

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Thursday, November 6, 2008**

**TWO HUNDRED FORTY-FIFTH SESSION DAY  
SEVEN HUNDRED FOURTH 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, November 6, 2008

The Assembly met at 11:35 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Elizabeth Potter reading.

#### ROLL CALL

The following were placed upon the morning roll call—72:

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

**PRAYER**

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

*Lord, Our lives are completely transparent before You. You know our thoughts and our words even before they are spoken (Psalm 139:1–4). Yet, You respect our freedom and will not intrude. Help us to lay our doubts and questions before You, Lord, and guide our footsteps along the path that leads to You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**READING OF THE JOURNAL DISPENSED WITH**

By unanimous consent, reading of the Journal of the previous legislative day was dispensed with.

**LEAVES OF ABSENCE FOR THE DAY**

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

*On personal business, and waiving per diem: Assembly Members Aghazarian, Huff, Levine, Ruskin, and Silva.*

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

*Due to travel delays: Assembly Member Parra.*

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

November 6, 2008

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

Dear Dotson: Pursuant to the Assembly Rules and Article IV, Section 10(c), I am reconvening the Assembly on November 6, 2008 for the purpose of conducting business relating to legislative matters.

Sincerely,

**KAREN BASS**  
Speaker of the Assembly

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

**Explanation of Vote—Assembly Bill No. 2222**

October 6, 2008

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

Dear Mr. Wilson: It has recently come to my attention that on Monday, August 18, 2008, I inadvertently voted “no” on AB 2222 (Caballero) relating to groundwater quality monitoring, when it was my intention to vote “aye”. I respectfully request that the record reflect my intent was to vote “aye” on AB 2222.

Thank you for your assistance.

Sincerely,

JARED HUFFMAN, Assembly Member  
Sixth District

(NOTE: On August 18, 2008, the roll call vote on Assembly Bill No. 2222 was taken. See Assembly Journal, page 6596.)

**Per Diem**

October 23, 2008

*Dotson Wilson  
Assembly Chief Clerk  
State Capitol, Room 3196  
Sacramento, California*

Dear Chief Clerk Wilson: This letter is to officially notify you of my intention to decline the per diem increase that was approved by The Victim Compensation and Government Claims Board effective October 1, 2008. Please withhold this per diem increase from my per diem checks from the effective date until further notice.

Please do not hesitate to contact me or my Chief of Staff, Steve Davey, at 319-2004 should you have any questions regarding this request.

Sincerely,

TED GAINES, Assembly Member  
Fourth District

**Per Diem**

October 23, 2008

*Mr. Dotson Wilson  
Chief Clerk  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson,

I respectfully waive the increase in per diem offered to members this year. I appreciate your attention to this matter.

Should you have any questions, please contact Rachel Francis in my office at 916-319-2012.

In Peace and Friendship,

FIONA MA, Assembly Member  
Twelfth District

**Per Diem**

October 23, 2008

*Mr. E. Dotson Wilson  
Chief Clerk, California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Wilson: In light of our state's ongoing budget crisis, I will not be accepting the per diem increase that was approved today by the Victim Compensation and Government Claims Board.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member  
Forty-fourth District

**Per Diem**

October 24, 2008

*Dotson Wilson  
Assembly Chief Clerk  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This correspondence is to let you know that I wish to decline the \$3.00 increase in the per diem rate, which became effective October 1, 2008.

Should you have any questions regarding this matter, you are welcome to contact me or my chief of staff, Megan Taylor, at (916) 319-2028.

Regards,

ANNA M. CABALLERO, Assembly Member  
Twenty-eighth District

**Per Diem**

October 28, 2008

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

Dear Mr. Wilson: I am hereby requesting that my raise in per diem effective October 1, 2008 not be increased.

Please contact my Chief of Staff, Nancy Taffet, with any questions. Thank you.

Sincerely,

SHIRLEY HORTON, Assembly Member  
Seventy-eighth District

**Per Diem**

October 28, 2008

*E. Dotson Wilson, Assembly Chief Clerk  
Capitol Building, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please use this letter as notification that I am electing not to take the increase in per diem effective October 1, 2008.

Thank you and should you have any questions or concerns, please feel free to contact me at my office at (909) 466-9096.

Sincerely,

BILL EMMERSON, Assembly Member  
Sixty-third District

**Per Diem**

October 29, 2008

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

Dear Dotson: Please be advised that I am declining the per diem increase effective October 1, 2008.

Sincerely,

KAREN BASS  
Speaker of the Assembly

**ADJOURN IN MEMORY**

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

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Benoit was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Colonel Barry Granlund, of Yucaipa.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member La Malfa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his father Milton La Malfa, of Richvale.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Smyth was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard Hal Gage, of La Mirada.

**MOTION TO ADJOURN**

At 11:39 a.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 11:40 a.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 159—Davis (Principal coauthor: Dymally).** Relative to Martin Luther King, Jr. Hospital.

**HOUSE RESOLUTION NO. 35—Furutani (Principal coauthor: Dymally).** Relative to Martin Luther King, Jr. Hospital.

**ADJOURNMENT**

At 11:40 a.m., pursuant to the motion by Assembly Member Torrico, the Assembly adjourned upon Call of the Speaker, out of respect to the memory of Millie Bessire, on motion of Assembly Member Mullin; out of respect to the memory of Colonel Barry Granlund, on motion of Assembly Member Benoit; out of respect to the memory of Milton La Malfa, on motion of Assembly Member La Malfa; and out of respect to the memory of Richard Hal Gage on motion of Assembly Member Smyth.

---

KAREN BASS, Speaker

SUE PARKER, Minute Clerk

O