

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, May 5, 2010

**ONE HUNDRED NINETY-SIXTH SESSION DAY
FIVE HUNDRED TWENTY-FIRST 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
Wednesday, May 5, 2010

The Assembly met at 7:00 a.m.
Hon. Danny D. Gilmore, Assembly Member, 30th 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	Coto	Harkey	Norby
Ammiano	Davis	Hayashi	Pérez, V. Manuel
Anderson	De La Torre	Hernandez	Portantino
Arambula	De León	Huber	Ruskin
Beall	Emmerson	Huffman	Salas
Berryhill, Bill	Eng	Jeffries	Saldaña
Berryhill, Tom	Evans	Jones	Silva
Blakeslee	Feuer	Knight	Skinner
Block	Fletcher	Lieu	Smyth
Blumenfield	Fong	Logue	Solorio
Bradford	Fuentes	Lowenthal	Strickland
Brownley	Fuller	Ma	Swanson
Buchanan	Furutani	Mendoza	Torlakson
Caballero	Gaines	Miller	Torres
Calderon	Galgiani	Monning	Torrico
Carter	Garrick	Nava	Tran
Chesbro	Gilmore	Nestande	Villines
Conway	Hagman	Niello	Yamada
Cook	Hall	Nielsen	

Quorum present.

At 10:39 a.m., Hon. Anthony Adams, 59th 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 DeVore and Hill.

EXPLANATIONS OF ABSENCE

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

May 3, 2010

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

Dear Speaker Pérez: I respectfully request to be excused from Check in Session on Wednesday, May 5, 2010. I will be conducting legislative business in my district.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please contact my Chief of Staff, Nolice Edwards at 319-2047.

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

May 5, 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 Danny Gilmore to replace Assemblymember Joel Anderson on the Assembly Governmental Organization Committee for today's hearing only.

Sincerely,

JOHN A. PÉREZ
 Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Environmental Safety and Toxic Materials, to convene an oversight hearing, Friday, May 14, 2010, at City Hall, Culver City;

Budget Subcommittee No. 1 on Health and Human Services, Monday, May 10, 2010, to convene at 4 p.m. instead of 10 a.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 5, 2010

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

Assembly Concurrent Resolution No. 67

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, May 5, 2010

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

Assembly Bill No. 1983

Assembly Bill No. 2324

Assembly Bill No. 2487

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 5, 2010

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

Assembly Bill No. 1679

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading file.

Assembly Chamber, May 5, 2010

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

Assembly Bill No. 1719

Assembly Bill No. 1735

Assembly Bill No. 1766

Assembly Bill No. 2327

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 5, 2010

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

Assembly Bill No. 2275

Assembly Bill No. 2417

Assembly Bill No. 2769

Assembly Bill No. 2798

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

AUTHOR'S AMENDMENTS **Committee on Appropriations**

May 5, 2010

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

Assembly Bill No. 1709

Assembly Bill No. 2018

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

FUENTES, Chair

ASSEMBLY BILL NO. 1709—An act to amend Sections 9203, 9211, 9212, 9221, 9231, 9241, 9242, 9244, 9245, 9251, 9261, 9263, 9264, 9267, and 9268 of, to amend the heading of Chapter 1.5 (commencing with Section 9201) of Part 1 of Division 5 of, to amend the heading of Article 5 (commencing with Section 9241) of Chapter 1.5 of Part 1 of Division 5 of, to add Section 9210 to, to add the heading of Article 2 (commencing with Section 9210) to Chapter 1.5 of Part 1 of Division 5 of, to add, amend, and renumber Section 9204 of, to repeal Section 9243 of, to repeal the heading of Article 2 (commencing with Section 9211) of Chapter 1.5 of Part 1 of Division 5 of, and to repeal and add Section 9205 of, the Food and Agricultural Code, relating to biologics.

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. 2018—An act to add Section 11053.2 to the Welfare and Institutions Code, relating to public social 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 Appropriations

May 5, 2010

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 2572

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

FUENTES, Chair

ASSEMBLY BILL NO. 2572—An act to amend Sections 5360, 5374, 5378, and 5411.5 of the Public Utilities Code, relating to charter-party carriers of passengers.

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 Appropriations

May 5, 2010

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 1715
Assembly Bill No. 1993

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

FUENTES, Chair

ASSEMBLY BILL NO. 1715—An act relating to state claims, 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. 1993—An act to add Section 7550.7 to the Government Code, relating to state reports.

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 Public Safety

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Public Safety reports:
Assembly Joint Resolution No. 40

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.

AMMIANO, Chair

Above resolution ordered to the Consent Calendar.

Committee on Higher Education

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Higher Education reports:
Assembly Bill No. 1895
Assembly Bill No. 1997

With the recommendation: Do pass.

