

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 17, 2010

ONE HUNDRED FIFTY-SIXTH SESSION DAY

FOUR HUNDRED FORTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

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

(Corrected: 3-9-10.)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 17, 2010

The Assembly met at 7 a.m.

Hon. Michael Villines, Assembly Member, 29th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Timothy Morland reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Adams	De La Torre	Hill	Pérez, V. Manuel
Ammiano	De León	Huber	Portantino
Anderson	DeVore	Huffman	Ruskin
Arambula	Emmerson	Jeffries	Salas
Beall	Eng	Jones	Saldaña
Berryhill, Bill	Evans	Knight	Silva
Blakeslee	Feuer	Lieu	Skinner
Block	Fong	Logue	Smyth
Blumenfield	Fuentes	Lowenthal	Solorio
Bradford	Furutani	Ma	Strickland
Brownley	Gaines	Mendoza	Swanson
Buchanan	Galgiani	Miller	Torlakson
Caballero	Garrick	Monning	Torres
Calderon	Gilmore	Nava	Torrico
Chesbro	Hagman	Nestande	Tran
Conway	Hall	Niello	Villines
Cook	Harkey	Nielsen	Yamada
Coto	Hayashi	Norby	Mme. Speaker
Davis	Hernandez	Pérez, John	

Quorum present.

At 2:20 p.m., Hon. Bill Berryhill, 26th District, presiding

REGULAR BUSINESS DISPENSED WITH

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

LEAVES OF ABSENCE FOR THE DAY

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

On legislative business: Assembly Members Fletcher and Fuller.

Because of illness: Assembly Members Tom Berryhill and Carter.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

February 16, 2010

*The Honorable Karen Bass
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Mme. Speaker,

Please excuse me from Check in Session on Wednesday February 17, 2010, as I will be attending to legislative business in the 32nd Assembly District.

Thank you for your consideration of this matter.

Sincerely,

JEAN FULLER, Assembly Member
Thirty-second District

(NOTE: For letter explaining the absence of Assembly Member Fletcher on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, February 16, 2010.)

COMMUNICATIONS

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

February 16, 2010

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Jerry Hill to replace Assemblymember Joe Coto on the Joint Legislative Audit Committee for the Wednesday, February 17 hearing only.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Inland Empire Transportation Issues, Thursday, March 25, 2010, at 5:30 p.m., at Arrowhead Regional Medical Center in Colton;

Elections and Redistricting, Tuesday, March 2, 2010, at 1:30 p.m., in Room 444.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 17, 2010

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

Assembly Concurrent Resolution No. 46

Assembly Concurrent Resolution No. 112

Assembly Concurrent Resolution No. 117

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1927—Knight. An act to add Section 1360.2 to the Civil Code, relating to common interest developments.

ASSEMBLY BILL NO. 1928—Torlakson. An act to amend Section 13557 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1929—Hall. An act to amend Section 2301 of the Fish and Game Code, relating to invasive aquatic species.

ASSEMBLY BILL NO. 1930—De La Torre. An act to add Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to consumer safety.

ASSEMBLY BILL NO. 1931—Torricono. An act to amend Section 104339.6 of the Health and Safety Code, relating to injury prevention, and making an appropriation therefor.

ASSEMBLY BILL NO. 1932—Hernandez. An act to amend Section 14136.8 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 1933—Brownley (Principal coauthor: Senator Liu). An act to amend Section 48853.5 of the Education Code, relating to foster children.

ASSEMBLY BILL NO. 1934—Saldaña. An act to amend Section 12075 of the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 1935—De León. An act to amend Section 25128.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1936—De León. An act to amend Sections 17276, 17276.9, 17276.10, 24416, 24416.9, and 24416.10 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1937—Fletcher. An act to amend Section 49403 of the Education Code, relating to pupil health.

ASSEMBLY BILL NO. 1938—Fletcher. An act to repeal Section 1620.1 of the Business and Professions Code, relating to dentistry.

ASSEMBLY BILL NO. 1939—Fletcher. An act to amend Section 47115 of the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 1940—Fletcher. An act to amend Section 114872 of the Health and Safety Code, relating to fluoroscopy.

ASSEMBLY BILL NO. 1941—Fletcher. An act to amend Section 4022 of the Business and Professions Code, relating to pharmacy.

ASSEMBLY BILL NO. 1942—Fletcher. An act to amend Section 26708 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1943—Fletcher. An act to add Section 16015 to the Welfare and Institutions Code, relating to foster children.

ASSEMBLY BILL NO. 1944—Fletcher. An act to amend Section 5007 of, and to add Section 5007.3 to, the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1945—Fletcher. An act to amend Section 107.4 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1946—Fletcher. An act to amend Section 1367.36 of the Health and Safety Code, relating to health care coverage.

