

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 10, 2009

THIRTY-EIGHTH SESSION DAY

ONE HUNDREDTH 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
Tuesday, March 10, 2009

The Assembly met at 4:41 p.m.
Hon. Karen Bass, Speaker 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 Portantino moved a quorum call of 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 4:45 p.m., Speaker Bass declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—73:

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

PRAYER

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

Lord, Even though we may have many trials to endure for a little while, these trials will show that our faith is genuine. It is being tested as fire tests and purifies gold. (1 Peter 1:6–7) Lord, we choose to set our focus on You, and to believe in Your promises. Thank You for Your confidence in us and for Your daily blessings.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Bass, Assembly Member Villines 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 Krekorian, seconded by Assembly Member Emmerson.

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 Blakeslee, Blumenfield, Evans, and Lieu.

On personal business, and waiving per diem: Assembly Members Davis and Torrico.

Because of illness: Assembly Member Gaines.

EXPLANATIONS OF ABSENCE

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

March 3, 2009

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

Dear Speaker Bass: The purpose of this letter is to respectfully request to be excused from session on legislative business on Tuesday, March 10, 2009 to be the keynote speaker at a celebration of Tibet Day in San Francisco.

Thank you for your consideration. Please contact me at (916) 319-2033 with any questions.

Sincerely,

SAM BLAKESLEE, Assembly Member
Thirty-third District

March 9, 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 Floor Session on Tuesday, March 10, 2009 due to legislative business in my district.

Thank you for your consideration of this request. Please contact me should you have any questions.

Sincerely,

BOB BLUMENFIELD, Assembly Member
Fortieth District

March 10, 2009

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

Dear Mme. Speaker: I request to be excused from Session on Tuesday, March 10, 2009, on legislative business, for a meeting in the district. Thank you for your consideration.

Very truly yours,

NOREEN EVANS, Assembly Member
Seventh District

March 2, 2009

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

Dear Mme. Speaker: I respectfully request to be excused from session March 10–12 to travel to Washington, DC for legislative business. I will be joining the Greenlining Institute for their annual summit and meeting with federal officials about ABX2 7, my foreclosure prevention bill, and discussing how federal efforts can help California. ABX2 7 was recently signed into law and is the first bill in the nation to impose a foreclosure moratorium to compel lenders to modify home loans. During my trip I will be meeting with Federal Reserve Chairman Ben Bernanke, FDIC Chair Sheila Bair, Secretary of Treasury Timothy Geithner, and several members of Congress.

If you have any questions or concerns regarding this request, please contact Jeanette Garcia in my Capitol office at 319-2053.

Sincerely,

TED W. LIEU, Assembly Member
Fifty-third 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 Pete Aguilar
to Consumer Motor Vehicle Recovery Corporation,
Board of Directors

Dear Mr. Wilson: Please be advised I have appointed Mr. Pete Aguilar to the Consumer Motor Vehicle Recovery Corporation, Board of Directors. This is a term appointment starting March 9, 2009 and the expiration date is January 1, 2011.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Education, to hold an informational hearing on Wednesday, March 18, 2009;

Public Safety, to hold an informational hearing on Tuesday, March 24, 2009, at 9:30 a.m., in Room 4202;

Veterans Affairs, to hold an informational hearing on Tuesday, March 24, 2009, at 2 p.m.;

Local Government, to meet on the following dates: Wednesday, April 1, 2009, at 1:30 p.m.; Wednesday, April 22, 2009 at 1:30 p.m.; and Wednesday, May 6, 2009, at 1:30 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 10, 2009

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

Assembly Bill No. 11

Assembly Bill No. 295

Assembly Bill No. 14

Assembly Bill No. 334

Assembly Bill No. 76

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Office, Sacramento
March 10, 2009

The Honorable Darrell Steinberg
President pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, California

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

Dear Senator Steinberg and Speaker Bass,

At a time when California families and businesses are tightening their belts, state government must do the same—we have a responsibility to use taxpayer dollars efficiently. As such, I am submitting for the Legislature's review a Governor's Reorganization Plan (GRP) that if allowed to take effect will consolidate statewide information technology (IT) functions under the Office of the Chief Information Officer (OCIO).

