

CALIFORNIA LEGISLATURE  
2007-08 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Sunday, August 31, 2008**

**TWO HUNDRED FORTIETH SESSION DAY  
SIX HUNDRED THIRTY-SEVENTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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

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

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Sunday, August 31, 2008

The Assembly met at 10:01 a.m.

Hon. Lori Saldaña, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Elizabeth Potter reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Cook 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.

**At 10:36 a.m., Speaker pro Tempore Sally Lieber, presiding**

#### Quorum Present

At 10:36 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—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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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	

**PRAYER**

Upon invitation of Speaker pro Tempore Lieber, the following prayer was offered by Hon. Mark Leno, Assembly Member, District 13:

*Creator, You have blessed each of us with different gifts and talents. Let us be given the opportunity to give You praise and glory by using them to serve others. Knowing that we falter, be with us. In times of doubt, give us confidence; in times of indecision, give us direction; in times of confusion, give us clarity of purpose, so that in all that we do we may serve the common good and those You have given into our care.*

Barach atah adonoi eloheynu melech ha'olom, sh'hakol n'heyeh b'dvaroh.

Blessed are You Creator of the Universe, according to whose word all things will be.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Lieber, Assembly Member Spitzer 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.*

*Because of illness in his family: Assembly Member Tran.*

**COMMUNICATIONS**

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

August 31, 2008

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Mark DeSaulnier to replace Assemblymember Nell Soto on the Assembly Local Government Committee for today's hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

August 31, 2008

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tony Mendoza to fill the Democratic vacancy on the Assembly Housing and Community Development Committee for today's hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

August 31, 2008

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

Dear Dotson: Please be advised that I have appointed Assemblymember Joel Anderson to replace Assemblymember Sharon Runner on the Assembly Housing and Community Development Committee for today's hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

August 31, 2008

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

Dear Dotson: Please be advised that I have appointed Assemblymember Bonnie Garcia to replace Assemblymember Van Tran on the Assembly Utilities and Commerce Committee for today's hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

August 26, 2008

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

RE: Appointment of Julia Brownley  
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Julia Brownley to the State Allocation Board for September 24, 2008 only. Assemblymember Brownley will be replacing Assemblymember Gene Mullin.

Sincerely,

KAREN BASS  
Speaker of the Assembly

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

**Explanation of Vote—Assembly Concurrent Resolution No. 21**

August 20, 2008

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

Dear Dotson: On August 15, 2008, I inadvertently recorded a “no” vote on ACR 21 (Portantino). My intention was to vote “aye” on this measure, as I am a co-author of the bill and a strong supporter of academic exchange programs.

Thank you in advance for your assistance.

Sincerely,

TED GAINES, Assembly Member  
Fourth District

The following communication was presented by the Chair of the Committee on Rules, and ordered printed in the Journal:

August 25, 2008

*Hon. Ted Lieu, Chair*  
*Assembly Rules Committee*  
*State Capitol, Room 3016*  
*Sacramento, California*

Dear Assemblymember Lieu: I would like to waive my per diem for the week of August 25, 2008, through August 29, 2008. In addition, I will not be requesting a per diem reimbursement at a later date.

Thank you for your prompt attention to this matter. If you have any questions please do not hesitate to contact Gayl Jaaskelainen, my Chief of Staff, at (619) 409-7979.

Sincerely,

MARY SALAS, Assembly Member  
Seventy-ninth District

**REPORTS OF STANDING COMMITTEES**  
**Committee on Business and Professions**

August 8, 2008

Mme. Speaker: Your Committee on Business and Professions reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1849	Assembly Bill No. 2348
Assembly Bill No. 1869	Assembly Bill No. 2539
Assembly Bill No. 2089	Assembly Bill No. 2600
Assembly Bill No. 2102	Assembly Bill No. 2888

ENG, Chair

Above bills ordered filed with the Chief Clerk.

**Committee on Public Safety**

June 24, 2008

Mme. Speaker: Your Committee on Public Safety reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1582

SOLORIO, Chair

Above bill ordered filed with the Chief Clerk.

**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 Assembly bills to committees as noted:

Assembly Bill No. 2569, to the Committee on Health;  
 Assembly Bill No. 317, to the Committee on Health;  
 Assembly Bill No. 697, to the Committee on Local Government;  
 Assembly Bill No. 1955, to the Committee on Housing and  
 Community Development;  
 Assembly Bill No. 2921, to the Committee on Local Government;  
 Assembly Bill No. 3076, to the Committee on Health.

**SPECIAL COMMITTEE MEETINGS**

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

Utilities and Commerce to convene jointly with Natural Resources and the Senate Committee on Energy, Utilities and Communications, on Wednesday, September 10, 2008;

Select Committee on Youth Violence Prevention, on Monday, September 15, 2008, in Fresno.

**CONSIDERATION OF SENATE BILL NO. 110 BY UNANIMOUS CONSENT**

Assembly Member Leno was granted unanimous consent to take up Senate Bill No. 110 out of order, for purpose of consideration.

**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, 288.4, 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, 646.9, 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, and presented by Assembly Member Leno.

**Request For Use of Visual Aids**

Assembly Member Spitzer was granted unanimous consent to use visual aids on the Floor to assist in debate.

**Further Consideration of Senate Bill No. 110**

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 11:23 a.m.

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

**CONSIDERATION OF SENATE BILL NO. 1522 BY UNANIMOUS CONSENT**

Assembly Member Jones was granted unanimous consent to take up Senate Bill No. 1522 out of order, for purpose of consideration.

**SENATE BILL NO. 1522 (Steinberg)**—An act to add Sections 1399.819 and 127664.5 to the Health and Safety Code, and to add Section 10903 to the Insurance Code, relating to health care coverage.

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, 11:33 a.m.

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

**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 Assembly bills to committees as noted:

Assembly Bill No. 1973, to the Committee on Utilities and Commerce;

**Assembly Bill No. 2267, to the Committee on Jobs, Economic Development, and the Economy.**

(NOTE: Later today, the action was rescinded whereby Assembly Bill No. 2267 was re-referred pursuant to Assembly Rule 77.2 to the Committee on Jobs, Economic Development, and the Economy. See page 7156.)

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2474 (Galgiani)**—An act to amend, repeal, and add Section 14105.18 of the Welfare and Institutions Code, relating to health care, 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, and adopted by the following vote:

**AYES—76**

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

**NOES—None**



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

**AYES—76**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2293 (De León)**—An act to add and repeal Section 25600.5 of the Business and Professions Code, relating to alcoholic beverages.

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.)*

**Assembly Rule 112 Suspended**

Assembly Member Benoit 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 Assembly Bill No. 2293**

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

**AYES—52**

Aghazarian	Duvall	Huffman	Núñez
Anderson	Dymally	Jeffries	Parra
Arambula	Emmerson	Karnette	Plescia
Berg	Eng	Krekorian	Portantino
Berryhill	Evans	La Malfa	Price
Caballero	Fuentes	Laird	Ruskin
Calderon	Furutani	Leno	Silva
Cook	Galgiani	Levine	Smyth
Coto	Garcia	Lieu	Solorio
Davis	Hayashi	Mendoza	Strickland
De La Torre	Hernandez	Mullin	Torrico
De León	Houston	Nava	Walters
DeSaulnier	Huff	Niello	Mme. Speaker

**NOES—18**

Adams	DeVore	Horton	Swanson
Beall	Feuer	Ma	Villines
Benoit	Fuller	Maze	Wolk
Blakeslee	Gaines	Salas	
Brownley	Hancock	Spitzer	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2293: Assembly Member Brownley from “Aye” to “No”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 169 (Levine)**—An act to amend Section 71205 of, and to amend the heading of Division 36 (commencing with Section 71200) of, the Public Resources Code, relating to ballast water management.

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—76**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1879 (Feuer)**—An act to add Sections 25252, 25252.5, 25253, 25254, 25255, and 25257 to the Health and Safety Code, relating to hazardous materials.

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—64**

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

**NOES—12**

Anderson	Gaines	Huff	Spitzer
DeVore	Galgiani	La Malfa	Villines
Fuller	Garrick	Silva	Walters

Above bill ordered enrolled.

**JOINT RULE 62(a) WAIVED**

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived to permit the following bills to be heard today in committees as noted:

Committee on Revenue and Taxation to hear Assembly Bill No. 2781, upon Call of the Chair;

Committee on Housing and Community Development to hear Assembly Bill No. 1496 and Assembly Bill No. 1955, upon Call of the Chair;

Committee on Health to hear Assembly Bills Nos. 211, 1060, 2569, 317, and 3076, upon Call of the Chair;

Committee on Local Government to hear Assembly Bills Nos. 697 and 2921, upon Call of the Chair;

Committee on Utilities and Commerce to hear Assembly Bill No. 1973, upon Call of the Chair;

Committee on Jobs, Economic Development, and the Economy to hear Assembly Bill No. 2267, upon Call of the Chair.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Saldaña announced that the Committee on Housing and Community Development would meet immediately, in the Tom Bane Rules Committee Room.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 11:57 a.m., by unanimous consent, the members of the Committee on Housing and Community Development 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)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2944 (Leno)**—An act to amend, repeal, and add Section 309 of the Corporations Code, relating to corporations.

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.

**Call of the Assembly**

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

Motion carried. Time, 11:59 a.m.

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

**ASSEMBLY BILL NO. 2321 (Feuer)**—An act to amend Section 130350.5 of, and to add Section 130350.4 to, the Public Utilities Code, relating to transportation.

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—49**

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

**NOES—25**

Adams	Duvall	Jeffries	Spitzer
Aghazarian	Fuller	Keene	Strickland
Anderson	Gaines	La Malfa	Villines
Benoit	Galgiani	Maze	Walters
Berryhill	García	Nakanishi	
Blakeslee	Garrick	Plescia	
DeVore	Houston	Silva	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1245 (Torrico)**—An act to amend Section 25600 of the Business and Professions Code, relating to alcoholic beverages.