ASSEMBLY BILL NO. 1947—Fong. An act to add Section 2829.5 to the Public Utilities Code, relating to solar energy.

ASSEMBLY BILL NO. 1948—Knight. An act to amend Section 276.1 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1949—Logue. An act to add Section 11349.95 to the Government Code, relating to regulations.

ASSEMBLY BILL NO. 1950—Brownley. An act to amend Section 47614.5 of the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 1951—Ammiano. An act to amend Section 13385 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1952—Niello and John A. Pérez. An act to amend Section 12509 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1953—Salas. An act to add Article 6 (commencing with Section 3500) to Chapter 3 of Part 1 of Division 2 of the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 1954—Skinner and V. Manuel Pérez. An act to amend Sections 399.2.5 and 399.12 of the Public Utilities Code, relating to electricity.

ASSEMBLY BILL NO. 1955—De La Torre. An act to amend Section 1099 of the Government Code, relating to public officers.

ASSEMBLY BILL NO. 1956—Monning. An act to amend Section 1502 of, and to add Section 1502.5 to, the Fish and Game Code, and to amend Section 19348 of the Food and Agriculture Code, relating to wildlife.

ASSEMBLY BILL NO. 1957—Silva. An act to amend Section 11346.4 of, and to add Section 11346.41 to, the Government Code, relating to regulations

ASSEMBLY BILL NO. 1958—Caballero. An act relating to state government.

ASSEMBLY BILL NO. 1959—Logue. An act to amend, repeal, and add Section 18663 of the Revenue and Taxation Code, and to amend, repeal, and add Section 13020 of the Unemployment Insurance Code, relating to taxation.

ASSEMBLY BILL NO. 1960—Ma. An act to add Article 17 (commencing with Section 43121) to Chapter 2 of Division 17 of the Food and Agricultural Code, relating to agriculture.

ASSEMBLY BILL NO. 1961—Gilmore. An act to amend Section 6141 of the Penal Code, relating to prisons.

ASSEMBLY BILL NO. 1962—Chesbro. An act to repeal Section 5044 of the Public Resources Code, relating to state parks.

ASSEMBLY BILL NO. 1963—Nava. An act to amend Section 12980 of the Food and Agricultural Code, and to add Section 105206 to the Health and Safety Code, relating to pesticide poisoning.

ASSEMBLY BILL NO. 1964—Torres. An act to amend Sections 18400.1, 18424, and 18502 of the Health and Safety Code, relating to mobilehomes.

ASSEMBLY BILL NO. 1965—Yamada. An act to add Section 16142.4 to the Government Code, relating to agricultural land, and making an appropriation therefor.

ASSEMBLY BILL NO. 1966—Fletcher. An act to amend Section 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 1967—Mendoza. An act to amend Sections 48000 and 48010 of, and to add Sections 14022.7 and 42238.31 to, the Education Code, relating to pupil admission.

ASSEMBLY BILL NO. 1968—Niello. An act to amend Sections 336, 342, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9034, 9035, 9050, 9051, 9053, 9054, 9063, 9086, 13247, 13262, 13282, and 18602 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 1969—Jeffries. An act to add Section 9063.5 to the Health and Safety Code, relating to public cemeteries.

ASSEMBLY BILL NO. 1970—Fong (Coauthors: Nava, Portantino, and Yamada). An act to add Section 12301.65 to the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 1971—Bonnie Lowenthal (Principal coauthor: Torlakson). An act to amend Sections 89090, 89090.5, 92630, and 92630.9 of, and to add Sections 89090.3 and 92630.3 to, the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 1972—Carter. An act to amend Section 148 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 1973—Swanson. An act to add Sections 17053.76 and 23622.9 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1974—Cook. An act to amend Section 11005 of the Revenue and Taxation Code, relating to local government finance.

ASSEMBLY BILL NO. 1975—Fong. An act to add Chapter 8.5 (commencing with Section 537) to Division 1 of the Water Code, relating to water.

ASSEMBLY BILL NO. 1976—Cook. An act to add Article 12 (commencing with Section 1399.850) to Chapter 2.2 of Division 2 of the Health and Safety Code, and to add Chapter 7.5 (commencing with Section 10650) to Part 2 of Division 2 of the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 1977—Cook. An act relating to the Department of Industrial Relations.

ASSEMBLY BILL NO. 1978—Harkey. An act to amend Section 8578 of the Water Code, relating to flood protection.

ASSEMBLY BILL NO. 1979—Adams. An act to amend Section 1597.09 of the Health and Safety Code, relating to child day care.

ASSEMBLY BILL NO. 1980—Hayashi. An act to amend Section 4827 of the Business and Professions Code, relating to healing arts.

