### CALIFORNIA LEGISLATURE 2009–10 REGULAR SESSION

# ASSEMBLY DAILY JOURNAL

### Thursday, March 4, 2010

# ONE HUNDRED SIXTY-FIFTH SESSION DAY FOUR HUNDRED FIFTY-NINTH 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.

#### PROCEEDINGS OF THE ASSEMBLY

#### IN ASSEMBLY

Assembly Chamber, Sacramento Thursday, March 4, 2010

The Assembly met at 9:30 a.m.

Hon. John A. Pérez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Timothy Morland reading.

#### **ROLL CALL**

The roll was called.

#### **Quorum Call of the Assembly**

Assembly Member Cook moved a quorum call of the Assembly. Motion carried. Time, 9:31 a.m.

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

#### **Quorum Present**

At 9:48 a.m., Speaker Pérez declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

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

#### **PRAYER**

Upon invitation of Speaker Pérez, the following prayer was offered by Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr.:

Heavenly Father, On this day, we await your guidance and direction. We ask you to show us the way to make a difference in the lives of the people we serve. Show us how to maneuver through the differences that divide us, and show us how to focus on that which brings us together. We do await your guidance, and we thank you that you never leave us purposeless, or alone. So bless these deliberations today, and all that we do and say. In thy name.—AMEN.

#### PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Pérez, Assembly Member Nava 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 Hagman.

#### 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 Member Gilmore.

Because of illness: Assembly Member Carter.

(NOTE: For letter explaining the absence of Assembly Member Gilmore on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Wednesday, March 3, 2010.)

#### COMMUNICATIONS

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

March 4, 2010

The Honorable John A. Pérez Speaker of the Assembly State Capitol, Office 219

Dear Speaker Pérez: I respectfully request to waive per-diem for Tuesday, February 16, 2010 due to personal business in my district. If there are any questions regarding this request please contact my Capitol Office at (916) 319-2075.

Thank you for your prompt attention to this request Sincerely,

NATHAN FLETCHER, Assembly Member Seventy-fifth District

#### SPECIAL COMMITTEE MEETINGS

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

Budget Subcommittee No. 3 on Resources, to meet jointly with the Committee on Water, Parks and Wildlife, Senate Committee on Natural Resources and Water, and Senate Budget Subcommittee No. 2 on Budget and Fiscal Review, Tuesday, March 9, 2010, at 9:30 a.m., in Room 437:

Budget Subcommittee No. 4 on State Administration, to meet jointly with the Committee on Labor and Employment and the Senate Committee on Labor and Industrial Relations, Wednesday, March 17, 2010, at 1:30 p.m., in Room 447;

Select Committee on Alcohol and Drug Abuse to meet jointly with the Select Committee on Prisons and Rehabilitation Reform, Wednesday, March 10, 2010, at 10 a.m., in Room 444;

Joint Legislative Committee on Emergency Management, Wednesday, March 24, 2010, at 10 a.m., in Room 3191.

#### REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly	
Bill No.	Committee
1736	_B. & P.
1843	
1890	_ Higher Ed.
1891	Higher Ed. and Agri.
1900	
1902	_ P.E.,R. & S.S.
1903	_L. & E.
1904	_ Health
1905	_Hum. S.
1906	_ Pub. S.
1907	
1908	$_{-}$ Trans. and V.A.
1909	_Ed. and Higher Ed.
1910	Agri.
1911	_ B. & P.
1915	
1921	_E. & R.
1924	_ Hum. S.
1925	
1926	
1927	
1928	
1929	
1930	
1933	
1935	
1936	
1937	
1938	
1942	
1943	_ Hum. S.

