

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 5, 2009
THIRTY-SIXTH SESSION DAY
NINETY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 5, 2009

The Assembly met at 6:30 a.m.

Hon. Mike Feuer, Assembly Member, 42nd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The following were placed upon the morning roll call—67:

Adams	Duvall	Hayashi	Portantino
Arambula	Emmerson	Hill	Price
Berryhill, Bill	Eng	Huber	Ruskin
Berryhill, Tom	Evans	Jeffries	Salas
Blakeslee	Feuer	Jones	Saldaña
Block	Fletcher	Knight	Silva
Brownley	Fong	Lieu	Skinner
Caballero	Fuentes	Logue	Smyth
Calderon	Fuller	Lowenthal	Strickland
Carter	Furutani	Ma	Swanson
Chesbro	Gaines	Mendoza	Torlakson
Conway	Galgiani	Miller	Torres
Cook	Garrick	Monning	Torrico
Coto	Gilmore	Nava	Tran
Davis	Hagman	Nestande	Yamada
De La Torre	Hall	Nielsen	Mme. Speaker
DeVore	Harkey	Pérez, V. Manuel	

Quorum present.

At 10:58 a.m., Hon. Connie Conway, 34th 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 Ammiano, Anderson, Beall, Blumenfeld, Buchanan, De León, Hernandez, Huffman, Krekorian, Niello, John Pérez, and Solorio.

On personal business, and waiving per diem: Assembly Member Villines.

EXPLANATIONS OF ABSENCE

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

February 26, 2009

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

Dear Speaker Bass: I write to request permission to be excused from Session on Thursday, March 5, 2009. I have an urgent legislative matter that I must attend to in my district.

Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or my executive assistant, Lourdes Machado, at (916) 319-2013.

Sincerely,

TOM AMMIANO, Assembly Member
Thirteenth District

March 3, 2009

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

Dear Mme. Speaker: I respectfully request to be excused from session on Thursday, March 5, 2009, to conduct legislative business in my district.

If you have any question regarding this request, please contact my Chief of Staff, Julie Griffiths, at 319-2077.

Sincerely,

JOEL ANDERSON, Assembly Member
Seventy-seventh District

March 2, 2009

*Speaker Karen Bass
California State Assembly
Room 219, State Capitol
Sacramento, California*

Dear Mme. Speaker: I respectfully request to be excused from the Assembly Check-In Session on Thursday March 5, 2009 if there should be one. I will be in my district during this time attending to legislative business.

Thank you for your attention to this request.

Sincerely,

JIM BEALL, JR., Assembly Member
Twenty-fourth District

March 3, 2009

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

Dear Mme. Speaker: I respectfully request permission to be excused from Check In Session on Thursday, March 5, 2009 due to legislative business in my district.

I appreciate your consideration of this request. Please feel free to contact me should you have any questions.

Sincerely,

BOB BLUMENFIELD, Assembly Member
Fortieth District

March 2, 2009

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

Dear Mme. Speaker: I respectfully request permission to be excused from Check-In Session on March 5, 2009 for legislative business in my district.

Thank you for your assistance. Please contact my scheduler, Colleen Haley, at (916) 319-2015 should any questions arise.

Sincerely,

JOAN BUCHANAN, Assembly Member
Fifteenth District

March 4, 2009

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

Dear Mme. Speaker: I respectfully request to be excused from check-in session on Thursday, March 5, 2009. I will be in my district on legislative business.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2045.

Sincerely,

KEVIN DE LEÓN, Assembly Member
Forty-fifth District

January 30, 2009

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

Dear Speaker Bass: I am writing to respectfully request permission to be excused from Check in Session on Thursday, March 5, 2009. I will be attending to legislative business, in my district.

If you have any questions, please do not hesitate to contact Maria Lerma in my Capitol Office at (916) 319-2057. Your consideration of this request is greatly appreciated.

Sincerely,

ED HERNANDEZ, O.D., Assembly Member
Fifty-seventh District

March 4, 2009

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

Dear Speaker Bass: I am requesting an excused absence from check-in on Thursday, March 5, 2009. I have district office business to attend. I greatly appreciate your understanding.

If you have any questions or concerns please contact Veronica Ortiz-Torres in my Capitol Office at 916-319-2043.

