

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 24, 2009

FORTY-SIXTH SESSION DAY

ONE HUNDRED FOURTEENTH 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 24, 2009

The Assembly met at 7 a.m.
Hon. Wilmer Amina Carter, Assembly Member, 62nd 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—77:

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

Quorum present.

At 2:03 p.m., Hon. Curt Hagman, 60th 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 Member Price.

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

EXPLANATIONS OF ABSENCE

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

March 19, 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, Tuesday, March 24, 2009 due to Legislative Business in my district.

Thank you for consideration.

Respectfully,

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

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Labor and Employment to hold an informational hearing on Friday, April 17, 2009, at 10 a.m., at the California Science Center Exposition Park, Muses Room, Los Angeles.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 24, 2009

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

- Assembly Concurrent Resolution No. 8
- Assembly Concurrent Resolution No. 25

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, March 24, 2009

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

- | | |
|-----------------------|-----------------------|
| Assembly Bill No. 48 | Assembly Bill No. 412 |
| Assembly Bill No. 50 | Assembly Bill No. 453 |
| Assembly Bill No. 136 | Assembly Bill No. 490 |
| Assembly Bill No. 307 | Assembly Bill No. 622 |
| Assembly Bill No. 370 | Assembly Bill No. 879 |
| Assembly Bill No. 375 | Assembly Bill No. 964 |
| Assembly Bill No. 410 | |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 24, 2009

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

- Assembly Bill No. 12
- Assembly Bill No. 132
- Assembly Bill No. 284

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

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

ASSEMBLY BILL NO. 275—An act to amend Section 14250 and 14251 of the Penal Code, relating to missing persons, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 131—An act to amend Section 68085.1 of the Government Code, and to amend Sections 317, 903.1, and 903.45 of the Welfare and Institutions Code, relating to juvenile court costs.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 109—An act to add and repeal Section 5420 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be re-referred to the Committee on Governmental Organization.

**AUTHOR'S AMENDMENTS
Committee on Banking and Finance**

March 24, 2009

Mme. Speaker: The Chair of your Committee on Banking and Finance reports:
Assembly Bill No. 33

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

NAVA, Chair

ASSEMBLY BILL NO. 33—An act relating to financial 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 Education**

March 24, 2009

Mme. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 701

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

BROWNLEY, Chair

ASSEMBLY BILL NO. 701—An act to amend Section 20112 of the Public Contract Code, relating to public contracts.

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 Transportation**

March 24, 2009

Mme. Speaker: The Chair of your Committee on Transportation reports:
Assembly Bill No. 439

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

ENG, Chair

ASSEMBLY BILL NO. 439—An act to amend Section 671.5 of the Streets and Highways Code, relating to highways.

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 24, 2009

Mme. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 108

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

JONES, Chair

ASSEMBLY BILL NO. 108—An act to add Section 1389.21 to the Health and Safety Code, and to add Section 10384.17 to the Insurance Code, relating to health care coverage.

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 24, 2009

Mme. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 496

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

HAYASHI, Chair

ASSEMBLY BILL NO. 496—An act to add Chapter 12 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

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 24, 2009

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

Assembly Bill No. 654

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

HERNANDEZ, Chair

ASSEMBLY BILL NO. 654—An act to amend Sections 22714, 22715, 23003, 23006, 23008, 26301, and 26303 of, to amend, repeal, and add Section 22162 of, and to add Section 23006.5 to, 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 Revenue and Taxation

March 24, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 340

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

CALDERON, Chair

ASSEMBLY BILL NO. 340—An act to add Sections 17053.80 and 23623 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 Health

March 24, 2009

Mme. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 29

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

JONES, Chair

ASSEMBLY BILL NO. 29—An act to amend Section 1373 of the Health and Safety Code, and to amend Section 10277 of the Insurance Code, relating to Health Care.

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 24, 2009

Mme. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 387

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

SOLORIO, Chair

ASSEMBLY BILL NO. 387—An act to add Section 13510.8 to the Penal Code, relating to the Commission on Peace Officer Standards and Training.

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 24, 2009

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

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

FUENTES, Chair

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 Revenue and Taxation

March 24, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 157

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

CALDERON, Chair

ASSEMBLY BILL NO. 157—An act to amend Section 69 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 Education

March 24, 2009

Mme. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 81
Assembly Bill No. 122
Assembly Bill No. 156

Assembly Bill No. 346
Assembly Bill No. 351

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

BROWNLEY, Chair

ASSEMBLY BILL NO. 81—An act to add Section 49069.7 to the Education Code, relating to interscholastic athletics.

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. 122—An act to add and repeal Chapter 3.2 (commencing with Section 58530) of Part 31 of Division 4 of Title 2 of the Education Code, relating to small schools.

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. 156—An act to amend Section 51202 of the Education Code, relating to curriculum.

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. 346—An act to amend Sections 17077.40, 17077.42, and 17077.45 of the Education Code, relating to joint-use school facilities.

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. 351—An act to amend Section 51222 of the Education Code, relating to physical 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.

REPORTS OF STANDING COMMITTEES

Committee on Banking and Finance

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 260

Assembly Bill No. 285

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

NAVA, Chair

Above bills re-referred to the Committee on Judiciary.

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 161

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

NAVA, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 143

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

CALDERON, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Higher Education

Date of Hearing: March 17, 2009

Mme. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 37

Assembly Bill No. 224

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

PORTANTINO, Chair

Above bills ordered to second reading.

Committee on Education

Date of Hearing: March 18, 2009

Mme. Speaker: Your Committee on Education reports:

Assembly Bill No. 146

With amendments with the recommendation: Amend, and do pass, as amended.

BROWNLEY, Chair

Above bill ordered to second reading.

Committee on Health

Date of Hearing: March 17, 2009

Mme. Speaker: Your Committee on Health reports:

Assembly Bill No. 159

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

JONES, Chair

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 153

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

ENG, Chair

Above bill re-referred to the Committee on Judiciary.

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 166

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

ENG, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 30

Assembly Concurrent Resolution No. 33

Assembly Concurrent Resolution No. 34

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

ENG, Chair

Above resolutions re-referred to the Committee on Appropriations.

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 12

With amendments with the recommendation: Amend, be adopted as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

ENG, Chair

Above resolution ordered to second reading.

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 318

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

ENG, Chair

Above bill ordered to second reading.

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 112

Assembly Bill No. 213

With amendments with the recommendation: Amend, and do pass, as amended.

ENG, Chair

Above bills ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: March 23, 2009

Mme. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 162

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

FUENTES, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Education

Date of Hearing: March 18, 2009

Mme. Speaker: Your Committee on Education reports:

Assembly Bill No. 167

With amendments with the recommendation: Do pass, as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

BROWNLEY, Chair

Above bill ordered to second reading.

Committee on Water, Parks and Wildlife

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 80

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

HUFFMAN, Chair

Above bill ordered to second reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 25, 2009.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 24, 2009**

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

AB	RN	
29	0910538	
33	0903264	
64	0910549	
81	0909983	
108	0910482	
109	0910227	
122	0910379	
131	0910206	
156	0909636	
157	0910106	
275	0910260	
340	0909903	
346	0910444	
351	0910506	
387	0910274	
439	0910132	
496	0910485	
654	0910065	
701	0909581	
		Daily Total: 19
		Cumulative Total: 108

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