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—64**

Adams	Dymally	Huffman	Núñez
Aghazarian	Emmerson	Jeffries	Parra
Anderson	Eng	Jones	Plescia
Arambula	Evans	Karnette	Portantino
Berryhill	Feuer	Keene	Ruskin
Brownley	Fuentes	Krekorian	Silva
Caballero	Fuller	Laird	Smyth
Calderon	Furutani	Leno	Solorio
Cook	Gaines	Levine	Spitzer
Coto	Galgiani	Lieu	Strickland
Davis	García	Maze	Swanson
De La Torre	Garrick	Mendoza	Torrico
De León	Hayashi	Mullin	Villines
DeSaulnier	Hernandez	Nakanishi	Walters
DeVore	Houston	Nava	Wolk
Duvall	Huff	Niello	Mme. Speaker

**NOES—8**

Beall	Berg	Hancock	Ma
Benoit	Blakeslee	Horton	Salas

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 1245: Assembly Members Hancock and Salas from “Aye” to “No”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1289 (Price)**—An act to amend Sections 19601.2 and 19605.77 of the Business and Professions Code, relating to horse racing.

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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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. 3071 (Committee on Governmental Organization)**—An act to amend Sections 23039, 23104.2, 25608, and 25663 of, to add Section 23405.3 to, and to repeal Section 25667 of, the Business and Professions Code, relating to alcoholic beverages.

Bill presented by Assembly Member Price.

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—63**

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

**NOES—10**

Adams	Feuer	Horton	Villines
Blakeslee	Fuller	Maze	
DeVore	Gaines	Spitzer	

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES**

Assembly Member Torrico requested unanimous consent that Assembly Rule 96 be suspended for the purpose of withdrawing Senate Bills Nos. 292, 458, 1012, 1454, 1466, and 1570 from the Committee on Appropriations.

Assembly Member Blakeslee withheld unanimous consent.

**Motion to Withdraw from Committee**

Assembly Member Torrico moved that Assembly Rule 96 be suspended for the purpose of withdrawing Senate Bills Nos. 292, 458, 1012, 1454, 1466, and 1570 from the Committee on Appropriations.

Assembly Member Davis seconded the motion.

Rules suspended by the following vote:

**AYES—46**

Arambula	Eng	Krekorian	Portantino
Beall	Evans	Laird	Price
Berg	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	
Dymally	Karnette	Parra	

**NOES—29**

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

**REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES**

Assembly Member Torrico requested unanimous consent that the Rules be suspended for the purpose of taking up Senate Bills Nos. 292, 458, 1012, 1454, 1466, and 1570 without reference to file for purpose of consideration.

Assembly Member Benoit withheld unanimous consent.

**MOTION TO SUSPEND RULES**

Assembly Member Torrico moved that the Rules be suspended for the purpose of taking up Senate Bills Nos. 292, 458, 1012, 1454, 1466, and 1570 without reference to file for purpose of consideration.

Assembly Member Davis seconded the motion.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 12:26 p.m.

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

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 3073 (Committee on Governmental Organization)**—An act to amend Sections 19406 and 19568 of the Business and Professions Code, and to amend Section 337f of the Penal Code, relating to horse racing.

Bill presented by Assembly Member Price.

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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrigo
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.

**REQUEST TO DISPENSE WITH BENOIT CALL OF THE ASSEMBLY**

Assembly Member Torrico requested that Assembly Member Benoit lift the Call of the Assembly on the Motion to Suspend Rules.

Assembly Member Benoit withheld.

**Torrigo Motion to Lift Benoit Call of the Assembly  
on the Motion to Suspend Rules**

Assembly Member Torrico moved to lift the Benoit Call of the Assembly on the Motion to Suspend the Rules.

Assembly Member Feuer seconded the motion.

Motion to lift Benoit Call of the Assembly carried by the following vote:

**AYES—45**

Arambula	Eng	Krekorian	Price
Beall	Evans	Laird	Ruskin
Berg	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	Núñez	
DeSaulnier	Jones	Parra	
Dymally	Karnette	Portantino	

**NOES—29**

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

**Parliamentary Inquiry**

Assembly Member Blakeslee arose to the following parliamentary inquiry:

Under the Rules of the House is it the practice of the House for the mover of the call to lift the call?

**Reply by Speaker pro Tempore Lieber**

The Speaker pro Tempore replied that the House can decide otherwise to lift a call by a majority of those present and voting under Assembly Rule 101.

**Further Consideration of the Motion to Dispense With the Benoit Call of the Assembly**

At 12:36 p.m., on motion of Assembly Member Torrico, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Torrice Motion to Suspend Rules carried 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	Torrice
De La Torre	Hernandez	Mullin	Wolk
De León	Huffman	Nava	Mme. Speaker
DeSaulnier	Jones	Núñez	

**NOES—29**

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

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 3045 (Committee on Jobs, Economic Development, and the Economy)**—An act to amend Section 13997.2 of the Government Code, relating to economic development.

Bill presented by Assembly Member Arambula.

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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrice
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.

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

**ASSEMBLY BILL NO. 916 (Niello)**—An act to add and repeal Section 35567 of the Education Code, relating to school facilities construction, 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, and adopted 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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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**

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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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. 1656 (Jones)**—An act to amend Sections 1798.29 and 1798.82 of, and to add Sections 1724.4, 1724.5, 1724.6, 1798.295, and 1798.825 to, the Civil Code, relating to personal information.

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—74**

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

**NOES—1**

Walters

Above bill ordered enrolled.

**JOINT RULE 62(a) WAIVED**

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived to permit the following bills to be heard today in committees as noted:

Committee on Natural Resources to hear Assembly Bill No. 2265, upon Call of the Chair;

Committee on Health to hear Assembly Bill No. 1951, upon Call of the Chair.

**CAUCUS ANNOUNCEMENTS**

At 12:46 p.m., by unanimous consent the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 12:47 p.m., Acting Speaker Levine declared the Assembly recessed.

**RECONVENED**

At 1:59 p.m., the Assembly reconvened.

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

**MESSAGES FROM THE SENATE**

Senate Chamber, August 31, 2008

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

Assembly Bill No. 1945

Assembly Bill No. 2861

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 31, 2008

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

Assembly Bill No. 2167

Assembly Bill No. 2537

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 31, 2008

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

Assembly Concurrent Resolution No. 156

Assembly Joint Resolution No. 36

Assembly Joint Resolution No. 51

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

Above resolutions ordered enrolled.

Senate Chamber, August 31, 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. 53

Senate Bill No. 60

Senate Bill No. 158

Senate Bill No. 191

Senate Bill No. 509

Senate Bill No. 658

Senate Bill No. 691

Senate Bill No. 732

Senate Bill No. 823

Senate Bill No. 840

Senate Bill No. 981

Senate Bill No. 1313

Senate Bill No. 1351

Senate Bill No. 1407

Senate Bill No. 1420

Senate Bill No. 1440

Senate Bill No. 1447

Senate Bill No. 1550

Senate Bill No. 1604

Senate Bill No. 1762

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

**REPORTS OF STANDING COMMITTEES****Committee on Natural Resources**

Date of Hearing: August 30, 2008

Mme. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 2165

With the recommendation: That Senate amendments be concurred in.

HANCOCK, Chair

Above bill ordered to unfinished business file.

**Committee on Housing and Community Development**

Date of Hearing: August 31, 2008

Mme. Speaker: Your Committee on Housing and Community Development reports:  
Assembly Bill No. 1496  
Assembly Bill No. 1955

With the recommendation: That Senate amendments be concurred in.

SALDAÑA, Chair

Above bills ordered to unfinished business file.

**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 Assembly bill to committee as noted:

Assembly Bill No. 1945, to the Committee on Health.

**JOINT RULE 62(a) WAIVED**

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived to permit the following bills to be heard in committees as noted:

Committee on Health to hear Assembly Bill No. 1945, upon Call of the Chair.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Dymally announced that the Committee on Health would meet, at this time, in the Tom Bane Rules Committee Room.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 2 p.m., by unanimous consent, the members of the Committee on Health 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)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 180 (Bass)**—An act to amend Sections 1632, 2945.2, 2945.3, and 2945.4 of, and to add Section 2945.45 to, the Civil Code, relating to mortgages.

Bill presented by Assembly Member Lieu.

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.

**Call of the Assembly**

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

Motion carried. Time, 2:05 p.m.

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

**ASSEMBLY BILL NO. 100 (Mullin)**—An act to amend Section 17072.10 of, to add Sections 17072.19 and 17214.2 to, and to repeal Section 17072.11 of, the Education Code, relating to public education facilities.

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.

#### Call of the Assembly

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

Motion carried. Time, 2:07 p.m.

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

**ASSEMBLY BILL NO. 1830 (Lieu)**—An act to amend Section 10177 of the Business and Professions Code, to add Section 2923.1 to the Civil Code, and to amend Section 50505 of, to add Sections 1242, 14961, and 22346 to, and to add Division 1.9 (commencing with Section 4995) to, the Financial Code, relating to lending.

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—51

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

#### NOES—26

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

#### Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1830: Assembly Member Benoit from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2034 (Núñez)**—An act to add Section 51204.7 to the Education Code, relating to public schools.

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—57**

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

**NOES—17**

Adams	Fuller	La Malfa	Villines
Berryhill	Gaines	Maze	Walters
Blakeslee	Huff	Niello	
Duvall	Jeffries	Plescia	
Emmerson	Keene	Smyth	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2034: Assembly Member Nakanishi from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 334 (Levine)**—An act to add Section 326.45 to the Penal Code, relating to bingo, and making an appropriation therefor.

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—69**

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

**NOES—3**

Gaines	Hancock	Niello
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 334: Assembly Member Berg from “Aye” to “Not Voting”.

Above bill ordered enrolled.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Caballero announced that the Committee on Local Government would meet in Room 447, immediately.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 2:24 p.m., by unanimous consent, the members of the Committee on Local Government were excused for the purpose of attending a meeting of the committee at this time, in Room 447, and without objection, the House was permitted to continue in Floor session.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1860 (Huffman)**—An act to add Chapter 2 (commencing with Section 108040) to Part 3 of Division 104 of, and to repeal the heading of Chapter 2 of Part 3 of Division 104 of, the Health and Safety Code, relating to product safety.

