

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 9, 2009

THIRTY-SEVENTH SESSION DAY

NINETY-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.

(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
Monday, March 9, 2009

The Assembly met at 12:02 p.m.
Hon. Lori Saldaña, 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

At 12:02 p.m., Speaker pro Tempore Saldaña placed a quorum call upon the Assembly.

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

Quorum Present

At 12:24 p.m., Speaker pro Tempore Saldaña declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

PRAYER

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

Lord, Many times, people dismiss us without really knowing us. All of us have experienced insensitivity or negativity from others. But You, Lord, don't dismiss us. You have the utmost confidence in us and You want us to achieve great things in life and in faith. For You have said, "If you abide in me and my words abide in you, ask whatever you will and it shall be done for you." (John 15:7).—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Fong 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 Member was granted leave of absence for the day:

On legislative business: Assembly Member Davis.

EXPLANATIONS OF ABSENCE

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

March 6, 2009

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

Dear Mme. Speaker: Please excuse me from Floor Session on Monday March 9, 2009. I will be in the District on legislative business.

Sincerely,

MIKE DAVIS, Assembly Member
Forty-eighth District

COMMUNICATIONS

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

March 9, 2009

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

RE: Appointment of Julia Brownley and Tom Torlakson to State Allocation Board

Dear Mr. Wilson: Please be advised I have re-appointed Assemblymembers Julia Brownley and Tom Torlakson to the State Allocation Board for March 11, 2009 only.

Sincerely,

KAREN BASS
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 9, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 83
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber: March 9, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined: House Resolution No. 4
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber: March 9, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 47
Assembly Bill No. 52
And reports the same correctly engrossed.

Assembly Bill No. 74
Assembly Bill No. 111

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly

Bill No.

Committee

| | |
|------------------|---------------------|
| 147 ----- | Nat. Res. and Jud. |
| 241 ----- | Pub. S. and B. & P. |
| 242 ----- | Pub. S. |
| 243 ----- | Pub. S. |
| 251 ----- | L. Gov. |
| 259 ----- | Health and B. & P. |
| 265 ----- | E. & R. |
| 276 ----- | B. & P. |
| 277 ----- | L. Gov. |

| | | |
|-----|-------|---------------------------------|
| 283 | ----- | Nat. Res. |
| 309 | ----- | J., E.D. & E. and B. & P. |
| 329 | ----- | Jud. and B. & F. |
| 333 | ----- | L. Gov. |
| 334 | ----- | Health |
| 335 | ----- | L. & E. and Jud. |
| 336 | ----- | Higher Ed. |
| 338 | ----- | L. Gov. |
| 339 | ----- | Ed. |
| 340 | ----- | Rev. & Tax. |
| 344 | ----- | Trans. |
| 345 | ----- | Ed. |
| 346 | ----- | Ed. |
| 347 | ----- | Rev. & Tax. |
| 348 | ----- | L. Gov. and E. & R. |
| 350 | ----- | B. & F. and Jud. |
| 353 | ----- | Jud. |
| 354 | ----- | Health |
| 355 | ----- | Jud. |
| 356 | ----- | Health and B. & P. |
| 357 | ----- | Pub. S. |
| 358 | ----- | Pub. S. |
| 359 | ----- | Health |
| 360 | ----- | P.E.,R. & S.S. |
| 361 | ----- | Ins. |
| 363 | ----- | Rev. & Tax. |
| 364 | ----- | Ed. |
| 365 | ----- | B. & F. |
| 368 | ----- | Nat. Res. |
| 370 | ----- | B. & P. |
| 374 | ----- | Ed. |
| 375 | ----- | Jud. |
| 377 | ----- | B. & F. |
| 378 | ----- | Hum. S. |
| 379 | ----- | P.E.,R. & S.S. |
| 380 | ----- | U. & C. and L. & E. |
| 382 | ----- | Pub. S. |
| 383 | ----- | Pub. S. |
| 384 | ----- | Ins. |
| 385 | ----- | Higher Ed. |
| 386 | ----- | Higher Ed. |
| 387 | ----- | Pub. S. |
| 388 | ----- | Pub. S. |
| 390 | ----- | Pub. S. and Health |
| 395 | ----- | L. & E. |
| 397 | ----- | Nat. Res. and L. Gov. |
| 398 | ----- | Health and Hum. S. |
| 399 | ----- | P.E.,R. & S.S. |
| 400 | ----- | B. & P. |
| 401 | ----- | B. & F. |
| 402 | ----- | A.,E.,S.,T., & I.M. and L. & E. |
| 403 | ----- | B. & P. |
| 404 | ----- | Rev. & Tax. |
| 405 | ----- | L. Gov. |

- 406 ----- Ed.
- 407 ----- Hum. S.
- 408 ----- L. Gov. and W., P. & W.
- 409 ----- Ins.
- 410 ----- W.,P. & W.
- 412 ----- Pub. S.
- 413 ----- U. & C.
- 414 ----- Trans.
- 416 ----- Hum. S. and Health
- 417 ----- Health
- 418 ----- B. & P.
- 419 ----- L. Gov.
- 420 ----- Health
- 423 ----- U. & C.
- 425 ----- Trans.
- 429 ----- Ed.
- 430 ----- Pub. S.
- 434 ----- Ed.
- 436 ----- E. & R.
- 437 ----- U. & C.
- 438 ----- Hum. S. and Pub. S.
- 439 ----- Trans.
- 440 ----- Higher Ed.
- 441 ----- E. & R.
- 442 ----- Jud.
- 443 ----- Agri.
- 444 ----- W.,P. & W. and L. Gov.
- 445 ----- Health and B. & P.