ASSEMBLY BILL NO. 1981—Hill. An act to amend Section 2982 of the Civil Code, and to amend Sections 42861, 42885, 42886, and 42889 of, and to add Sections 42860.5 and 42885.1 to, the Public Resources Code, relating to recycling.

ASSEMBLY BILL NO. 1982—Ammiano. An act relating to pupil nutrition.

ASSEMBLY BILL NO. 1983—Torrico. An act to add and repeal Article 18 (commencing with Section 18887) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1984—Nielsen. An act to amend Section 1978 of the Streets and Highways Code, relating to highways.

ASSEMBLY BILL NO. 1985—Galgiani. An act to add Section 5024.3 to the Penal Code, relating to Department of Corrections and Rehabilitation.

ASSEMBLY BILL NO. 1986—Silva. An act to amend Section 6240 of the Probate Code, relating to wills.

ASSEMBLY BILL NO. 1987—Hernandez. An act to add Section 7500.5 to the Government Code, relating to public retirement systems.

ASSEMBLY BILL NO. 1988—Hagman. An act relating to the Chino Valley Unified School District, and declaring the urgency thereof, to take effect immediately

ASSEMBLY BILL NO. 1989—Mendoza. An act to amend Section 1000 of the Education Code, relating to county boards of education.

ASSEMBLY BILL NO. 1990—Anderson. An act relating to taxation.

ASSEMBLY BILL NO. 1991—Arambula. An act relating to charter schools.

ASSEMBLY BILL NO. 1992—Arambula and Portantino. An act to amend Section 19481 of the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 1993—Audra Strickland. An act to add Section 7550.7 to the Government Code, relating to state reports.

ASSEMBLY BILL NO. 1994—Skinner. An act to add Section 3212.13 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 1995—Gaines. An act to amend Section 1053 of, and to add Section 1053.1 to, the Fish and Game Code, relating to fish and wildlife.

ASSEMBLY BILL NO. 1996—Hill. An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent therewith" approved by electors November 7, 1922, by amending Section 12 thereof, relating to chiropractors, and making an appropriation therefor.

ASSEMBLY BILL NO. 1997—Portantino. An act to amend Section 69433 of the Education Code, relating to student financial aid.

ASSEMBLY BILL NO. 1998—Brownley. An act to amend Section 42257 of, and to add Chapter 5.3 (commencing with Section 42280) to Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 1999—Portantino. An act to add Section 25662.5 to the Business and Professions Code, relating to alcohol.

ASSEMBLY BILL NO. 2000—Hagman. An act to amend Section 121690 of the Health and Safety Code, relating to rabies.

ASSEMBLY BILL NO. 2001—Harkey. An act to add Section 18949.7 to the Health and Safety Code, relating to building standards.

ASSEMBLY BILL NO. 2002—Huffman. An act to amend Section 923.5 of, and to repeal Section 11558 of, the Insurance Code, relating to reserve requirements.

ASSEMBLY BILL NO. 2003—Mendoza. An act to add Section 50035 to the Government Code, relating to local government.

ASSEMBLY BILL NO. 2004—Beall. An act relating to job creation.

ASSEMBLY BILL NO. 2005—Arambula. An act relating to school districts.

ASSEMBLY BILL NO. 2006—Hill. An act to add Section 6220 to the Government Code, relating to governmental linguistics.

ASSEMBLY BILL NO. 2007—Adams. An act to amend Section 10 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 2008—Arambula (Coauthor: Solorio). An act to add Section 19852.4 to the Government Code, relating to public employment.

ASSEMBLY BILL NO. 2009—Logue. An act to amend Section 76104.6 of the Government Code, relating to county penalties.

ASSEMBLY BILL NO. 2010—Fong. An act to amend Section 50710.1 of the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 2011—Arambula. An act to amend Section 1203.097 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 2012—Lieu. An act to amend Section 597 of the Penal Code, relating to cruelty to animals.

ASSEMBLY BILL NO. 2013—Arambula. An act to amend Section 52052 of the Education Code, relating to education.

ASSEMBLY BILL NO. 2014—Torrico. An act to amend Section 385.2 of the Public Utilities Code, relating to energy.

ASSEMBLY BILL NO. 2015—Arambula. An act to amend Sections 18961.5 and 18986.46 of the Welfare and Institutions Code, relating to child abuse.

ASSEMBLY BILL NO. 2016—Torres. An act to amend Section 2924b of the Civil Code, relating to common interest developments.

ASSEMBLY BILL NO. 2017—Hall. An act to add and repeal Article 4.5 (commencing with Section 18736) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, and to add Chapter 4 (commencing with Section 2200) to Division 2.5 of the Welfare and Institutions Code, relating to youth.