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.

**Call of the Assembly**

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

Motion carried. Time, 2:28 p.m.

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

**ASSEMBLY BILL NO. 1863 (Portantino)**—An act to add Section 51221.45 to the Education Code, relating to pupil instruction.

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—61**

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

**NOES—15**

Anderson	Emmerson	Huff	Silva
Benoit	Fuller	Keene	Villines
Blakeslee	Gaines	Maze	Walters
Duvall	Garrick	Niello	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1863: Assembly Member Nakanishi from “No” to “Aye”.

Above bill ordered enrolled.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Calderon announced that the Committee on Revenue and Taxation would meet, immediately, in the Tom Bane Rules Committee Room.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 2:30 p.m., by unanimous consent, the members of the Committee on Revenue and Taxation 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)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2052 (Lieu)**—An act to add Section 1946.7 to the Civil Code, and to amend, repeal, and add Section 1161 of the Code of Civil Procedure, relating to tenancies, 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 Lieu moved a call of the Assembly.

Motion carried. Time, 2:31 p.m.

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

**ASSEMBLY CONCURRENT RESOLUTION NO. 87 (Hayashi)**—Relative to a Legislative Task Force on Peripheral Neuropathy.

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

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

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, 2:35 p.m.

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

**ASSEMBLY BILL NO. 3005 (Jones)**—An act to amend Section 65460.1 of, and to add, repeal, and add Section 66005.1 of, the Government Code, relating to community development.

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—74**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY CONCURRENT RESOLUTION NO. 112 (Dymally)**—Relative to a Legislative Task Force on Fibromyalgia.

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

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

The Assembly concurred in Senate amendments.

Above resolution ordered enrolled.

**ASSEMBLY BILL NO. 2599 (De León)**—An act to amend Sections 124977, 124991, and 125002 of the Health and Safety Code, relating to public health.

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—76**

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

**NOES—None**

Above bill ordered enrolled.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Levine announced that the Committee on Utilities and Commerce would meet, immediately, in the Tom Bane Rules Committee Room.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 2:45 p.m., by unanimous consent, the members of the Committee on Utilities and Commerce 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)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2871 (Tran)**—An act to add and repeal Chapter 3.6 (commencing with Section 8298.50) of Division 1 of Title 2 of the Government Code, relating to the Abraham Lincoln Bicentennial and American Civil War Sesquicentennial Commission.

Bill presented by Assembly Member Adams.

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—76**

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

**NOES—None**

Above bill ordered enrolled.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 2381**, on request of Assembly Member Mullin.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2939 (Hancock)**—An act to amend Sections 17958.5, 17958.7, and 18941.5 of the Health and Safety Code, relating to building standards.

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.

**Call of the Assembly**

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

Motion carried. Time, 2:51 p.m.

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

**ASSEMBLY CONCURRENT RESOLUTION NO. 134 (DeSaulnier)**—Relative to Legislative Task Force on Summer and Intersession Enrichment.

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

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

The roll was opened.

#### Call of the Assembly

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

Motion carried. Time, 2:54 p.m.

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

**ASSEMBLY BILL NO. 498 (Hernandez)**—An act to add Article 13 (commencing with Section 10475) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

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—75

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

#### NOES—None

Above bill ordered enrolled.

**CONSIDERATION OF SUPPLEMENTAL FILE NO. 1**

Speaker pro Tempore Lieber was granted unanimous consent to take up Supplemental File No. 1.

**UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2861 (Hayashi)**—An act to amend Section 1317.1 of the Health and Safety Code, relating to emergency services.

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.

**Call of the Assembly**

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

Motion carried. Time, 3 p.m.

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

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Hancock announced that the Committee on Natural Resources would meet, at this time, in the Tom Bane Rules Committee Room.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 3:05 p.m., by unanimous consent, the members of the Committee on Natural Resources 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)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2167 (De León)**—An act to add Sections 45139.5 and 88041 to the Education Code, relating to public school employees.

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.)*

**Assembly Rule 112 Suspended**

Assembly Member Fuller was granted unanimous consent that Assembly Rule 112 be suspended to permit her to read a paper on the Floor of the Assembly.



**Further Consideration of Assembly Bill No. 2167**

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 3:10 p.m.

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

**REQUEST UNANIMOUS CONSENT TO RESCIND ACTION ON SENATE BILL NO. 1301**

Assembly Member De León requested unanimous consent that the Rules be suspended to rescind the actions whereby the Assembly, on August 7, 2008 (Assembly Journal, page 6244) and on August 22, 2008 (Assembly Journal, page 6794) adopted Floor amendments to Senate Bill No. 1301 and returned the May 6, 2008 version of the bill to the Senate Third Reading File.

Assembly Member Benoit withheld unanimous consent.

**Motion to Rescind Action on Senate Bill No. 1301**

Assembly Member De León moved that the Rules be suspended to rescind the action whereby the Assembly, on August 7, 2008 (Assembly Journal, page 6244), and on August 22, 2008 (Assembly Journal, page 6794), adopted Floor amendments to Senate Bill No. 1301 and returned the May 6, 2008 version of the bill to the Senate Third Reading File.

Assembly Member Torrico seconded the motion.

Rules suspended by the following vote:

**AYES—44**

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

**NOES—30**

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

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2537 (Furutani)**—An act to amend Section 1720.4 of the Labor Code, relating to public works, and making an appropriation therefor.

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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2165 (Karnette)**—An act relating to tidelands and submerged lands granted by the state to the City of Long Beach, 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, and adopted by the following vote:

**AYES—73**

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

**NOES—None**

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

**AYES—73**

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

**NOES—None****Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause and on Concurrence in Senate Amendments to Assembly Bill No. 2165: Assembly Member Brownley from “Aye” to “Not Voting”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1496 (Leno)**—An act to amend Section 5 of Chapter 898 of the Statutes of 1997, relating to redevelopment.

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.

### Call of the Assembly

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

Motion carried. Time, 3:32 p.m.

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

**ASSEMBLY BILL NO. 1955 (Plescia)**—An act to add Section 1366.4 to the Civil Code, relating to common interest developments, 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, and adopted by the following vote:

#### AYES—71

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

#### NOES—None

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

#### AYES—71

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

#### NOES—None

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 110**

At 3:34 p.m., on motion of Assembly Member Leno, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

**Request for Unanimous Consent to Rescind and Expunge**

Assembly Member Torrico requested unanimous consent that the Rules be suspended to rescind and expunge the record whereby a roll call vote was taken on Senate Bill No. 110.

Assembly Member Spitzer withheld unanimous consent.

**Motion to Rescind and Expunge**

Assembly Member Torrico moved that the Rules be suspended to rescind and expunge the record whereby a roll call vote was taken on Senate Bill No. 110.

Assembly Member Feuer seconded the motion.

Rules suspended 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—30**

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

**RECORD EXPUNGED AND ACTION RESCINDED ON SENATE BILL NO. 110**

The record was expunged and the action rescinded whereby a roll call vote was taken on this day on Senate Bill No. 110, and the bill was passed on file, to retain its place on file.

**CONSIDERATION OF SENATE BILL NO. 1301  
WITHOUT REFERENCE TO FILE**

Pursuant to the motion by Assembly Member Torrico and a roll call vote taken earlier this day, Senate Bill No. 1301 was taken up, without reference to file, for purpose of consideration.

**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, and presented by Assembly Member Núñez.

Bill passed by the following vote:

**AYES—46**

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

**NOES—29**

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

Bill ordered transmitted to the Senate.

**REPORTS OF STANDING COMMITTEES****Committee on Health**

Date of Hearing: August 31, 2008

Mme Speaker: Your Committee on Health reports:

Assembly Bill No. 211

Assembly Bill No. 2569

Assembly Bill No. 317

Assembly Bill No. 3076

Assembly Bill No. 1060

Assembly Bill No. 1945

Assembly Bill No. 1951

With the recommendation: That Senate amendments be concurred in.

DYMALLY, Chair

Above bills ordered to unfinished business file.

**Committee on Local Government**

Date of Hearing: August 31, 2008

Mme. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 697

Assembly Bill No. 2921

With the recommendation: That Senate amendments be concurred in.

CABALLERO, Chair

Above bills ordered to unfinished business file.

**Committee on Natural Resources**

Date of Hearing: August 31, 2008

Mme. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 2265

With the recommendation: that Senate amendments be concurred in.

HANCOCK, Chair

Above bill ordered to unfinished business file.

**CONSIDERATION OF SUPPLEMENTAL FILE NO. 2**

Speaker pro Tempore Lieber was granted unanimous consent to take up Supplemental File No. 2.

**UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 211 (Jones)**—An act to amend Section 56.36 of the Civil Code, and to add and Division 109 (commencing with Section 130200) to, the Health and Safety Code, relating to health.

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—54**

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

**NOES—22**

Adams	Fuller	Jeffries	Silva
Anderson	Gaines	Keene	Spitzer
Berryhill	Garrick	La Malfa	Villines
Blakeslee	Horton	Maze	Walters
DeVore	Houston	Nakanishi	
Duvall	Huff	Niello	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 317 (Berg)**—An act to add Section 14571.6 to the Welfare and Institutions Code, relating to adult day health care, 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, and adopted 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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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**

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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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. 1060 (Laird)**—An act to amend Section 1635.1 of the Health and Safety Code, relating to tissue banks, 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, and adopted 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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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**

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	Smyth
Blakeslee	Furutani	Levine	Solorio
Brownley	Gaines	Lieber	Spitzer
Caballero	Galgiani	Lieu	Strickland
Calderon	Garcia	Ma	Swanson
Carter	Garrick	Maze	Torrico
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. 1951 (Hayashi)**—An act to add Section 5701.7 to the Welfare and Institutions Code, relating to mental health.

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—46**

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

**NOES—30**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2569 (De León)**—An act to add Sections 1389.7 and 1389.8 to the Health and Safety Code, and to add Sections 10119.2 and 10119.3 to the Insurance Code, relating to health care coverage.

