

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 4, 2010

**ONE HUNDRED NINETY-FIFTH SESSION DAY
FIVE HUNDRED TWENTIETH 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, May 4, 2010

The Assembly met at 7 a.m.

Hon. Jerry Hill, Assembly Member, 19th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Timothy Morland reading.

ROLL CALL

The following were placed upon the morning roll call—75:

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

Quorum present.

At 1:34 p.m., Hon. Isadore Hall III, 52nd 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 John A. Pérez.

On personal business, and waiving per diem: Assembly Members Tom Berryhill and Blakeslee.

EXPLANATIONS OF ABSENCE

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

May 4, 2010

*The Honorable John A. Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Pérez: I respectfully request permission to be excused from Check-in Session on Tuesday, May 4, 2010 due to legislative business.

Sincerely,

KAREN BASS
Speaker Emeritus

(NOTE: For letter explaining the absence of Assembly Member John A. Pérez on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Monday, May 3, 2010.)

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

May 4, 2010

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

Dear Dotson: Please be advised that I have appointed Assemblymember Roger Niello to replace Assemblymember Bill Berryhill on the Assembly Labor and Employment Committee for the Wednesday, May 5 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 4, 2010

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tom Torlakson to replace Assemblymember Anna Caballero on the Assembly Local Government Committee for the Wednesday, May 5 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 4, 2010

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

Dear Dotson: Please be advised that I have appointed Assemblymember Paul Fong to fill the Democratic vacancy on the Assembly Local Government Committee for the Wednesday, May 5 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Regional Approaches to Addressing the State's Water Crisis, Thursday, May 20, 2010, at 4 p.m., in Fontana;

Business, Professions and Consumer Protection, Tuesday, May 18, 2010, at 9:30 a.m., in Room 447.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 4, 2010

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

Assembly Joint Resolution No. 27

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered returned to second reading file.

Assembly Chamber, May 4, 2010

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

Assembly Bill No. 1648

Assembly Bill No. 1755

Assembly Bill No. 1770

Assembly Bill No. 2001

Assembly Bill No. 2147

Assembly Bill No. 2177

Assembly Bill No. 2240

Assembly Bill No. 2300

Assembly Bill No. 2309

Assembly Bill No. 2535

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 4, 2010

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

Assembly Concurrent Resolution No. 161

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, May 4, 2010

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

Assembly Bill No. 1726

Assembly Bill No. 2065

Assembly Bill No. 2304

Assembly Bill No. 2508

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 4, 2010

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

- Assembly Bill No. 1779
- Assembly Bill No. 1782
- Assembly Bill No. 1900
- Assembly Bill No. 1932
- Assembly Bill No. 1944
- Assembly Bill No. 1968

- Assembly Bill No. 2186
- Assembly Bill No. 2458
- Assembly Bill No. 2483
- Assembly Bill No. 2492
- Assembly Bill No. 2630

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Appropriations

May 4, 2010

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 2327

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

FUENTES, Chair

ASSEMBLY BILL NO. 2327—An act to add Division 4 (commencing with Section 13900) to the Insurance Code, relating to risk pools.

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

May 4, 2010

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

- Assembly Bill No. 1719
- Assembly Bill No. 1735
- Assembly Bill No. 1766

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

PORTANTINO, Chair

ASSEMBLY BILL NO. 1719—An act to add and repeal Section 6377 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.

ASSEMBLY BILL NO. 1735—An act to add Sections 17053.13 and 23623.2 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.

ASSEMBLY BILL NO. 1766—An act to amend Section 8686 of the Government Code, and to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.161, 195.162, and 195.163 to, the Revenue and Taxation Code, relating to disaster assistance, 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.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2485

Assembly Bill No. 2516

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

FEUER, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2765

Assembly Bill No. 2773

With the recommendation: Do pass.

FEUER, Chair

Above bills ordered to second reading.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2365

Assembly Bill No. 2417

Assembly Bill No. 2619

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 bills be placed on the Consent Calendar.

FEUER, Chair

Above bills ordered to second reading.

Committee on Jobs, Economic Development, and the Economy

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Bill No. 2798

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.

V. MANUEL PÉREZ, Chair

Above bill ordered to second reading.

Committee on Business, Professions and Consumer Protection

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports:

Assembly Bill No. 2275

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.

HAYASHI, Chair

Above bill ordered to second reading.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports:

- Assembly Bill No. 2403
- Assembly Bill No. 2500

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

HAYASHI, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports:

- Assembly Bill No. 2390
- Assembly Bill No. 2438
- Assembly Bill No. 2551

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

HAYASHI, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1937 | Assembly Bill No. 2393 |
| Assembly Bill No. 1980 | Assembly Bill No. 2532 |
| Assembly Bill No. 2128 | |

With the recommendation: Do pass.

HAYASHI, Chair

Above bills ordered to second reading.

Committee on Banking and Finance

Date of Hearing: May 3, 2010

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

- Assembly Bill No. 2158

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

ENG, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: May 3, 2010

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

- Assembly Bill No. 2528

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

PORTANTINO, Chair

Above bill ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: May 3, 2010

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

- Assembly Bill No. 2769

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.

BRADFORD, Chair

Above bill ordered to second reading.

Date of Hearing: May 3, 2010

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

Assembly Bill No. 1679

Assembly Bill No. 1923

Assembly Bill No. 2498

With the recommendation: Do pass.

BRADFORD, Chair

Above bills ordered to second reading.

Committee on Public Safety

May 4, 2010

Mr. Speaker: Your Committee on Public Safety reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1682

AMMIANO, Chair

Above bill ordered filed with the Chief Clerk.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2582

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.

AMMIANO, Chair

Above bill ordered to second reading.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2102

Assembly Bill No. 2626

With the recommendation: Do pass.

AMMIANO, Chair

Above bills ordered to second reading.

Committee on Business, Professions and Consumer Protection

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports:

Senate Concurrent Resolution No. 63

With the recommendation: Be adopted.

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

HAYASHI, Chair

Above resolution ordered to the Consent Calendar.

Committee on Natural Resources

Date of Hearing: May 3, 2010

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 2014

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

CHESBRO, Chair

Above bill re-referred to the Committee on Revenue and Taxation.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 1755, 1770, 2309, 2147, and 2240, ordered to third reading.

Assembly Bills Nos. 1648, 2001, 2177, 2300, and 2535, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 67—Relative to Public Service Recognition Month.

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted and to be placed on the third reading file.

ASSEMBLY BILL NO. 2487—An act to amend Section 170.1 of the Code of Civil Procedure, relating to judges.

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

ASSEMBLY BILL NO. 1983—An act to add and repeal Article 18 (commencing with Section 18887) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

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

ASSEMBLY BILL NO. 2324—An act to amend Sections 602 and 640 of, and to add Section 171.7 to, the Penal Code, relating to transit.

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

ASSEMBLY BILL NO. 2078—An act to add Section 6208 to the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2721—An act to amend Section 51228 of, and to repeal Article 1.7 (commencing with Section 52336) of Chapter 9 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to career technical education.

Bill read second time, and ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 5, 2010.

FIONA MA, Speaker pro Tempore

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 4, 2010**

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

AB RN

1719	1011547
1735	1011545
1766	1011550
1983	1011447
2324	1011453
2327	1011589
2487	1011389

ACR RN

67	1011572
----	---------

Daily Total:	8
---------------------	----------

Cumulative Total:	3851
--------------------------	-------------

O