No. 568

With the recommendation: Do pass, as amended.

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

LENO, Chair

Above bills ordered to second reading.

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

ASSEMBLY BILL NO. 1274—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 924—An act relating to Iraq, and calling an election, to take effect immediately.

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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 1 p.m., Monday, August 27, 2007.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 23, 2007**

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

SB	RN	
539	0726510	
645	0726553	
924	0726579	
Daily Total:		3
Cumulative Total:		2622

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