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—65**

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

**NOES—9**

Anderson	Jeffries	Maze
Blakeslee	Keene	Villines
DeVore	La Malfa	Walters

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 3076 (Huffman)**—An act to amend Section 42007 of the Vehicle Code, relating to vehicles, 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, and adopted by the following vote:

**AYES—74**

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

**NOES—3**

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

**AYES—74**

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

**NOES—3**

Anderson	DeVore	Villines
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Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 2944**

At 4:31 p.m., on motion of Assembly Member Leno, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 2944 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	Hancock	Ma	Swanson
Coto	Hayashi	Mendoza	Torrico
Davis	Hernandez	Mullin	Wolk
De La Torre	Huffman	Nava	Mme. Speaker
De León	Jones	Núñez	
DeSaulnier	Karnette	Parra	

**NOES—29**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 180**

At 4:31 p.m., on motion of Assembly Member Lieu, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 180 by the following vote:

**AYES—48**

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

**NOES—28**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 100**

At 4:32 p.m., on motion of Assembly Member Mullin, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 100 by the following vote:

**AYES—48**

Aghazarian	DeSaulnier	Jones	Núñez
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

**NOES—28**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1860**

At 4:32 p.m., on motion of Assembly Member Huffman, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1860 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—30**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 2052**

At 4:32 p.m., on motion of Assembly Member Lieu, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments which add an urgency clause to Assembly Bill No. 2052 by the following vote:

**AYES—74**

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

**NOES—2**

Anderson                      Walters

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

**AYES—74**

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

**NOES—2**

Anderson                      Walters

Above bill ordered enrolled.



**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY CONCURRENT RESOLUTION NO. 87**

At 4:33 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.

The Assembly concurred in Senate amendments to Assembly Concurrent Resolution No. 87 by the following vote:

**AYES—59**

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

**NOES—16**

Anderson	Fuller	Keene	Plescia
Berryhill	Garrick	La Malfa	Spitzer
DeVore	Houston	Maze	Villines
Duvall	Jeffries	Niello	Walters

Above resolution ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 2939**

At 4:33 p.m., on motion of Assembly Member Hancock, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 2939 by the following vote:

**AYES—44**

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

**NOES—32**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY CONCURRENT RESOLUTION NO. 134**

At 4:33 p.m., on motion of Assembly Member DeSaulnier, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Concurrent Resolution No. 134 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—30**

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

Above resolution ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1522**

At 4:34 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.

**REQUEST FOR UNANIMOUS CONSENT TO RESCIND AND EXPUNGE**

Assembly Member Torrico requested unanimous consent that the Rules be suspended to rescind and expunge the record whereby a roll call vote was taken on Senate Bill No. 1522.

Assembly Member Blakeslee withheld unanimous consent.

**Motion to Rescind and Expunge**

Assembly Member Torrico moved that the Rules be suspended to rescind and expunge the record whereby a roll call vote was taken on Senate Bill No. 1522.

Assembly Member Davis seconded the motion.

Rules suspended by the following vote:

**AYES—44**

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

**NOES—29**

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

**RECORD EXPUNGED AND ACTION RESCINDED ON SENATE BILL NO. 1522**

The record was expunged and the action rescinded whereby a roll call vote was taken on this day on Senate Bill No. 1522, and the bill was passed on file, to retain its place on file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 2861**

At 4:36 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.

The Assembly concurred in Senate amendments to Assembly Bill No. 2861 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—28**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 2167**

At 4:36 p.m., on motion of Assembly Member De León, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 2167 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—30**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1496**

At 4:37 p.m., on motion of Assembly Member Leno, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1496 by the following vote:

**AYES—50**

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

**NOES—26**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1496: Assembly Member Garcia from “No” to “Aye”.

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES**

Assembly Member DeVore requested that the Assembly do now adjourn.

Speaker Bass withheld unanimous consent.

**Motion to Adjourn**

Assembly Member DeVore moved that the Assembly do now adjourn.

Assembly Member Keene seconded the motion.

Motion to adjourn lost by the following vote:

**AYES—23**

Adams	Gaines	Keene	Silva
Anderson	Garrick	La Malfa	Smyth
Cook	Horton	Maze	Spitzer
DeVore	Houston	Nakanishi	Villines
Duvall	Huff	Niello	Walters
Fuller	Jeffries	Plescia	

**NOES—48**

Arambula	DeSaulnier	Jones	Núñez
Beall	Dymally	Karnette	Parra
Berg	Eng	Krekorian	Portantino
Blakeslee	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	Torrco
De La Torre	Hernandez	Mullin	Wolk
De León	Huffman	Nava	Mme. Speaker

**ACTION RESCINDED ON ASSEMBLY BILL NO. 2267**

Assembly Member Torrico was granted unanimous consent to rescind the action whereby the Assembly, earlier today (Assembly Journal, page 7108), re-referred Assembly Bill No. 2267, pursuant to Assembly Rule 77.2, to the Committee on Jobs, Economic Development, and the Economy.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2267 (Fuentes)**—An act to amend Sections 25620 and 25620.5 of, the Public Resources Code, and to amend Section 379.6 of the Public Utilities Code, relating to energy.

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—47**

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

**NOES—24**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2267: Assembly Member Arambula from “No” to “Not Voting”.

Above bill ordered enrolled.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1851**, on request of Assembly Member Nava.

**At 4:45 p.m., Speaker Karen Bass, 47th District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1945 (De La Torre)**—An act to add Sections 1389.9, 1389.10, 1389.11, 1389.13, 1389.14, 1389.15, 1389.16, 1389.17, 1389.18, 1389.19, 1389.20, 1389.22, and 1389.24 to, and to repeal and add Section 1389.1 of, the Health and Safety Code, and to amend Sections 10270.95, 10291.5, and 12957 of, and to add Sections 10384.1, 10384.12, 10384.14, 10384.16, 10384.18, 10384.2, 10384.22, 10384.24, 10384.26, 10384.28, 10384.29, 10384.3, 10384.32, and 10396 to, the Insurance Code, relating to health care coverage.

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.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member De La Torre moved a call of the Assembly.

Motion carried. Time, 5:05 p.m.

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

**ASSEMBLY BILL NO. 697 (Hancock)**—An act to add Section 53084.5 to the Government Code, relating to local government.

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—72**

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

**NOES—3**

Blakeslee	Keene	Villines
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 697: Assembly member Huff from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2921 (Laird)**—An act to amend Sections 51201, 51250, 51256, 51257, 51282, 51283, and 51297 of, and to add Section 51223 to, the Government Code, relating to local government.

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—75**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2265 (Jones)**—An act to add Sections 5003.16 and 5080.41 to the Public Resources Code, relating to state property, 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, and adopted by the following vote:

**AYES—74**

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

**NOES—3**

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

**AYES—74**

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

**NOES—3**

DeVore	Villines	Walters
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**Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause and on Concurrence in Senate Amendments to Assembly Bill No. 2265: Assembly Member Anderson from “No” to “Aye”.

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES**

Assembly Member Blakeslee requested unanimous consent to Recess the Regular Session for the purpose of convening the Third Extraordinary Session.

Assembly Member Torrico withheld unanimous consent.

**Motion to Recess**

Assembly Member Blakeslee moved that the Rules be suspended to Recess the Regular Session for the purpose of convening the Third Extraordinary Session.

Assembly Member Benoit seconded the motion.

Motion for suspension of the Rules lost by the following vote:

**AYES—32**

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

**NOES—45**

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

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Torrico was granted unanimous consent that the following statements of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 2165**

August 31, 2008

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

Dear Mr. Wilson: Upon action by Senate Natural Resources Committee, Section Eight of AB 2165 incorporated language which states that to the extent any provision of this act conflicts with the Long Beach City Charter, or any law or ordinance of the City of Long Beach, the provisions of this act shall prevail. This language was necessary to ensure that representatives of the city, state and tidelands oil contractor would have authority to negotiate and enter into a contract of appropriate length. Neither the Long Beach City code nor the Long Beach City Charter can circumvent state environmental laws. It is not the intent of AB 2165 to circumvent any local or state environmental protections.

Respectfully,

BETTY KARNETTE, Assembly Member  
 Fifty-fourth District

**Legislative Intent—Assembly Bill No. 2369**

August 30, 2008

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

Dear Mr. Wilson: The purpose of this letter is to clarify the intent of specific provisions contained in Assembly Bill 2369, which would add apprenticeship standards enforcement to the duties of the City of Los Angeles Labor Compliance Program. Existing Labor Compliance Programs currently does not have this authority.

On August 18, 2008, this Assembly concurred in amendments taken in the Senate and the bill was sent to enrollment. It was not until a few days after this occurred that it was noted that there is an erroneous cross-reference in the bill. Section 3072 (c) of the bill refers to Section 1742 of the Labor Code to describe the procedure for a contractor to file an appeal of a labor compliance enforcement action pertaining to Section 1777.5. The correct reference to describe this appeal process is actually an existing process that is found in Labor Code Section 1777.7. This was merely a drafting error.

Due to schedule limitations at the conclusion of the 2007–08 Legislative Session, I was unable to amend my AB 2369 to make this correction. However, it is my intent that should this bill be signed into law, I will correct this cross-reference in legislation to be introduced in the 2008–2009 Legislative Session.

Sincerely,

FELIPE FUENTES, Assembly Member  
Thirty-ninth District**Legislative Intent—Assembly Bill No. 2381**

August 31, 2008

*E. Dotson Wilson**Chief Clerk of the Assembly*

Dear Mr. Wilson,

I respectfully request this letter be entered into the Assembly Journal to clarify the intent of AB 2381.

AB 2381, as amended August 11, 2008, represents an agreement between the stakeholders. On August 12, 2008, the Independent Citizens Oversight Committee adopted this language as an interim regulation defining “California Supplier.” The regulation is effective immediately and will remain in effect for 270 days, or when superseded by a regulation adopted pursuant to the Administrative Procedure Act, whichever occurs first. In recognition of the adoption of this language AB 2381 has been placed on the inactive file. If the agreement does not hold, a bill may be introduced next year that represents the consensus language.

