

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 25, 2009

FORTY-SEVENTH SESSION DAY

ONE HUNDRED FIFTEENTH 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 25, 2009

The Assembly met at 7 a.m.

Hon. Nathan Fletcher, Assembly Member, 75th 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—78:

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	Torrico
Chesbro	Gilmore	Nava	Villines
Conway	Hagman	Nestande	Yamada
Cook	Hall	Niello	Mme. Speaker
Coto	Harkey	Nielsen	
De La Torre	Hayashi	Pérez, John	

Quorum present.

At 1:39 p.m., Hon. John A. Pérez, 46th 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

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

COMMUNICATIONS

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

March 25, 2009

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

Dear Mr. Wilson,

Pursuant to Section 12080.2 of the Government Code, I am referring Governor’s Reorganization Plan No. 1 of the 2009–10 Regular Session to the Committee on Business and Professions.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Judiciary, to meet on Tuesday, April 14, 2009, at 8 a.m., in Room 4202.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 25, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 80

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to Consent Calendar.

Assembly Chamber, March 25, 2009

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

- | | |
|-----------------------|-----------------------|
| Assembly Bill No. 29 | Assembly Bill No. 156 |
| Assembly Bill No. 33 | Assembly Bill No. 157 |
| Assembly Bill No. 64 | Assembly Bill No. 275 |
| Assembly Bill No. 81 | Assembly Bill No. 340 |
| Assembly Bill No. 108 | Assembly Bill No. 346 |
| Assembly Bill No. 109 | Assembly Bill No. 351 |
| Assembly Bill No. 122 | Assembly Bill No. 387 |
| Assembly Bill No. 131 | Assembly Bill No. 439 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 25, 2009

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

- Assembly Bill No. 496
- Assembly Bill No. 654
- Assembly Bill No. 701

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 16—Nestande. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.2 to Article XVI thereof, relating to state debt.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 17—Nestande. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article IX thereof, relating to the University of California.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 11—Furutani. Relative to National Multicultural Cancer Awareness Week.

**AUTHOR'S AMENDMENTS
Committee on Local Government**

March 25, 2009

Mme. Speaker: The Chair of your Committee on Local Government reports:
Assembly Bill No. 15
Assembly Bill No. 79

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

CABALLERO, Chair

ASSEMBLY BILL NO. 15—An act to amend Section 8686 of the Government Code, and to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.149, 195.150, and 195.151 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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. 79—An act to amend Section 8686 of the Government Code, and to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.152, 195.153, and 195.154 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 Rules**

March 25, 2009

Mme. Speaker: The Chair of your Committee on Rules reports:
Assembly Concurrent Resolution No. 39

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

LIEU, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 39—Relative to children.

Resolution read second time; 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 Governmental Organization

March 25, 2009

Mme. Speaker: The Chair of your Committee on Governmental Organization reports:
Assembly Bill No. 246

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

PRICE, Chair

ASSEMBLY BILL NO. 246—An act to add Section 19597.5 to the Business and Professions Code, relating to horse racing.

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 25, 2009

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

Assembly Bill No. 72
Assembly Bill No. 223

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

BROWNLEY, Chair

ASSEMBLY BILL NO. 72—An act to add Section 49079.5 to the Education Code, relating to pupil data.

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. 223—An act to amend Section 51222 of, and to add Sections 51230.1 and 51242.1 to, the Education Code, relating to physical education, and declaring the urgency thereof, to take effect immediately.

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 Local Government

March 25, 2009

Mme. Speaker: The Chair of your Committee on Local Government reports:
Assembly Bill No. 544

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

CABALLERO, Chair

ASSEMBLY BILL NO. 544—An act to add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements.

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 25, 2009

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

Assembly Bill No. 53

Assembly Bill No. 232

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

HERNANDEZ, Chair

ASSEMBLY BILL NO. 53—An act to add and repeal Section 18005 of the Government Code, relating to state employment.

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. 232—An act to amend Section 24604 of, and to add Section 22336 to, the Education Code, relating to 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 Judiciary**

March 25, 2009

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

Assembly Bill No. 442

Assembly Bill No. 457

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

FEUER, Chair

ASSEMBLY BILL NO. 442—An act to amend Section 1185 of the Civil Code, relating to notaries public.