BLOCK, Chair

Above bills ordered to second reading.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 2448

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

BLOCK, Chair

Above bill ordered to second reading.

Committee on Health

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 838

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

MONNING, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2345

Assembly Bill No. 2389

With the recommendation: Do pass.

MONNING, Chair

Above bills ordered to second reading.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2599

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

MONNING, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2731

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.

MONNING, Chair

Above bill ordered to second reading.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Health reports:

Assembly Concurrent Resolution No. 125

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.

MONNING, Chair

Above resolution ordered to the Consent Calendar.

Committee on Elections and Redistricting

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Elections and Redistricting reports:

Assembly Bill No. 1799

Assembly Bill No. 2164

Assembly Bill No. 1921

Assembly Bill No. 2467

With the recommendation: Do pass.

FONG, Chair

Above bills ordered to second reading.

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Elections and Redistricting reports:

Assembly Bill No. 2088

Assembly Bill No. 2796

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.

FONG, Chair

Above bills ordered to second reading.

Committee on Public Employees, Retirement and Social Security

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1667

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.

TORRICO, Chair

Above bill ordered to second reading.

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1902

Assembly Bill No. 2149

With the recommendation: Do pass.

TORRICO, Chair

Above bills ordered to second reading.

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1658

Assembly Bill No. 1739

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.

TORRICO, Chair

Above bills ordered to second reading.

Committee on Insurance

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 2397

With the recommendation: Do pass.

SOLORIO, Chair

Above bill ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Housing and Community Development reports:
Assembly Bill No. 2064

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

TORRES, Chair

Above bill 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. 2347

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

ENG, Chair

Above bill ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Housing and Community Development reports:
Assembly Bill No. 1726
Assembly Bill No. 2406

With the recommendation: Do pass.

TORRES, Chair

Above bill ordered to second reading.

Committee on Local Government

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Local Government reports:
Assembly Bill No. 2136

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

SMYTH, Chair

Above bill ordered to second reading.

**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. 2487, 1983, and 2324, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 2765—An act to amend Section 338 of the Code of Civil Procedure, relating to civil actions.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2773—An act to amend Section 1033 of the Code of Civil Procedure, relating to civil actions.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2365—An act to amend Sections 401, 402, 404, 405, 406, 407, 408, 409.1, 409.3, and 409.4 of, and to add Sections 409.14, 812, and 829 to, the Military and Veterans Code, relating to veterans.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 2417—An act to amend Section 366.24 of the Welfare and Institutions Code, relating to tribal customary adoption.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 2619—An act to amend Sections 706.011, 706.023, 706.121, and 706.125 of the Code of Civil Procedure, and to amend Section 15657.5 of the Welfare and Institutions Code, relating to elder and dependent adult abuse.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 2798—An act to amend Section 13997.2 of the Government Code, relating to economic development.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 2275—An act to amend Section 11011.15 of the Government Code, relating to state property.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 1937—An act to amend Section 49403 of the Education Code, relating to pupil health.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1980—An act to amend Section 4827 of the Business and Professions Code, relating to healing arts.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2128—An act to amend Sections 7583.39 and 7583.40 of the Business and Professions Code, relating to private security services.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2393—An act to amend Section 94928 of the Education Code, relating to private postsecondary education.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2532—An act to amend Sections 1793.22 and 1793.23 of the Civil Code, relating to consumer warranties.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2528—An act to add Sections 17071.5 and 24303 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

ASSEMBLY BILL NO. 2769—An act to amend Section 321.6 of, and to repeal Section 1701.6 of, the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 1679—An act to add Chapter 30.6 (commencing with Section 7594.6) to Division 7 of Title 1 of the Government Code, relating to public safety.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1923—An act to amend Section 2851 of the Public Utilities Code, relating to energy.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2498—An act to amend Section 2840.2 of the Public Utilities Code, relating to energy.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2582—An act to amend Section 1203.4a of the Penal Code, relating to criminal procedure.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 2102—An act to amend Section 977 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2626—An act to amend Section 831.4 of the Penal Code, relating to public officers.

Bill read second time, and ordered to third reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 5, 2010

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

Assembly Concurrent Resolution No. 144

And reports the same correctly enrolled, and presented to the Secretary of State on the 5th day of May, 2010, at 11:55 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, May 5, 2010

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

Assembly Bill No. 585

And reports the same correctly enrolled, and presented to the Governor on the 5th day of May, 2010, at 3:10 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, May 6, 2010.

FIONA MA, Speaker pro Tempore

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 5, 2010**

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

AB	RN	
1709	1011385	
1715	1011627	
1993	1011577	
2018	1011283	
2528	1011338	
2572	1011662	
2582	1011540	
Daily Total:		7
Cumulative Total:		3858

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