Sincerely,

GENE MULLIN, Assembly Member  
Nineteenth District

**Legislative Intent—Assembly Bill No. 100**

August 28, 2008

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

Dear Mr. Wilson,

I respectfully request this letter be entered into the Assembly Journal to clarify the intent of AB 100 (Mullin) in regards to the provisions related to the six percent supplemental project funding grant for projects that included special education facilities and received a special day class grant in the 2008 calendar year.

AB 127 (Nunez and Senator Perata), Chapter 35, Statutes of 2006, provided the State Allocation Board (SAB), under Education Code (EC) Section 17072.11(b), with broad authority to decrease or increase the per-unhoused-pupil grants by amounts not to exceed six percent. SB 132 (Committee on Education), Chapter 730, Statutes of 2007, amended EC Section 17072.11 for the purpose of correcting a drafting error made in AB 127 and inadvertently eliminated the SAB's authority to provide increases to severe and nonsevere pupil grants.

The School Facility Program (SFP) provides that funding apportioned under chapter 12.5, the Leroy Greene School Facilities Act of 1998, shall constitute the State's full and final contribution to the project. This is a fundamental principle of the SFP established to prevent the State from having ongoing fiscal obligations to a project. The provisions of this bill to provide a six percent retroactive increase to projects including special education pupils apportioned in 2008 shall not be construed as an exception to the full and final provision but rather a correction to a statute that erroneously prohibited an adjustment which would have otherwise been granted by the SAB.

This bill corrects the unintended error made by SB 132 and clarifies the intent of the legislature to preserve the integrity of the full and final apportionment provision set forth in EC Section 17070.63(a).

Sincerely,

GENE MULLIN, Assembly Member  
Nineteenth District

**Legislative Intent—Assembly Bill No. 214**

August 30, 2008

*E. Dotson Wilson*  
*Chief Clerk*

*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: I respectfully submit this letter to be printed in the Assembly Journal regarding my Assembly Bill 214.

The purpose of this letter is to clarify my intent with respect to the deletion from the current version of the bill of formerly proposed Business and Professions § 2345.5. That section would have provided that a hospital's referral of a physician to the Physician Health Program would not constitute a Business and Professions Code section 805 reporting event.

Upon review, it was my view that the proposed section 2345.5 was not needed because existing law regarding 805 reporting is sufficiently

clear. I removed it from the bill because I did not feel that it was necessary. Nothing in AB 214 is intended to change existing law regarding 805 reporting.

Respectfully submitted,

FELIPE FUENTES, Assembly Member  
Thirty-ninth District

**Legislative Intent—Senate Bill No. 658**

August 25, 2008

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

Dear Mr. Wilson,

This letter is written to confirm the intent of Senate Bill 658. SB 658 (Romero) was approved by the California State Assembly on August 19, 2008 on a vote of 74-1. Section 42270 (c) of that measure, as approved on by the Assembly on that date, states the following:

*Notwithstanding any other law, commencing with the 2008–09 fiscal year, the Superintendent shall not approve new year-round school grants.*

In casting votes in favor of SB 658, it is the understanding and legislative intent of the undersigned that the prohibition on approval of new year-round school grants specified in Section 42270 (c) would not apply to qualifying grant applications received by the Superintendent of Public Instruction/California Department of Education prior to the bill's enactment into law.

Sincerely,

JOHN BENOIT, Assemblyman  
Sixty-fourth District

PAUL COOK, Assemblyman  
Sixty-fifth District

**Legislative Intent—Assembly Bill No. 815**

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

Dear Mr. Wilson: I authored Assembly Bill (AB) 815 in order to affirm State preemption over hunting and fishing matters and thereby ensure comprehensive, science-based control over fish and game resources by the California Fish and Game Commission and Department of Fish and Game. AB 815 also helps protect public access to hunting and fishing opportunities, including those provided on navigable waters.

I submit this letter to clarify that nothing in AB 815 is intended to preclude a city or county from adopting an ordinance within its jurisdiction that is necessary for public health and safety and has only an incidental effect on the State preempted fields of hunting and fishing.

Sincerely,

TOM BERRYHILL, Assembly Member  
Twenty-fifth District



**Legislative Intent—Senate Bill No. 1608**

August 14, 2008

*Greg Schmidt**Secretary of the Senate  
State Capitol, Room 3044  
Sacramento, California**E. Dotson Wilson**Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Letter to the Senate and Assembly Journals regarding SB 1608

Dear Mr. Schmidt and Mr. Wilson: SB 1608 is a bipartisan comprehensive reform measure intended to promote compliance with disability access laws with the complementary goal of reducing unnecessary litigation.

A key feature of the bill is the early evaluation conference held by the court for certain cases involving construction-related accessibility claims. Where a business has obtained a Certified Access Specialist (CASP) inspection and report to determine whether construction-related accessibility standards are met in a place of public accommodation, the CASp inspection report entitles the business to request a limited stay and an early evaluation conference on the construction-related accessibility claim. At least 15 days before the early evaluation conference date, SB 1608 would require that defendant to submit to the court under seal and serve on the plaintiff a copy of the CASp inspection report, which shall be subject to a protective order maintaining the confidentiality of the report. It is our legislative intent that the Notice of Stay of Proceedings and Early Evaluation Conference issued by the court include orders (1) to the defendant that the CASp report shall be filed as a confidential document and served on the plaintiff at least 15 days before the conference, and (2) to the plaintiff and the defendant that the CASp report filed with the court and served on the plaintiff must be kept confidential and may be disclosed only to the court and the parties to the action, their attorneys, and those individuals employed or retained by the attorneys to assist in the litigation. Further, it is our intent that the CASp inspection report continue to be kept confidential for the duration of the litigation, until the conclusion of the claim, whether by dismissal, settlement, or final judgment, unless a party makes a showing of good cause for lifting the protective order and unsealing the court record at any time after the conclusion of the stay.

We intend to introduce legislation next session to clarify the language in the statute to reflect this intent, and intend that the Judicial Council rely on this letter of legislative intent in carrying out its responsibilities under the statute.

Respectfully submitted,

Senator Ellen M. Corbett  
Senator Tom Harman  
Senator Darrell Steinberg  
Senator George Runner  
Senator Ron Calderon

Assembly Member Cameron Smyth  
Assembly Member Lois Wolk  
Assembly Member Dave Jones

**Legislative Intent—Assembly Bill No. 2045**

August 29, 2008

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

Dear Mr. Wilson: I respectfully submit this letter to be printed in the Assembly Journal in order to provide context for my Assembly Bill 2045.

The intent of AB 2045 is to update the California Urban Forestry Act (Act) of 1978 to highlight the role trees play in sequestering greenhouse gases, improving air and water quality, conserving energy, and providing other environmental benefits. Additionally, the measure adds programs that are eligible for grant funds, including developing projects or programs that use urban forests for water conservation, reducing greenhouse gas emissions, heat island effect, improving air and water quality, or stormwater capture.

Concerns were raised that this bill, coupled with existing provisions of the Act, could be interpreted to expand the authority of the Department of Forestry and Fire Protection (CDF) such that this authority would supersede or conflict with the State Water Resources Control Board's stormwater regulatory authority. This is not the case.

To be clear, the bill only authorizes a local government or non-profit grantee to use urban forests for stormwater capture and in no way exempts these grantees from any law or regulation governing the control of stormwater.

Moreover, since the Act takes an integrated approach to solving complex urban environmental problems, it is also my intent that CDF carry out the stormwater or water quality elements of the bill in cooperation with the State Water Resources Control Board, in addition to other agencies specified in the bill.

Sincerely,

HECTOR DE LA TORRE, Assembly Member  
Fiftieth District

**Legislative Intent—Assembly Bill No. 2046**

August 18, 2008

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

Dear Mr. Wilson: I write to explain my intent with regard to a section of AB 2046. Water Code Section 10631(c)(3)(A) in AB 2046 provides that a plan to treat contaminated groundwater that is to be part of the planned water supply include "a financial plan to achieve that supply."

As I explained in the hearing on this matter in Senate Local Government on June 18, 2008, the intent of the proposed statute is that this financial plan generally should allow decision makers or members of the public who rely upon urban water management plans to know the estimated cost of the project or management option, potential types and sources of revenue, and other fiscal elements that the water supplier knows will be needed to help bring the planned water to users. It is not

intended that the plan meet the more stringent requirements of the basic financial statements prepared by the water supplier.

Sincerely,

DAVE JONES, Assembly Member  
Ninth District

**Legislative Intent—Assembly Bill No. 2071**

August 29, 2008

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

Dear Mr. Wilson: The intent of AB 2071 is to establish penalties where there were none before for failure to comply with labeling requirements for compostable, biodegradable, and degradable plastic bags and plastic food and beverage containers sold in California.

The specific words in Section 42358 (a), and Section 42359.8 (a), “. . . may impose civil liability” are intended to mean that monetary penalties may be pursued by filing suit in a civil court action.

Respectfully,

BETTY KARNETTE, Assembly Member  
Fifty-fourth District

**Legislative Intent—Assembly Bill No. 2296**

August 29, 2008

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*

Dear Mr. Wilson,

I respectfully request this letter be entered into the Assembly Journal to clarify the intent of AB 2296.

It is the intent of the Legislature that the definition of “academic freedom” apply to the criminal statute and is not intended to alter, subvert or take precedence over the University of California’s policy on academic freedom.

Sincerely,

GENE MULLIN, Assembly Member  
Nineteenth District

**Legislative Intent—Assembly Bill No. 2321**

August 29, 2008

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

Dear Mr. Wilson: Proposed section 130350.5(b)(3) of the Public Utilities Code provides that the net revenues of the tax specified in the AB 2321 do not include “costs of administration” by the Metropolitan Transportation Agency (MTA). It further specifies that those costs shall not exceed 1.5% of the revenues derived from the tax.

