

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 18, 2009

FORTY-THIRD SESSION DAY

ONE HUNDRED EIGHTH 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
Wednesday, March 18, 2009

The Assembly met at 7 a.m.

Hon. Alberto Torrico, Assembly Member, 20th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Amy Leach reading.

ROLL CALL

The following were placed upon the morning roll call—76:

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

Quorum present.

At 1:59 p.m., Hon. Roger Niello, 5th 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 Bass and Price.

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

Because of illness: Assembly Member Evans.

EXPLANATIONS OF ABSENCE

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

March 18, 2009

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

Dear Dotson: This is to advise you that I will not be in attendance for Check-in Session on Wednesday, March 18 due to legislative business.

Sincerely,

KAREN BASS
Speaker of the Assembly

March 17, 2009

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

Dear Mme. Speaker: I would like to request to be excused from Check-in Session, Wednesday, March 18, 2009 due to legislative business in my district.

Thank you for consideration.

Respectfully,

CURREN D. PRICE, JR., Assembly Member
Fifty-first District

COMMUNICATIONS

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

March 16, 2009

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

*Mr. Gregory Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California*

Dear Mr. Wilson and Mr. Schmidt: Please be advised that the Assembly and Senate contingents of the Joint Committee on Rules have approved the following action:

- Selection of Ted W. Lieu as Chair of the Joint Committee on Rules (19-0)
- Appointment of Jon Waldie as the Chief Administrative Officer of the California State Legislature (19-0)

Please ensure that this action is printed in the Assembly and Senate Journals.

Sincerely,

TED W. LIEU
Chair

SPECIAL COMMITTEE MEETINGS

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

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

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 73—An act to amend Section 26840.10 of the Government Code, to amend Section 103627 of the Health and Safety Code, and to amend Section 18309 of the Welfare and Institutions Code, relating to domestic violence.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 170—An act to amend, repeal, and add Section 273 of the Code of Civil Procedure, relating to court reporters.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 176—An act to amend Sections 2293, 3635, 4846.5, 8027, 17539.55, 19513, 19576, 19861, 19870, 21701.1, and 25658.4 of the Business and Professions Code, to amend Sections 916, 922, 1799.3, and 3344.1 of the Civil Code, to amend Sections 129, 1033.5, and 2025.560 of the Code of Civil Procedure, to amend Sections 8971, 17002, 18032, 19323, 32255, 49091.10, 52740, 52742, 52743, 56341.1, and 60204 of the Education Code, to amend Sections 2052, 2053, 9082.5, and 18541 of the Elections Code, to amend Sections 795, 1118, and 1294 of the Evidence Code, to amend Sections 3170, 7572, 10005, and 20034 of the Family Code, to amend Sections 8880.30, 11124.1, 11130, 12811.3, 14999.31, 26202.6, 26206.7, 26206.8, 27491.47, 34090.6, 34090.7, 34090.8, 50028, 53160, 53161, 53162, 54953.5, 54960, and 68151 of the Government Code, to amend Sections 1569.69, 1736.5, 7158.3, 13220, 13221, 25201.11, 40828, 100171, and 127240 of the Health and Safety Code, to amend Sections 1758.97 and 2071.1 of the Insurance Code, to amend Sections 298.1, 599aa, 868.7, and 1203.098 of the Penal Code, to amend Section 4423.1 of the Public Resources Code, to amend Section 1611 of the Revenue and Taxation Code, and to amend Section 19639 of the Welfare and Institutions Code, relating to the maintenance of the codes.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 63—An act to add Section 1794.45 to the Civil Code, relating to service contracts.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 158—An act to amend Section 21628 of the Business and Professions Code, relating to secondhand goods.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 124—An act to add Section 9723.3 to the Business and Professions Code, relating to cemeteries, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 258—An act to amend Section 836 of the Penal Code, relating to domestic violence.