ASSEMBLY BILL NO. 2018—Skinner. An act relating to public social services.

ASSEMBLY BILL NO. 2019—Torlakson. An act to amend Section 51873 of the Education Code, relating to education technology.

ASSEMBLY BILL NO. 2020—Fletcher. An act to amend Sections 7573, 7612, 7630, 7646, 7662, 7667, and 8710 of, and to repeal Section 7631 of, the Family Code, relating to family law.

ASSEMBLY BILL NO. 2021—Fletcher. An act to amend Sections 13108, 13145, and 13146 of the Health and Safety Code, relating to fire protection.

ASSEMBLY BILL NO. 2022—Gaines. An act to amend Sections 10102 and 10103.5 of the Insurance Code, relating to property insurance.

ASSEMBLY BILL NO. 2023—Saldaña. An act to amend Section 15152 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 2024—Blumenfield (Coauthor: Torrico). An act to add Section 2944.8 to the Civil Code, relating to loan modification.

ASSEMBLY BILL NO. 2025—De La Torre. An act to amend Section 14166.2 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2026—Arambula. An act to add Section 99155 to the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 2027—Blumenfield (Principal coauthor: Torlakson). An act to add Section 46300.8 to the Education Code, relating to online education.

ASSEMBLY BILL NO. 2028—Hernandez. An act to amend Sections 56.10 and 56.104 of the Civil Code, relating to medical information.

ASSEMBLY BILL NO. 2029—Cook. An act to amend Section 18114 of the Health and Safety Code, relating to mobilehomes.

ASSEMBLY BILL NO. 2030—Yamada. An act to add Article 2.2 (commencing with Section 1301) to Chapter 5 of Part 1 of Division 1 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

ASSEMBLY BILL NO. 2031—Evans and De La Torre. An act to add Section 10295.2 to the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 2032—Davis. An act to add Section 1308.10 to the Labor Code, relating to employment.

ASSEMBLY BILL NO. 2033—Torres. An act relating to homelessness.

ASSEMBLY BILL NO. 2034—Knight (Principal coauthor: Senator Runner). An act to amend Section 44836 of the Education Code, relating to public school volunteers.

ASSEMBLY BILL NO. 2035—Coto. An act to add Section 1759.11 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 2036—Bill Berryhill. An act to amend Section 3186 of the Civil Code, relating to works of improvement.

ASSEMBLY BILL NO. 2037—V. Manuel Pérez and Salas. An act to add Chapter 3.5 (commencing with Section 8350) to Division 4.1 of the Public Utilities Code, relating to electricity.

ASSEMBLY BILL NO. 2038—Eng. An act to amend Section 23002 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 2039—Logue. An act to repeal Section 18986.62 of the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 2040—Brownley. An act to amend Section 44252.1 of the Education Code, relating to teacher credentialing.

ASSEMBLY BILL NO. 2041—Villines. An act to amend Sections 17072 and 17215 of, and to add Sections 17138.5, 17138.6, 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 2042—Feuer. An act to amend Section 123195 of the Health and Safety Code, relating to public health.

ASSEMBLY BILL NO. 2043—Torrico. An act to amend Sections 33020 and 33021 of, and to add Section 33137 to, the Health and Safety Code, relating to redevelopment.

ASSEMBLY BILL NO. 2044—Caballero. An act relating to enterprise zones.

ASSEMBLY BILL NO. 2045—Hayashi. An act to amend Section 9656 of the Business and Professions Code, relating to cemeteries.

ASSEMBLY BILL NO. 2046—Carter. An act to amend Section 6223 of the Penal Code, relating to restitution centers.

ASSEMBLY BILL NO. 2047—Hernandez. An act to amend, repeal, and add Section 66205 of the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 2048—Torlakson. An act to amend Sections 17620 and 17621 of the Education Code, relating to school facilities.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 128—Emmerson. Relative to school recycling.

ASSEMBLY JOINT RESOLUTION NO. 33—Fuller (Coauthors: Conway and Gilmore). Relative to aviation.

ASSEMBLY JOINT RESOLUTION NO. 34—Carter. Relative to hearing aids.

AUTHOR'S AMENDMENTS

Committee on Revenue and Taxation

February 17, 2010

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 1604

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

CALDERON, Chair

ASSEMBLY BILL NO. 1604—An act to add Part 21 (commencing with Section 42001) to Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

ADJOURNMENT

At 4:30 p.m., the Assembly adjourned until 9:30 a.m., Thursday, February 18, 2010.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 17, 2010**

The following measure was amended in the Assembly on this day:

AB	RN	
1604	1005730	
Daily Total:		1
Cumulative Total:		2619

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