REQUEST FOR PHOTOGRAPHER

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

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Lieu was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor to his guests.

CONSIDERATION OF DAILY FILE

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 83, ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

HOUSE RESOLUTION NO. 9 (Price)—Relative to National Problem Gambling Awareness Week.

Resolution read, and adopted by the following vote:

AYES—78

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

NOES—None**ANNOUNCEMENTS**

Speaker pro Tempore Saldaña announced the following session schedule:

Tuesday, March 10, 2009, Floor Session, 4:30 p.m., for the State of the Judiciary Address.

Speaker pro Tempore Saldaña announced that the California Legislative Women's Caucus members were wearing yellow roses in recognition of Women's History Month and in celebration of the adoption of the Nineteenth Amendment to the United States Constitution which extended suffrage to women.

ADJOURN IN MEMORY

Assembly Member Monning was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pearl Carey of Seaside.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Harkey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Juliana Murphy of Irvine.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Ammiano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Annabel Marsh of San Francisco.

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 Joe N. Terra of Manteca.

Assembly Member Calderon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jovita Flores of Firebaugh.

Assembly Member Feuer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Murray Mazur of Woodland Hills.

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bill Stein of Rancho Palos Verdes.

Assembly Member Torres was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Leonard R. Kahl and John Fowlkes of Pomona.

BILLS REMOVED FROM CONSENT CALENDAR

The following resolution was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

Assembly Concurrent Resolution No. 6, on request of Assembly Member Torrico.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following item:

House Resolution No. 9: Huffman—Aye.

MOTION TO ADJOURN

At 12:46 p.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:47 p.m., Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1548—Committee on Banking and Finance (Assembly Members Nava (Chair), Evans, Fong, Fuentes, Mendoza, Ruskin, Swanson, and Torres). An act to add Section 33043.5 to the Financial Code, relating to payment instruments.

ASSEMBLY BILL NO. 1549—Committee on Banking and Finance (Assembly Members Nava (Chair), Evans, Fong, Fuentes, Mendoza, Ruskin, Swanson, and Torres). An act to amend Sections 697.530 and 697.590 of the Code of Civil Procedure, relating to judgment liens.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 10—Torlakson. Relative to Social Security.

AUTHOR’S AMENDMENTS

Committee on Insurance

March 9, 2009

Mme. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 76

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

COTO, Chair

ASSEMBLY BILL NO. 76—An act to amend Section 10127.17 of the Insurance Code, relating to life insurance and annuity products.

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 9, 2009

Mme. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 334

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

JONES, Chair

ASSEMBLY BILL NO. 334—An act to add Section 14011.11 to the Welfare and Institutions Code, relating to Medi-Cal.

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 Human Services

March 9, 2009

Mme. Speaker: The Chair of your Committee on Human Services reports:
Assembly Bill No. 295

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

BEALL, Chair

ASSEMBLY BILL NO. 295—An act to amend Sections 18250, 18251, 18253, 18253.5, 18254, 18255, 18256, and 18256.5 of, and to amend the heading of Chapter 4 (commencing with Section 18250) of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

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 Revenue and Taxation

March 9, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 11

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

CALDERON, Chair

ASSEMBLY BILL NO. 11—An act relating to taxation.

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 Public Safety

March 9, 2009

Mme. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 14

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

SOLORIO, Chair

ASSEMBLY BILL NO. 14—An act to repeal and add Section 22659.5 of the Vehicle Code, relating to vehicles.

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 Higher Education

Date of Hearing: March 3, 2009

Mme. Speaker: Your Committee on Higher Education reports:
Assembly Bill No. 20

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Business and Professions.

PORTANTINO, Chair

Above bill ordered to second reading.

Committee on Rules

Date of Hearing: March 9, 2009

Mme. Speaker: Your Committee on Rules reports:
Assembly Concurrent Resolution No. 3

With the recommendation: Be adopted.

LIEU, Chair

Above resolution ordered to third reading.

SPECIAL COMMITTEE MEETINGS

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

Water, Parks and Wildlife to hold a joint informational hearing with Environmental Safety and Toxic Materials, on Tuesday, March 17, 2009, at 2 p.m., in Room 126;

Revenue and Taxation to hold an informational hearing on Monday, March 23, 2009, in Room 126; and

Local Government to hold a joint informational hearing with Housing and Community Development, on Wednesday, March 25, 2009, at 9 a.m., in Room 126.

INTRODUCTION OF GUESTS

Assembly Member Gaines, of the 4th Assembly District, introduced Lake Tahoe Community College students and Dr. Steve Adams.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Torrico, the Assembly adjourned until 4:30 p.m., Tuesday, March 10, 2009, out of respect to the memory of Pearl Carey, on motion of Assembly Member Monning; out of respect to the memory of Juliana Murphy, on motion of Assembly Member Harkey; out of respect to the memory of Annabel Marsh, on motion of Assembly Member Ammiano; out of respect to the memory of Joe N. Terra, on motion of Assembly Member Bill Berryhill; out of respect to the memory of Jovita Flores, on motion of Assembly Member Calderon; out of respect to the memory of Dr. Murray Mazur, on motion of Assembly Member Feuer; out of respect to the memory of Leonard R. Kahl and John Fowlkes, on motion of Assembly Member Torres; and out of respect to the memory of Bill Stein, on motion of Assembly Member Lowenthal.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 9, 2009**

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

| AB | RN |
|-----------|-----------|
| 11 | 0909595 |
| 14 | 0909584 |
| 76 | 0909549 |
| 295 | 0909185 |
| 334 | 0909644 |

Daily Total: 5

Cumulative Total: 31

O