It was my intention as the author of this legislation that MTA costs of administration shall, consistent with other similar types of revenue expenditures, be borne by each spending category in proportion to the

total amount of net revenues expended by that particular program. Thus, for example, if bus or rail operations constitute 20% of the revenues expended under the voter approved ordinance in a given year, then 20% of the 1.5% authorized for the cost of administration shall be allocated to bus and rail operations.

Sincerely,

MIKE FEUER, California State Assembly  
Forty-second District

**Legislative Intent—Assembly Bill No. 2426**

August 21, 2008

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

Dear Mr. Wilson,

This letter is written to confirm the intent of Assembly Bill 2426. The purpose of AB 2426 (adopting Business and Professions Code Section 25503.41) is to authorize the issuance, to qualifying persons, of only Type 75 licenses from the Department of Alcohol Beverage Control under Business and Professions Code Section 23396.3.

Sincerely,

PAUL COOK, Assembly Member  
Sixty-fifth District

**Legislative Intent—Assembly Bill No. 2437**

August 27, 2008

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

Dear Mr. Wilson: Assembly Bill 2437 (Ruskin, et al) is now law (Chapter 99, Statutes of 2008). This new law continues the protections that the Wholesale Regional Water System Security and Reliability Act (Water Code Division 20.5, added by AB 1823 of 2002) provides to the 2.5 million Californians who depend on the City and County of San Francisco's (City's) regional water system until 2015.

Water Code Section 73502(c) requires San Francisco to submit a report annually to the Joint Legislative Audit Committee, the Seismic Safety Commission and the State Department of Public Health, describing the progress made on implementing the capital improvement program adopted by the City to seismically strengthen the regional water system. Section 2 of AB 2437 would require the City to identify in the annual report "any project that is behind schedule" and, for each project so identified, "to describe the City's plan and timeline for either making up the delay or adopting a revised schedule," as permitted by the Wholesale Regional Water System Security and Reliability Act.

In determining whether or not a project is "behind schedule," the bill's intent is that the City look to the schedule most recently adopted pursuant to Water Code Section 73502(d) rather than to the initial or any previous version of the schedule.

The General Manager of the San Francisco Public Utilities Commission and the Chief Executive Officer of the Bay Area Water Supply and Conservation Agency want to publicly clarify what schedule is intended in the legislation, and to memorialize that mutual understanding in the Assembly Journal.

Thank you for entering this letter into the Assembly Journal.

Sincerely,

IRA RUSKIN, Assembly Member  
Twenty-first District

**Legislative Intent—Assembly Bill No. 2595**

August 13, 2008

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

Dear Mr. Wilson: I respectfully submit this letter in an effort to provide context for my Assembly Bill 2595.

Public records document government actions and are a means for the public to keep government accountable. Government is charged with holding these records for the public and, in most instances, must make governmental records available for public inspection. However, on some occasions, these records have without permission of the state or local agency, found their way into private hands. Moreover, on some occasions, these records are finding their way into the marketplace. While the sale or trade of private records may well be appropriate, the same cannot be said for government records, which are often created with public resources and belong to all Californians rather than individuals.

While existing provisions of law provide a level of protection from theft or destruction of governmental records, the state lacks a law that would allow governmental agencies to recover public records that have been removed from public custody. AB 2595 would establish a procedure by which the Secretary of State or a local agency may recover governmental records, belonging to the state or a local agency, that are in the unauthorized possession of individuals, organizations, or institutions.

While the state and many local agencies maintain historical records internally, some jurisdictions have chosen to transfer records to cultural institutions. This bill recognizes the value provided to government through the willingness of such organizations and institutions to take on the responsibility for preservation and access to records, and the bill is not intended to prevent or discourage future agreements between local agencies and organizations or institutions for preservation and inspection of records. Moreover, the bill provides a safe harbor provision for organizations and institutions not authorized to possess, but who are nonetheless properly preserving the record and providing the public access.

I believe that AB 2595 will allow better enable the state and local agencies to ensure preservation of important historical information on the operation of government without restricting options for lawful transfers of records.

Respectfully submitted,

JOHN LAIRD, Assembly Member  
Twenty-seventh District

**Legislative Intent—Assembly Bill No. 2599**

August 30, 2008

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

Dear Mr. Wilson: This letter is submitted to the Daily Journal to clarify current legislative intent of AB 2599.

In current law, there exists a California Umbilical Cord Collection Banking Fund to fund the collection of umbilical cord blood units for transplant purposes. This fund is different from the Cord Blood Banking Fund established in AB 2599. The funds for the AB 2599 program will be collected from researchers using cord blood samples that were routinely collected for the testing and research program established in law pursuant to SB 962 (Migden, Chapter 517, Statutes of 2007) as distinguished from umbilical cord blood collected and banked for medical treatment for the California Umbilical Cord Blood Collection Program.

It is the intent of the Legislature to differentiate umbilical cord blood samples obtained for testing and research obtained by authority of AB 2599, and umbilical cord blood units that are specifically collected for medical treatment as authorized and funded by Assembly Bill 34 (Chapter 516, Statutes of 2007—Portantino).

Sincerely,

KEVIN DE LEÓN  
Assistant Assembly Majority Leader  
Forty-fifth District

**Legislative Intent—Assembly Bill No. 2637**

August, 29, 2008

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

Dear: Mr. Wilson: The purpose of this letter is to provide background information and to clarify the intent of certain provisions of AB 2637 (Eng) in the Journal of the Assembly. Specifically, the bill does the following:

- 1) Repeals prior legislation that was scheduled to take effect January 1, 2010, but which created an overly burdensome structure for dentists and for those wishing to enter or expand within the dental assisting profession.
- 2) Develops more substantive duties for the three dental assistant categories currently in place—dental assistant, registered dental assistant, and registered dental assistant in extended functions.
- 3) Establishes two permits—Orthodontic Assistant Permit and Dental Sedation Assistant Permit—for those who want to perform additional duties in specialty-specific dental practices. Specified training, a state-administered examination, and continuing education are required for each permit.
- 4) Establishes detailed training and education requirements for each category and permit, which will sunset on January 1, 2011.

Creation of the Dental Sedation Assistant Permit will bring appropriately-educated and trained individuals into the dental surgery environment to assist dentists in their administration of anesthesia, while retaining the dentist's responsibility in this area. The bill specifically requires the duties to be performed "under the direct supervision of a licensed dentist or other licensed health care professional authorized to administer conscious sedation or general anesthesia in the dental office." A question has been raised regarding who specifically meets the qualifications to supervise a permit holder. The intent of this bill is that only licensed dentists or physicians and surgeons, who have been issued a permit by the Dental Board of California to administer general anesthesia or conscious sedation in a dental office (pursuant to Business and Professions Code Sections 1646.1 or 1647.2) may supervise a dental sedation assistant permit holder. Additionally, this bill specifically requires the supervising licensee to be at the patient's chairside, to make all anesthesia decisions, and to instruct and verify the permitted dental assistant's actions.

Detailed education and training requirements are contained in this legislation to ensure that dental assisting education institutions can modify their programs prior to the effective date of the new duties and permit categories. While the legislation establishes minimum requirements, every student must be trained to competency and must pass a state-administered examination. Additional instruction, experience, repetitions or testing may be necessary for a student to achieve competency to the satisfaction of his or her educational program. All of the education and training provisions will sunset on January 1, 2011, requiring the Dental Board to revisit and evaluate the



curricula through regulation. A regulatory process provides the opportunity for reanalysis by those in the dental community and other interested parties to ensure that the requirements are sufficient, accommodate competency in all duties, and make the fullest use of training hours. Likewise, if additional training is deemed necessary, the Assembly Business and Professions Committee reserves the right to revisit the issue.

Lastly, while this bill allows a physician and surgeon or certified registered nurse anesthetist to serve as a course director or faculty member for dental sedation assistant education courses, nothing in this bill is intended to permit such individuals to perform or instruct in any duties outside of their scope of practice. Section 1755 (c) of the Business and Professions Code, which is added by this bill, specifically states that “No faculty member shall instruct in any procedure that he or she is not licensed or permitted to perform.”

This legislation represents a significant consensus effort among dental health care providers in California, who are committed to maintaining an impeccable record of patient care and patient safety in dental offices.

Sincerely,

MIKE ENG, Assembly Member  
Forty-ninth District

**Legislative Intent—Assembly Bill No. 2750**

August 29, 2008

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

Dear Mr. Wilson: I am writing this letter to you for the purpose of clarifying my intent in introducing and pursuing the passage of Assembly Bill 2750.

AB 2750 proposes a clearer standard for restitution and direction to the courts in cases involving the piracy of creative works, including music and movies. The two major purposes of this bill are: (1) to make clear that restitution specifically related to these types of cases, including investigative and legal costs, should be considered and awarded; and (2) to provide a rational guidance for the amount of restitution that shall be ordered. On the latter point, it is clear, for example, that legal retailers must access or purchase the genuine article from a legitimate and authorized wholesale source in order to offer such goods for sale. Thus, when “pirates” are caught in violation of the laws relating to possession of illicit copies for sale, that act constitutes the displacement of what would normally be a wholesale purchase.

By creating a new subsection in the statute pertaining to restitution that directly relates to this issue, it is my intent to provide the courts with the direction they need to more appropriately correlate restitution awards to the degree of losses suffered as a result of such displacement.

Please do not hesitate to contact me if I may be of further assistance to you on this or other matters.

Sincerely,

PAUL KREKORIAN, Assembly Member  
Forty-third District



**Legislative Intent—Assembly Bill No. 2859**

August 18, 2008

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Dear Madam Speaker and Members: I submit this letter to the Assembly Journal to address industry concerns that changes proposed by Assembly Bill 2859 to the definition of “timber operations” contained in Public Resources Code (PRC) §4527 would override the existing exemptions described in PRC §4584(k) and the Fuel Hazard Reduction emergency provisions of Title 14 California Code of Regulations (CCR) §1052, §152.1 and §1052.4.

The proposed revisions to PRC §4527 in AB 2859 are designed to modify the definition of timber operations to exclude certain limited types of activities. The exemption for fuel treatment proposed under the revisions contained in this bill only narrowly apply to activities that generate, as part of a fuel treatment activity, minor forest products that would have little or no commercial value. All private landowners who decide to make commercial use of saw logs or other solid wood products would still have that option.