Bill read second time, and ordered to Consent Calendar.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 18, 2009

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

Assembly Bill No. 63

Assembly Bill No. 158

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, March 18, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 26
Assembly Concurrent Resolution No. 44
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

Assembly Chamber, March 18, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 124
Assembly Bill No. 170
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

Assembly Chamber, March 18, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 18
Assembly Bill No. 42
Assembly Bill No. 122
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Agriculture

March 18, 2009

Mme. Speaker: The Chair of your Committee on Agriculture reports:
Assembly Bill No. 21
With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALGIANI, Chair

ASSEMBLY BILL NO. 21—An act to add Section 14083 to the Food and Agriculture Code, relating to economic poisons.

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 Natural Resources

March 18, 2009

Mme. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 87
With author's amendments with the recommendation: Amend, and re-refer to the committee.

SKINNER, Chair

ASSEMBLY BILL NO. 87—An act to amend Sections 42250, 42251, 42252, 42253, and 42254 of, to amend the heading of Chapter 5.1 (commencing with Section 42250) of Part 3 of Division 30 of, to add Sections 42252.5 and 42252.7 to, and to repeal and add Sections 42256 and 42257 of, the Public Resources Code, relating to single-use carryout bags.

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 18, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 279

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

CALDERON, Chair

ASSEMBLY BILL NO. 279—An act to add Sections 17053.99 and 23699 to 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 Utilities and Commerce

March 18, 2009

Mme. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Assembly Bill No. 44
Assembly Bill No. 64

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

FUENTES, Chair

ASSEMBLY BILL NO. 44—An act to add Section 454.6 to, and to add Chapter 7.7 (commencing with Section 2835) to Part 2 of Division 1 of, the Public Utilities Code, relating to energy.

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. 64—An act to amend Section 25500 of, and to repeal Chapter 4.3 (commencing with Section 25330) of Division 15 of, the Public Resources Code, and to amend Section 454.5 of, to amend and repeal Section 387 of, to add Section 399.23 to, to add Chapter 4.5 (commencing with Section 950) to Part 1 of Division 1 of, and to repeal Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of, the Public Utilities Code, relating to energy, 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.

AUTHOR'S AMENDMENTS
Committee on Public Employees, Retirement and Social Security

March 18, 2009

Mme. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 506

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

HERNANDEZ, Chair

ASSEMBLY BILL NO. 506—An act to amend Sections 24214, 24216, 24216.5, and 24216.6 of the Education Code, relating to state teachers' retirement.

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 18, 2009

Mme. Speaker: The Chair of your Committee on Human Services reports:
Assembly Bill No. 270

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

BEALL, Chair

ASSEMBLY BILL NO. 270—An act to amend Section 391 of the Welfare and Institutions Code, relating to dependent children.

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 Health

Date of Hearing: March 17, 2009

Mme. Speaker: Your Committee on Health reports:
Assembly Bill No. 175

With the recommendation: Do pass, and be re-referred to the Committee on Business and Professions.

JONES, Chair

Above bill re-referred to the Committee on Business and Professions.

Date of Hearing: March 17, 2009

Mme. Speaker: Your Committee on Health reports:
Assembly Bill No. 115

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

JONES, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing: March 17, 2009

Mme. Speaker: Your Committee on Public Safety reports:
Assembly Bill No. 168

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

SOLORIO, Chair

Above bill ordered to second reading.

Committee on Higher Education

Date of Hearing: March 17, 2009

Mme. Speaker: Your Committee on Higher Education reports:
Assembly Bill No. 38

With the recommendation: Do pass, and be re-referred to the Committee on Veterans Affairs.

PORTANTINO, Chair

Above bill re-referred to the Committee on Veterans Affairs.

Date of Hearing: March 17, 2009

Mme. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 24

Assembly Bill No. 218

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

PORTANTINO, Chair

Above bills re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, March 19, 2009.

LORI SALDAÑA, Speaker pro Tempore

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 18, 2009**

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

AB	RN	
21	0909975	
44	0910145	
64	0910173	
87	0909580	
270	0910073	
279	0909529	
506	0910032	
Daily Total:		7
Cumulative Total:		67

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