Sincerely,

PAUL KREKORIAN, Assembly Member
Forty-third District

February 27, 2009

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

Dear Mme. Speaker: I am requesting permission to be excused from floor session on March 5, 2009. I will be out of the state attending to legislative business.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2005.

Sincerely,

ROGER NIELLO, Assembly Member
Fifth District

March 5, 2009

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

Dear Speaker Bass: I respectfully ask to be excused from Check in on March 5, 2009 due to previously scheduled legislative business. If you have any questions or concerns, please contact Sharlene Carus in my office at 319-2069.

Sincerely,

JOSE SOLORIO, Assembly Member
Sixty-ninth District

(NOTE: For letters explaining the absences of Assembly Members Huffman and John Pérez on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Wednesday, March 4, 2009.)

SPECIAL COMMITTEE MEETINGS

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

Accountability and Administrative Review to hold an informational hearing on Wednesday, March 11, 2009, at 9 a.m., in Room 437;

Agriculture to hold an informational hearing on Wednesday, March 11, 2009; and

Select Committee on Renewable Energy to hold an informational hearing on Wednesday, March 11, 2009, at 3 p.m., in Room 127.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 5, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 5

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

Assembly Chamber, March 5, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 6

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, March 5, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 117

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1545—Committee on Revenue and Taxation (Assembly Members Charles Calderon (Chair), Beall, Coto, Ma, Portantino, and Saldaña). An act to amend Sections 16361 and 16374 of the Probate Code, relating to the Uniform Principal and Income Act.

ASSEMBLY BILL NO. 1546—Committee on Revenue and Taxation (Assembly Members Charles Calderon (Chair), Beall, Coto, Ma, Portantino, and Saldaña). An act to amend Section 15902.09 of the Corporations Code, and to amend Section 19591 of the Revenue and Taxation Code, relating to limited partnerships.

ASSEMBLY BILL NO. 1547—Committee on Revenue and Taxation (Assembly Members Charles Calderon (Chair), Beall, Coto, Ma, Portantino, and Saldaña). An act to amend Sections 6069, 6248, 7339, 60003, 60022, 60023, 60501, and 60508 of, to add Sections 7339.1, 55041.1, 60003.1, 60022.1, 60022.2, 60022.3, 60022.4, and 60023.1 to, and to repeal Sections 60508.1, 60508.2, 60508.4, and 60509 of, the Revenue and Taxation Code, relating to taxation.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 46—Saldaña (Coauthor: Senator Wolk). Relative to Women’s History Month and International Women’s Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 47—Mendoza. Relative to Cinco de Mayo Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 48—Gilmore (Coauthor: Fuller) (Coauthors: Senators Ashburn and Florez). Relative to the Deputy James Throne Memorial Highway.

**AUTHOR’S AMENDMENTS
Committee on Revenue and Taxation**

March 5, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 47
Assembly Bill No. 111

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

CALDERON, Chair

ASSEMBLY BILL NO. 47—An act to amend Section 17052.25 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.

ASSEMBLY BILL NO. 111—An act to amend Section 17144.5 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.

**AUTHOR’S AMENDMENTS
Committee on Health**

March 5, 2009

Mme. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 52

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

JONES, Chair

ASSEMBLY BILL NO. 52—An act to amend Sections 1627, 1628, and 1630 of, and to add Sections 1627.5 and 1627.7 to, the Health and Safety Code, relating to umbilical cord blood banking.

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 Water, Parks and Wildlife

March 5, 2009

Mme. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Assembly Bill No. 74

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

HUFFMAN, Chair

ASSEMBLY BILL NO. 74—An act to add Section 12670.22 to the Water Code, relating to flood control.

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.

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 83—An act to amend Section 1799.102 of the Health and Safety Code, relating to personal liability.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 5—An act to amend Sections 2016.020, 2031.010, 2031.020, 2031.030, 2031.040, 2031.050, 2031.060, 2031.210, 2031.220, 2031.230, 2031.240, 2031.250, 2031.260, 2031.270, 2031.280, 2031.290, 2031.300, 2031.310, and 2031.320 of, and to add Sections 1985.8 and 2031.285 to, the Code of Civil Procedure, relating to civil discovery, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 12 noon, Monday, March 9, 2009.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 5, 2009**

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

AB	RN	
47	0909218	
52	0909356	
74	0908474	
83	0909470	
111	0908681	
		Daily Total: 5
		Cumulative Total: 26

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