Cased harvesting activities would fall under the Forest Practice Act and applicable regulations adopted by the Board of Forestry and Fire Protection (Board). In instances where activities fall within the provisions and limitations of the Board’s Fuel Hazard Reduction emergency exemption pursuant to Title 14 CCR §1038(i), both options would be available and timber operations could proceed under applicable limitations specified by the Board. There is no intent expressed or implied to limit these currently available options.

Respectfully,

TED GAINES, Assembly Member  
Fourth District

**Legislative Intent—Assembly Bill No. 2921**

August 30, 2008

*Mr. E. Dotson Wilson*  
*Chief Clerk*  
*California Assembly*

Dear Mr. Wilson: I request that this letter be printed in the Assembly Journal.

The purpose of this letter is to clarify the application of the term “open-space use” as proposed to be added by Section 51223 of the Government Code by AB 2921.

The Williamson Act (Chapter 7 (commencing with Sec. 51200), Pt. 1, Div. 1, Title 5, Gov. C.) provides landowners with reduced property taxes in exchange for an agreement to retain the land in agriculture or open-space use. Current law allows the conversion of an agricultural Williamson Act contract to (1) an open-space Williamson Act contract, or (2) an open-space agreement under the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Sec.51070), Pt. 1, Div. 1, Title 5, Gov. C.) . However, the Williamson Act and the Open-Space Easement Act of 1974 have different definitions of “open-space use.”

For conversions, Section 51223, as proposed to be added by AB 2921, would establish conditions to assure that subsequent use is consistent with either agriculture or open-space, or both. The issue is which definition of “open-space use” applies.

It is clear that the definition of “open-space use” in the Williamson Act should be used for the purposes of proposed Section 51223 for land converted to an open-space Williamson Act contract. It is not obvious which definition should be used for the purposes of Section 51223 for lands converted to an open-space easement agreement pursuant to the Open-Space Easement Act of 1974.

It is the intent of the author that for the purposes of proposed Section 51223, (1) lands under open-space Williamson Act contracts should be subject to the definition of “open-space use” in the Williamson Act, and (2) lands under open-space easement agreements pursuant to the Open-Space Easement Act of 1974 should be subject to the definition of “open-space use” in the Open-Space Easement Act of 1974.

It would be appropriate for this to be expressed in statute in an omnibus bill next year.

Thank you for your consideration.

Sincerely,

JOHN LAIRD, Assembly Member  
Twenty-seventh District

**Legislative Intent—Assembly Bill No. 3030**

August 29, 2008

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

Dear Mr. Wilson: I wish to express my intent with regard to Assembly Bill 3030 which allows an agency to adopt a schedule of fees or charges that authorize automatic adjustments for pass through increases in wholesale charges for water or adjustments for inflation, while maintaining the protections of Proposition 218.

It was my intention that this bill deal with only the issue of pass-throughs relating to wholesale charges or inflation. This bill was intended as an optional tool to simplify the process of adjusting rates for wholesale water purchases or inflation adjustments, while maintaining the protections of Proposition 218.

Sincerely,

JULIA BROWNLEY, Assembly Member  
Forty-first District**Legislative Intent—Assembly Bill No. 3052**

August 21, 2008

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

Dear Mr. Wilson: Assembly Bill 3052 clarifies the Judicial Council's authority to develop and submit a Performance Based Infrastructure proposal for new courthouse construction. The measure identifies a range of financing options to create public-private partnerships, as well as the process the Judicial Council must undertake to complete the submission of a Performance Based Infrastructure proposal to the Legislature. Subdivision (e) of Government Code section 70391.5, as amended by AB 3052, states that the "Judicial Council may delegate any action required by this section to the Administrative Director of the Courts."

Recently, it has been brought my attention that some might interpret subdivision (e) of Government Code section 70391.5 as an inappropriate transfer of authority between the Judicial Council and the Administrative Director of the Courts. AB 3052 was never intended to alter the constitutional authority of the Judicial Council to oversee the administration of justice within California.

I note that the first definition of "delegation" found in Black's Law Dictionary (8th ed. 2004) p. 459 provides "The act of entrusting another with authority or empowering another to act as an agent." Thus, by definition, delegation requires an act on the part of the Judicial Council to delegate its powers.

In a different context, one court has noted that the authority to delegate is separate and distinct from the exercise of that authority, and absent the delegating body's exercise of its authority to delegate, the delegated body lacks authority to act. (*County of Madera v. Superior Court* (1974) 39 Cal.App.3d 665, 671.) Thus, the Judicial Council

would set the policy that the Administrative Director of the Courts would then be delegated to implement pursuant to this section.

Finally, I note that this specific provision authorizing the Judicial Council to delegate its authority to the Administrative Director of the Courts is consistent with Article VI, section 6(c) of the California Constitution. That subdivision authorizes the creation of the position of Administrative Director of the Courts and more generally allows the Judicial Council to delegate certain duties to the Administrative Director of the Courts.

I hope this correspondence ensures the proper interpretation of subdivision (e) of Government Code section 70391.5, which maintains the existing constitutional relationship between the Judicial Council and the Administrative Director of the Courts.

Sincerely,

DAVE JONES  
Chair, Assembly Judiciary Committee

#### **REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES**

Assembly Member Torrico requested unanimous consent that Assembly Rule 42(c) be suspended for the purpose of permitting the letter of legislative intent regarding Assembly Concurrent Resolution No. 69, to be printed in the Journal.

Assembly Member Blakeslee withheld unanimous consent.

#### **Motion to Suspend the Rules**

Assembly Member Torrico moved that Assembly Rule 42(c) be suspended for the purpose of permitting the letter of legislative intent regarding Assembly Concurrent Resolution No. 69, to be printed in the Journal.

Assembly Member Davis seconded the motion.

Rules suspended by the following vote:

#### **AYES—46**

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

#### **NOES—22**

Anderson	Emmerson	Houston	Silva
Benoit	Fuller	Jeffries	Spitzer
Berryhill	Gaines	Keene	Villines
Blakeslee	Garcia	La Malfa	Walters
DeVore	Garrick	Maze	
Duvall	Horton	Niello	

**LETTER OF LEGISLATIVE INTENT**

Pursuant to a roll call vote, the following letter of legislative intent was ordered printed in the Journal:

**Legislative Intent—Assembly Concurrent Resolution No. 69**

August 13, 2008

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

Dear Chief Clerk Wilson,

Although Assembly Concurrent Resolution 69 has been passed and enrolled, it is important to note that the task force created by this resolution will continue to honor the existing collective bargaining agreements.

ACR 69 sets out a process to involve all stakeholders in the Compton service area and assist the Compton Community Education Center to regain its accreditation and become, once again, Compton Community College.

Although the Special Trustee of the Compton Community College District is authorized to organize the task force into various groups to review a number of topics, the issue of the restoration of the Merit System is not specifically included. My intent is that the commission created by ACR 69 restores the Merit System, and the Personnel Commission, which has been suspended.

Very simply, the Merit System is a method of personnel management, governed by a Personnel Commission, designed to promote the efficiency and economy of the work-force and the good of the public by providing for the selection and retention of employees, promotional opportunities, in-service training, and other related matters, on the basis of merit, fitness and the principle of “like pay for like work.”

Personnel Commissions represent the public’s interest by providing a personnel system dedicated to the hiring and retaining of the best-qualified employees. Restoration of the Personnel Commission will ensure that classified employees receive fair and equitable treatment.

As Compton moves forward, it is particularly important that hiring and promotions be conducted in a fair and impartial manner. Since Personnel Commissions work in cooperation with governing boards and administrators in the quest for competent employees and good personnel administration, they can ensure that personnel decisions are unaltered by Board and management pressures, protecting the rights of unrepresented employees and acting as an independent body to hear employee appeals in an impartial manner. Prompt attention to these employee issues is vital to the efficient and economic operations of a college district and benefits both the public and employees.

This letter will affirm my desire that the Personnel Commission be restored as soon as possible and that restoration of the Merit System will not become a pawn in any discussions about regaining accreditation for Compton College.

Sincerely

MERVYN M. DYMALLY, Assembly Member  
Fifty-second District

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1945**

At 5:16 p.m., on motion of Assembly Member De La Torre, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1945 by the following vote:

**AYES—55**

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

**NOES—17**

Adams	Fuller	Keene	Villines
Anderson	Gaines	La Malfa	Walters
Benoit	Garrick	Maze	
DeVore	Huff	Niello	
Duvall	Jeffries	Strickland	

Above bill ordered enrolled.

**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. 2474, Urgency and Concurrence:** Berg, Blakeslee, Brownley, Caballero, Calderon, De La Torre, Garcia, Hancock, Hayashi, Houston, Jones, Krekorian, Leno, Ma, Mendoza, Nakanishi, Nava, Núñez, Parra, Portantino, Silva, and Swanson—Aye.

**Assembly Bill No. 2293, Concurrence:** Calderon, Cook, De La Torre, DeSaulnier, Fuentes, Garcia, Hayashi, Houston, La Malfa, Leno, Portantino, and Silva—Aye; Adams, DeVore, Feuer, Gaines, Hancock, Horton, Ma, Maze, Swanson, and Wolk—No.

**Assembly Bill No. 169, Concurrence:** Adams, Caballero, Calderon, Coto, De La Torre, De León, DeSaulnier, DeVore, Hayashi, Houston, Jones, La Malfa, Leno, Ma, Portantino, Silva, Swanson, and Walters—Aye.

**Assembly Bill No. 1879, Concurrence:** Adams, Caballero, Calderon, De La Torre, Hayashi, Houston, Jones, Keene, Levine, Ma, Portantino, and Swanson—Aye; Anderson, Fuller, Galgiani, La Malfa, Silva, and Villines—No.