40.44	
1944	
1947	_U. & C.
1948	
1949	
1951	
1952	_ Trans.
1953	_L. Gov.
1954	
1955	
1956	_ W.,P. & W.
1957	_B. & P.
1959	Rev. & Tax.
1960	
1961	
1964	
1965	_ Agri.
1966	_ Health
1967	_ Ed.
1968	
1969	
1970	
1971	Higher Ed. and Jud.
1972	_Pub. S.
1973	Rev. & Tax.
1975	
1976	Health and Jud
1979	
1980	
1981	
1984	_ Trans.
1985	_ Health
1986	
1987	
1988	
1989	
1992	
1993	_B. & P. and Jud.
1994	_Ins.
1995	
1996	
1007	_D. & F.
1997	
1998	
1999	_ Pub. S.
2001	_B. & P.
2002	Ins
2003	
2006	
2008	
2009	
2010	_H. & C.D.
2011	_Pub. S.
2012	
2013	
2015	– пиш. S.

2017	Hum. S. and Rev. & Tax.
2018	
2020	
2022	
2024	
2025	
2027	
2028	
2029	
2030	
2031	
	_ A.,E.,S.,T. & I. M. and L. & E.
2034	
2035	
2036	
2037	
2039	Hum S
2040	
2041	
2042	
2048	
2049	
2051	
2052	
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2059	
2060	
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2071	
2072	
2073	
2074	_ WP. & W.
2076	
2077	
2081	_Ed.
2082	_ Ed.
2083	_ Ed.
2084	_ Hum. S.
2085	_H. & C.D.
2086	_ Higher Ed.
2088	_E. & R.
2089	_Ed.
2090	_Ed.
2091	
2092	_ W.,P. & W.
2094	
2095	
2097	_Trans.

2099	Trans
2100	
2102	
2105	L. Gov.
2109	Higher Ed
2110	
2113	L. Gov. and Rev. & Tax.
2115	Pub. S.
2117	Jud.
2119	
2120	
2121	
2124	Trans.
2125	Nat. Res.
2126	
2127	
2128	
2129	
2131	Budget
2133	L Gov
2134	
2136	
2137	
2138	_ Nat. Res. and Jud.
2140	Pub. S.
2141	
2144	
2147	
2148	
2152	Pub. S.
2153	Health
2154	
2155	
2157	ruo. S.
2159	
2160	
2161	
2165	_Nat. Res.
2166	
2167	
2168	
2170	
2173	<sub>–</sub> <u>–</u> Health
2174	Health
2177	Rev & Tax
2178	
2182	
2183	
2184	L. Gov.
2187	L. & E.
2188	
2191	
2194	Health

2195	Rev. & Tax.
	J., E.D. & E.
2197	
2501	
	Eu.
Assembly Concurrent	
Resolution No.	Committee
130	Trans.
131	Trans.
132	Trans.
133	Rls.
134	
135	
136	
137	
	Higher Ed.
139	
	Nis.
Assembly Joint	
Resolution No.	Committee
32	
33	
	Health
	W.,P. & W.
	E. & R.
37	Jud.
Senate	
Bill No.	Committee
503	B. & P.

#### REQUEST FOR PHOTOGRAPHER

Assembly Member Mendoza was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

#### **RE-REFERENCE OF BILLS**

Assembly Member Torrico was granted unanimous consent that the following bills be re-referred as noted pursuant to Assembly Rule 96:

Assembly Bill No. 1644 from the Committee on Veterans Affairs to the Committee on Judiciary and to be returned to the Committee on Veterans Affairs;

Assembly Bill No. 1652 from the Committee on Labor and Employment to the Committee on Rules;

Assembly Bill No. 1666 from the Committee on Labor and Employment to the Committee on Rules;

Assembly Bill No. 1667 from the Committee on Labor and Employment to the Committee on Rules;

Assembly Bill No. 1742 from the Committee on Judiciary to the Committee on Rules:

Assembly Bill No. 1793 from the Committee on Water, Parks and Wildlife to the Committee on Rules.