The GRP proposes to realign state IT resources in order to:

- Integrate four agencies—the Office of the State Chief Information Officer (OCIO), Office of Information Security and Privacy Protection (Office of Information Security), Department of Technology Services and the Department of General Services—Telecommunications Division—into an expanded OCIO.
- Provide the State Chief Information Officer with authority for IT procurement policy and enterprise IT management.
- Achieve consolidation of software contracts, office automation tools, data centers/computer rooms, servers, storage and networks to realize estimated cost savings and cost avoidance of \$1.5 billion over the next five years.
- Preserve program-specific IT systems and budgets at the agency level.

I look forward to working with you to ensure that the state's technology systems efficiently serve the needs of the people of California.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor’s Office, Sacramento
March 10, 2009

Governor’s Reorganization Plan No. 1 of 2009

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

Dear Speaker Bass: Pursuant to Government Code Section 12080.2, enclosed please find my Reorganization Plan No. 1 of 2009 to consolidate statewide information technology functions under the Office of the Chief Information Officer.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor’s Reorganization Plan No. 1 of 2009 ordered held at the Desk.

RECEIPT

I acknowledge receipt this 10th day of March, 2009, at 3:09 p.m., of the Governor’s Reorganization Plan No. 1 of 2009, delivered to me personally by Jacque Roberts.

SUE PARKER

Assistant Chief Clerk of the Assembly

REQUEST FOR PHOTOGRAPHER

Speaker Bass was granted unanimous consent that a photographer be permitted on the Floor of the Assembly and in the Gallery of the Chamber.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Speaker Bass was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests in the Assembly Chamber and at the Rostrum.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 20—An act to add Article 6 (commencing with Section 92060) to Chapter 1 of Part 57 of Division 9 of Title 3 of the Education Code, relating to the University of California.

Bill read second time; amendments proposed by the Committee on Higher Education read and adopted; bill ordered reprinted and to be re-referred to the Committee on Business and Professions.

ANNOUNCEMENTS

Speaker Bass announced the following session schedule:

Wednesday, March 11, 2009, Check-in Session, 7 a.m.–3 p.m.

Thursday, March 12, 2009, Floor Session, 9:30 a.m.

Monday, March 16, 2009, Floor Session, 11 a.m.

ADJOURN IN MEMORY

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 Julia Alysianne Hatcher of Ripon.

Assembly Member Bill Emmerson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Captain Creighton Nece of Oak Hills.

RECESS

By unanimous consent, at 4:55 p.m., Speaker Karen Bass declared the Regular Session of the Assembly recessed.

IN JOINT CONVENTION

At 4:55 p.m., the Senate and Assembly met in Joint Convention. Hon. Karen Bass, Speaker of the Assembly, presiding.

APPOINTMENT OF JOINT COMMITTEE ON ESCORT

Speaker Bass appointed Assembly Members Feuer, Solorio, Tran, and Hagman and Senators Corbett, Harman, Leno, and Benoit as a Joint Committee on Escort to escort the Honorable Ronald M. George, Chief Justice of California, to the Rostrum.

INTRODUCTION OF SPECIAL GUESTS

Speaker Bass introduced the Members of the Judicial Council of California and Mr. William Vickrey, Administrative Director of the Courts. Speaker Bass also welcomed the family members of the Justices and introduced Barbara George, wife of Chief Justice Ronald M. George.

PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE

Speaker Bass then presented the Honorable Darrell Steinberg, President pro Tempore of the Senate.

PRESENTATION OF THE HONORABLE RONALD M. GEORGE

President pro Tempore Steinberg then presented the Honorable Ronald M. George, Chief Justice of California, to the Joint Convention.

ADDRESS BY THE HONORABLE RONALD M. GEORGE

Chief Justice Ronald M. George then delivered the "State of the Judiciary" address to the Joint Convention.

**PRESENTATION OF THE
ASSOCIATE JUSTICES OF THE SUPREME COURT**

Speaker Bass introduced the following Associate Justices of the Supreme Court: Hon. Joyce L. Kennard, Hon. Marvin R. Baxter, Hon. Kathryn M. Werdeger, Hon. Ming Chin, Hon. Carlos R. Moreno, and Hon. Carol A. Corrigan.