**Assembly Bill No. 2321, Concurrence:** Calderon, De La Torre, Leno, Ma, Mendoza, Mullin, Portantino, and Swanson—Aye; Adams, Anderson, Benoit, Blakeslee, Garcia, Houston, Maze, Nakanishi, Plescia, and Silva—No.

**Assembly Bill No. 1245, Concurrence:** Adams, Calderon, De La Torre, Houston, Mendoza, Portantino, Silva, and Swanson—Aye; Ma—No.

**Assembly Bill No. 1289, Concurrence:** Adams, Brownley, Calderon, De La Torre, Dymally, Eng, Hernandez, Houston, La Malfa, Ma, Mendoza, Mullin, Nava, Portantino, Silva, and Swanson—Aye.

**Assembly Bill No. 3071, Concurrence:** Arambula, Beall, Calderon, De La Torre, De León, Dymally Eng, Houston, Keene, La Malfa, Ma, Mendoza, Nava, Portantino, Salas, Silva, Swanson, and Walters—Aye; Adams, Feuer, Fuller, and Maze—No.

**Torrigo Motion to Withdraw:** Calderon, Ma, Nava, Portantino, and Swanson—Aye; Adams and Houston—No.

**Assembly Bill No. 3073, Concurrence:** Benoit, Blakeslee, Brownley, Calderon, De La Torre, De León, Dymally, Garrick, Hayashi, Houston, Jones, Ma, Nava, Portantino, Silva, and Swanson—Aye;

**Torrigo Motion to Lift Call Placed by Benoit:** Calderon, Hancock, Ma, Portantino, and Swanson—Aye; Houston—No.

**Torrigo Motion to Suspend the Rules:** Calderon, Ma, Nava, Portantino, and Swanson—Aye; Houston—No.

**Assembly Bill No. 3045, Concurrence:** Adams, Anderson, Calderon, De La Torre, Eng, Hayashi, Houston, Krekorian, Ma, Maze, Nava, Parra, Portantino, Silva, Strickland, and Swanson—Aye.

**Assembly Bill No. 916, Urgency and Concurrence:** Adams, Arambula, Beall, Calderon, De La Torre, Evans, Fuller, Hayashi, Houston, Huffman, Keene, Ma, Nava, Portantino, Silva, and Swanson—Aye.

**Assembly Bill No. 1656, Concurrence:** Calderon, De La Torre, Hayashi, Houston, Krekorian, La Malfa, Maze, Nava, Portantino, Silva, Swanson, and Villines—Aye.

**Assembly Bill No. 1830, Concurrence:** Aghazarian, Brownley, Carter, De León, Hayashi, Hernandez, Jones, Ma, and Salas—Aye; Houston, Huff, Strickland, and Villines—No.

**Assembly Bill No. 2034, Concurrence:** Carter, Furutani, Hayashi, Hernandez, Horton, Houston, Levine, Ma, Salas, and Strickland—Aye; Emmerson, Huff, La Malfa, and Villines—No.

**Assembly Bill No. 334, Concurrence:** Carter, Emmerson, Evans, Furutani, Galgiani, Hernandez, Houston, Huff, Jones, Ma, Ruskin, Salas, Strickland, and Villines—Aye.

**Assembly Bill No. 1863, Concurrence:** Adams, Caballero, Carter, Galgiani, Hayashi, Hernandez, Houston, Laird, Ma, Mullin, Salas, Smyth, Strickland, and Swanson—Aye; Emmerson, Gaines, Huff, Maze, and Villines—No.

**Assembly Bill No. 3005, Concurrence:** Adams, Anderson, Caballero, Calderon, DeSaulnier, Dymally, Eng, Furutani, Hancock, Houston, La Malfa, Lieu, Ma, Maze, Mendoza, Nakanishi, Núñez, Parra, Plescia, Smyth, Strickland, and Villines—Aye.

**Assembly Bill No. 2599, Concurrence:** Caballero, Calderon, DeSaulnier, Hancock, Houston, Mendoza, Smyth, and Villines—Aye.



**Assembly Bill No. 2871, Concurrence:** Caballero, Calderon, Davis, De La Torre, DeSaulnier, Fuentes, Galgiani, Hancock, Houston, Jones, Krekorian, Mendoza, Ruskin, Smyth, and Villines—Aye.

**Assembly Bill No. 498, Concurrence:** Calderon, Davis, De La Torre, DeSaulnier, Fuentes, Furutani, Hancock, Houston, Huffman, Krekorian, Levine, Maze, Mendoza, Parra, Ruskin, Salas, and Smyth—Aye.

**De León Motion to Rescind Floor Amendments on Senate Bill No. 1301:** Caballero, Calderon, and Ruskin—Aye; Anderson, Garcia, Houston, and Smyth—No.

**Assembly Bill No. 2537, Concurrence:** Adams, Calderon, Davis, De La Torre, De León, Fuentes, Houston, Huffman, Krekorian, Levine, Parra, and Ruskin—Aye.

**Assembly Bill No. 2165, Urgency and Concurrence:** Calderon, Davis, Dymally, Feuer, Fuentes, Galgiani, Hayashi, Hernandez, Houston, Huffman, Krekorian, Levine, Lieu, Parra, Swanson, Torrico, and Villines—Aye.

**Assembly Bill No. 1955, Urgency and Concurrence:** Beall, Calderon, Davis, De La Torre, Eng, Fuentes, Galgiani, Hayashi, Houston, Huffman, Krekorian, Levine, Lieu, Parra, and Villines—Aye.

**Torrico Motion to Rescind and Expunge, Senate Bill No. 110:** Calderon, Fuentes, Huffman, Krekorian, Levine, and Ruskin—Aye; Houston and Villines—No.

**Senate Bill No. 1301:** Hayashi, Huffman, and Krekorian—Aye.

**Assembly Bill No. 211, Concurrence:** Aghazarian, Cook, Davis, De La Torre, Garcia, Plescia, Smyth, and Strickland—Aye; Houston, Nakanishi, and Niello—No.

**Assembly Bill No. 317, Urgency and Concurrence:** Davis—Aye.

**Assembly Bill No. 1060, Urgency and Concurrence:** Coto, Davis, De La Torre, De León, Fuentes, Houston, Krekorian, and Swanson—Aye.

**Assembly Bill No. 1951, Concurrence:** Calderon, Davis, and Karnette—Aye; La Malfa and Villines—No.

**Assembly Bill No. 2569, Concurrence:** Evans, Fuller, Houston, and Niello—Aye; Villines—No.

**Assembly Bill No. 3076, Urgency and Concurrence:** De León, Fuentes, Gaines, Hayashi, and Houston—Aye; Anderson and Villines—No.

**Assembly Bill No. 2944, Concurrence:** Adams, Cook, La Malfa, and Villines—No.

**Assembly Bill No. 180, Concurrence:** Hayashi—Aye; Villines—No.

**Assembly Bill No. 100, Concurrence:** Aghazarian, Hayashi, and Jones—Aye; Houston and Strickland—No.

**Assembly Bill No. 1860, Concurrence:** Galgiani and Jones—Aye; Adams and Strickland—No.

**Assembly Bill No. 2052, Urgency and Concurrence:** Houston, Plescia, and Villines—Aye.

**Assembly Concurrent Resolution No. 87, Concurrence:** Blakeslee, Gaines, and Strickland—Aye; Houston—No.

**Assembly Bill No. 2939, Concurrence:** Houston—No.



**Torricon Motion to Rescind and Expunge, Senate Bill No. 1522:** De León—Aye; Adams—No.

**Assembly Bill No. 2861, Concurrence:** Davis—Aye; Cook—No.

**Assembly Bill No. 2167, Concurrence:** Aghazarian—No.

**Assembly Bill No. 1496, Concurrence:** Aghazarian, Eng, and Fuentes—Aye.

**DeVore Motion to Adjourn:** Spitzer—Aye.

**Assembly Bill No. 2267, Concurrence:** Aghazarian, Calderon, Parra, and Smyth—Aye; Blakeslee, Houston, and Plescia—No.

**Assembly Bill No. 697, Concurrence:** Anderson, Berryhill, Calderon, De La Torre, De León, Hayashi, La Malfa, Maze, Mendoza, Parra, Portantino, and Spitzer—Aye; Blakeslee and Villines—No.

**Assembly Bill No. 2921, Concurrence:** Adams, Blakeslee, Calderon, De León, Hayashi, Parra, Plescia, Strickland, and Villines—Aye.

**Assembly Bill No. 2265, Urgency and Concurrence:** Calderon and De León—Aye; Villines—No.

**Blakeslee Motion to Recess Regular Session:** De León—Aye; Levine—No.

**Assembly Bill No. 1945, Concurrence:** Aghazarian, De León, Galgiani, Levine, Mendoza, and Núñez—Aye.

#### MOTION TO ADJOURN

At 5:18 p.m., Assembly Member Torrico moved that the Assembly do now adjourn until 12 noon, Wednesday, September 3, 2008, to take up budget-related items and other urgency measures pursuant to Article IV, Sec. 10 of the State Constitution.

Assembly Member Benoit seconded the motion.

#### REMARKS ON CONDITION OF THE FILE

Assembly Members Houston, Cook, Evans, Laird, and Dymally arose to speak on the condition of the file.

#### FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Torrico that the Assembly adjourn.

Motion carried.

#### QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:38 p.m., Speaker Bass declared the quorum call of the Assembly dispensed with.

#### RESOLUTIONS

The following resolution was offered:

**HOUSE RESOLUTION NO. 34—Aghazarian.** Relative to nonpartisan legislative elections.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Utilities and Commerce**

Date of Hearing: August 31, 2008

Mme. Speaker: Your Committee on Utilities and Commerce reports:  
Assembly Bill No. 1973

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

LEVINE, Chair

Above bill ordered to unfinished business.

**ADJOURNMENT**

At 5:50 p.m., pursuant to the motion by Assembly Member Torrico the Assembly adjourned until 12 noon, Wednesday, September 3, 2008 to take up budget-related items and other urgency measures pursuant to Article IV, Sec. 10 of the State Constitution.

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KAREN BASS, Speaker

TRESHA PETIT-PHAR, Assistant Minute Clerk

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