#### **ACTION RESCINDED ON SENATE BILL NO. 88**

Assembly Member Torrico was granted unanimous consent to rescind the action whereby the Assembly, on September 8, 2009 (Assembly Journal, page 3076), passed Senate Bill No. 88, and whereby the bill was ordered transmitted to the Senate.

### NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Torrico announced his intention to request that Senate Bill No. 220 be removed from the inactive file.

#### **RECESS**

By unanimous consent, at 9:52 a.m., Speaker Pérez declared the Assembly recessed to convene Sixth Extraordinary Session.

#### **RECONVENED**

At 10:53 a.m., the Assembly reconvened.

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

# CONSIDERATION OF DAILY FILE THIRD READING OF ASSEMBLY BILLS

**ASSEMBLY CONCURRENT RESOLUTION NO. 120 (Mendoza)**—Relative to Read Across America Day.

Resolution read.

#### Members Made Coauthors of Assembly Concurrent Resolution No. 120

Assembly Member Mendoza was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 120.

#### Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

#### **Request for Unanimous Consent**

Assembly Member Mendoza was granted unanimous consent to take up Assembly Concurrent Resolution No. 120, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 120, as Amended ASSEMBLY CONCURRENT RESOLUTION NO. 120—Relative to Read Across America Day.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

#### **RECESS**

By unanimous consent, at 10:55 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Mendoza introduced and presented a resolution to E. Toby Boyd, teacher and California Teachers Association Board Member, in recognition of Read Across America Week.

#### RECONVENED

At 10:57 a.m., the Assembly reconvened.

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

#### **RECESS**

By unanimous consent, at 10:59 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to convene Eighth Extraordinary Session.

#### **RECONVENED**

At 11:21 a.m., the Assembly reconvened.

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

#### **CONSIDERATION OF DAILY FILE** UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 347 (Bass)—An act to add and repeal Sections 17206.5 and 24357.11 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill presented by Assembly Member Block.

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

#### **NOES—None**

Above bill ordered enrolled.

#### THIRD READING OF SENATE BILLS

**SENATE BILL NO. 722 (Steinberg)**—An act to add Division 25.7 (commencing with Section 38700) to the Health and Safety Code, relating to greenhouse gases.

Bill read third time.

#### Motion to Amend by Assembly Member Skinner

Assembly Member Skinner moved the adoption of amendments.

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

#### RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Ma was granted unanimous consent that Senate Bill No. 722 be referred from the third reading file to the Committee on Rules pursuant to Assembly Rule 97.

#### **ACTION RESCINDED ON SENATE BILL NO. 722**

Assembly Member Torrico was granted unanimous consent that the action be rescinded whereby Senate Bill No. 722 was read a third time, amendments to the bill read and adopted, and the bill ordered referred to the Committee on Rules pursuant to Assembly Rule 97.

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

**SENATE BILL NO. 722 (Steinberg)**—An act to add Division 25.7 (commencing with Section 38700) to the Health and Safety Code, relating to greenhouse gases. Bill read third time.

#### Motion to Amend by Assembly Member Skinner

Assembly Member Skinner moved the adoption of amendments.

Amendments read and adopted by the following vote:

#### AYES-44

Ammiano	De León	Hill	Ruskin
Bass	Eng	Huffman	Salas
Beall	Evans	Jones	Saldaña
Blumenfield	Feuer	Lieu	Skinner
Bradford	Fong	Lowenthal	Solorio
Brownley	Fuentes	Ma	Swanson
Buchanan	Furutani	Mendoza	Torlakson
Caballero	Galgiani	Monning	Torres
Coto	Hall	Nava	Torrico
Davis	Hayashi	Pérez, V.M.	Yamada
De La Torre	Hernandez	Portantino	Mr. Speaker

#### NOES-26

Adams	DeVore	Jeffries	Norby
Anderson	Emmerson	Knight	Silva
Arambula	Fuller	Logue	Smyth
Berryhill, B.	Gaines	Miller	Tran
Berryhill, T.	Garrick	Nestande	Villines
Conway	Hagman	Niello	
Cook	Harkey	Nielsen	

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

#### RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Ma was granted unanimous consent that Senate Bill No. 722 be referred from the third reading file to the Committee on Rules.