ADJOURNMENT OF JOINT CONVENTION

At 5:27 p.m., there being no further business, Speaker Bass declared the Joint Convention adjourned, *sine die*.

IN ASSEMBLY

At 5:28 p.m., the Assembly reconvened.
Hon. Karen Bass, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Speaker Bass was granted unanimous consent that the “State of the Judiciary” address by Chief Justice Ronald M. George be printed as a separate appendix to the Assembly Journal.

MOTION TO ADJOURN

At 5:29 p.m., Assembly Member Krekorian moved that the Assembly do now adjourn.
Assembly Member Emmerson seconded the motion.
Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:29 p.m., Speaker Bass 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. 1550—Committee on Banking and Finance (Assembly Members Nava (Chair), Evans, Fong, Fuentes, Mendoza, Ruskin, Swanson, and Torres). An act to amend Section 80130 of the Water Code, relating to electricity.

ASSEMBLY BILL NO. 1551—Committee on Utilities and Commerce (Assembly Members Fuentes (Chair), Blakeslee, Buchanan, Carter, Fong, Furutani, Huffman, Krekorian, Smyth, and Torrico). An act to amend Sections 26003 and 26011 of the Public Resources Code, relating to energy.

ASSEMBLY BILL NO. 1552—Committee on Utilities and Commerce (Assembly Members Fuentes (Chair), Duvall (Vice Chair), Blakeslee, Buchanan, Carter, Fong, Furutani, Huffman, Krekorian, Smyth, and Torrico). An act to amend Sections 395.5, 398.2, 398.3, 398.4, and 398.5 of the Public Utilities Code, relating to energy.

ASSEMBLY BILL NO. 1553—Committee on Utilities and Commerce (Assembly Members Fuentes (Chair), Duvall (Vice Chair), Blakeslee, Buchanan, Carter, Fong, Furutani, Huffman, Krekorian, Smyth, and Torrico). An act to amend Section 44273 of the Health and Safety Code, to amend Sections 25620.1, 25620.2, 25620.6, 25620.7, and 25620.15 of the Public Resources Code, and to amend Sections 381, 384, 399, 890, and 895 of the Public Utilities Code, relating to energy.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15—Arambula. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, and by amending Section 2 of Article XIII C thereof, relating to taxation.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 49—Evans. Relative to the California Law Revision Commission.

AUTHOR'S AMENDMENTS
Committee on Rules

March 10, 2009

Mme. Speaker: The Chair of your Committee on Rules reports:
Assembly Concurrent Resolution No. 18

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

LIEU, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 18—Relative to Lyme Disease Awareness Month.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Higher Education

March 10, 2009

Mme. Speaker: The Chair of your Committee on Higher Education reports:
Assembly Bill No. 37

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

PORTANTINO, Chair

ASSEMBLY BILL NO. 37—An act relating to public postsecondary education.

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 10, 2009

Mme. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 138

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

HAYASHI, Chair

ASSEMBLY BILL NO. 138—An act to amend, repeal, and add Section 5076 of, and to add Section 5076.1 to, the Business and Professions Code, relating to accountants.

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 Education

March 10, 2009

Mme. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 148

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

BROWNLEY, Chair

ASSEMBLY BILL NO. 148—An act relating to education.

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 10, 2009

Mme. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 159

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

JONES, Chair

ASSEMBLY BILL NO. 159—An act to add Section 123612 to the Health and Safety Code, relating to perinatal health care, and making an appropriation therefor.

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 5:29 p.m., pursuant to the motion by Assembly Member Krekorian, the Assembly adjourned until 7 a.m., Wednesday, March 11, 2009, out of respect to the memory of Julia Alysianne Hatcher, on motion of Assembly Member Bill Berryhill; and out of respect to the memory of Captain Creighton Nece, on motion of Assembly Member Emmerson.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 10, 2009**

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

AB RN

20	0909610
37	0909739
138	0908517
148	0909738
159	0909697

ACR RN

18	0909616
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Daily Total:	6
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Cumulative Total:	37
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