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. 457—An act to repeal and add Section 3144 of the Civil Code, relating to liens.

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 Insurance**

March 25, 2009

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

Assembly Bill No. 725

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

COTO, Chair

ASSEMBLY BILL NO. 725—An act to amend Section 11629.84 of the Insurance Code, relating to auto insurance.

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 25, 2009

Mme. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 822

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

JONES, Chair

ASSEMBLY BILL NO. 822—An act to amend Section 1276 of, and to add Chapter 2 (commencing with Section 101990) to Part 6 of Division 101 of the Health and Safety Code, relating to health 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.

**AUTHOR'S AMENDMENTS
Committee on Business and Professions**

March 25, 2009

Mme. Speaker: The Chair of your Committee on Business and Professions reports:
Assembly Bill No. 403
Assembly Bill No. 602

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

HAYASHI, Chair

ASSEMBLY BILL NO. 403—An act to amend Section 1917 of the Business and Professions Code, relating to dental hygienists.

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. 602—An act to amend Sections 2550 and 2551 of the Business and Professions Code, relating to dispensing opticians.

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 25, 2009

Mme. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 430

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

SOLORIO, Chair

ASSEMBLY BILL NO. 430—An act to add Section 5056.1 to the Penal Code, relating to corrections.

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 24, 2009

Mme. Speaker: Your Committee on Health reports:

Assembly Bill No. 23

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.

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Health reports:

Assembly Concurrent Resolution No. 29

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

JONES, Chair

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Health reports:

Assembly Bill No. 75

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

JONES, Chair

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 302

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

BEALL, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 123

Assembly Bill No. 140

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

BEALL, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 82

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

BEALL, Chair

Above bill re-referred to the Committee on Judiciary.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 96

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

CHESBRO, Chair

Above bill ordered to second reading.

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 248

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

CHESBRO, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Agriculture

Date of Hearing: March 25, 2009

Mme. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 21

With the recommendation: Do pass, and be re-referred to the Committee on Environmental Safety and Toxic Materials.

GALGIANI, Chair

Above bill re-referred to the Committee on Environmental Safety and Toxic Materials.

Date of Hearing: March 25, 2009

Mme. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 219

With the recommendation: Do pass.

GALGIANI, Chair

Above bill ordered to second reading.

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

ASSEMBLY BILL NO. 161—An act to amend Sections 601 and 1501 of the Corporations Code, relating to corporations.

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

ASSEMBLY BILL NO. 37—An act to add Section 66020 to the Education Code, relating to public postsecondary education.

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 Appropriations.

ASSEMBLY BILL NO. 224—An act to add Section 66020 to the Education Code, relating to postsecondary education.

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 Appropriations.

ASSEMBLY BILL NO. 146—An act to amend Section 60061.5 of the Education Code, relating to instructional materials.

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

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

ASSEMBLY CONCURRENT RESOLUTION NO. 12—Relative to the National Purple Heart Trail.

Resolution read second time; amendments proposed by the Committee on Transportation read and adopted; resolution ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 318—An act to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

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

ASSEMBLY BILL NO. 112—An act to amend Sections 100001.5, 100161, 100163, and 100164 of the Public Utilities Code, relating to transportation.

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

ASSEMBLY BILL NO. 213—An act to amend Section 22502 of the Vehicle Code, relating to vehicles.

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

ASSEMBLY BILL NO. 167—An act to amend Section 51225.3 of the Education Code, relating to high school graduation.

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

ASSEMBLY BILL NO. 80—An act to amend Section 115841 of the Health and Safety Code, relating to reservoirs.

Bill read second time, and ordered to Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 26, 2009.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 25, 2009

—————

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

AB RN

15	0910318
37	0910297
53	0910236
72	0909995
79	0910259
112	0910412
146	0910328
159	0910398
161	0910237
167	0910329
213	0910394
223	0910615
224	0910298
232	0910133
246	0910489
318	0910464
403	0910680
430	0910687
442	0910693
457	0910548
544	0910220
602	0910484
725	0909934
822	0910360

ACR RN

12	0910216
39	0910376

Daily Total:	26
Cumulative Total:	134