#### **ANNOUNCEMENTS**

Speaker pro Tempore Saldaña announced the following session schedule:

Monday, March 8, 2010, Floor Session, 11 a.m., Woman of the Year Ceremony;

Tuesday, March 9, 2010, Check-in Session, 7 a.m.-3 p.m.

Wednesday, March 10, 2010, Check-in Session, 7 a.m.-3 p.m

Thursday, March 11, 2010, Floor Session, 9:30 a.m.

#### **ADJOURN IN MEMORY**

Speaker John A. Pérez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Thomas "T.J." Stapleton of Petaluma.

Assembly Member Chesbro was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Don La Plante of Hayward and Bernard Packer of Guerneville.

Assembly Member Bill Berryhill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Doug Brodie of Stockton.

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jeanne Seidel Edwards of La Cañada Flintridge.

Assembly Member Smyth was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ian T. D. Gelig, United States Army.

#### **VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Assembly Concurrent Resolution No. 120, Coauthors:** Bass, Davis, Hayashi, Lieu, Torrico, and Villines—Aye.

**Assembly Bill No. 347, Concurrence:** Tom Berryhill, Gaines, Galgiani, and Hayashi—Aye.

**Senate Bill No. 722:** Davis, Hayashi, and Torrico—Aye; Tom Berryhill and Gaines—No.

#### **MOTION TO ADJOURN**

At 11:30 a.m., Assembly Member Jones moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

#### QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:30 a.m., Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

# AUTHOR'S AMENDMENTS Committee on Judiciary

March 4, 2010

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

Assembly Bill No. 1596

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

FEUER, Chair

**ASSEMBLY BILL NO. 1596**—An act to add Section 527.11 to the Code of Civil Procedure, to add Section 6390 to the Family Code, to amend Section 136.2 of, and to add Section 269.1 to, the Penal Code, and to add Sections 213.8 and 15657.08 to the Welfare and Institutions Code, relating to protective orders.

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

### AUTHOR'S AMENDMENTS Committee on Business and Professions

March 4, 2010

Mr. Speaker: The Chair of your Committee on Business and Professions reports: Assembly Bill No. 1736

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

HAYASHI, Chair

**ASSEMBLY BILL NO. 1736**—An act to amend Section 2000 of the Business and Professions Code, relating to medicine.

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

# REPORTS OF STANDING COMMITTEES Committee on Rules

Date of Hearing: March 4, 2010

Mr. Speaker: Your Committee on Rules reports: Assembly Concurrent Resolution No. 107 With the recommendation: Be adopted.

LIEU, Chair

Above resolution ordered to third reading.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 4, 2010

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 347

And reports the same correctly enrolled, and presented to the Governor on the 4th day of March, 2010, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

#### **INTRODUCTION OF GUESTS**

Assembly Member Harkey, of the 73rd Assembly District, introduced visitors from Stoneybrooke School in San Juan Capistrano.

#### **ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Jones, the Assembly adjourned until 11 a.m., Monday, March 8, 2010, out of respect to the memory of Thomas "T.J." Stapleton, on motion of Speaker Pérez; out of respect to the memory of Don La Plante and Bernard Packer, on motion of Assembly Member Chesbro; out of respect to the memory of Doug Brodie, on motion of Assembly Member Bill Berryhill; out of respect to the memory of Jeanne Seidel Edwards, on motion of Assembly Member Portantino; and out of respect to the memory of Specialist Ian T. D. Gelig, United States Army, on motion of Assembly Member Smyth.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

### **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 4, 2010**

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

AB RN

1596 1006905

1736 1006287

SB RN

722 1005914

Daily Total:

**Cumulative Total:**