

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 11, 2010

ONE HUNDRED NINETY-NINTH SESSION DAY

FIVE HUNDRED TWENTY-SEVENTH 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 11, 2010

The Assembly met at 7 a.m.

Hon. Martin Garrick, Assembly Member, 74th 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	Hayashi	Pérez, V. Manuel
Ammiano	Davis	Hernandez	Portantino
Anderson	De León	Hill	Ruskin
Arambula	DeVore	Huber	Salas
Beall	Emmerson	Huffman	Saldaña
Berryhill, Bill	Eng	Jeffries	Silva
Berryhill, Tom	Evans	Jones	Skinner
Blakeslee	Feuer	Knight	Smyth
Block	Fletcher	Logue	Solorio
Blumenfield	Fong	Lowenthal	Strickland
Bradford	Fuentes	Ma	Swanson
Brownley	Fuller	Mendoza	Torlakson
Buchanan	Furutani	Miller	Torres
Caballero	Gaines	Monning	Torrico
Calderon	Galgiani	Nava	Tran
Carter	Garrick	Nestande	Villines
Chesbro	Gilmore	Niello	Yamada
Conway	Hagman	Nielsen	Mr. Speaker
Cook	Harkey	Norby	

Quorum present.

At 2:23 p.m., Hon. Kevin Jeffries, 66th 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 Hall.

On personal business, and waiving per diem: Assembly Members De La Torre and Lieu.

EXPLANATIONS OF ABSENCE

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

May 11, 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 11, 2010, due to legislative business.

Sincerely,

KAREN BASS
Speaker Emeritus

May 11, 2010

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

Dear Speaker Pérez: I am writing to respectfully request to be excused from check-in session on Tuesday, May 11, 2010, to attend to legislative business.

Thank you for your prompt attention to this matter.

Sincerely,

ISADORE HALL III, Assembly Member
Fifty-second District

COMMUNICATIONS

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

May 11, 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 Sandré Swanson to replace Assemblymember Isadore Hall on the Assembly Human Services Committee for today's hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 11, 2010

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

RE: Appointment of Bonnie Lowenthal
to California Transportation Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Bonnie Lowenthal to the California Transportation Commission. This is a pleasure appointment starting May 11, 2010.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Human Services, to convene an oversight hearing, Wednesday, May 19, 2010, at 10 a.m., in Room 126;

Transportation and Utilities and Commerce, to convene a joint oversight hearing, Monday, May 24, 2010, at 1:30 p.m., in Room 4202;

Select Committee on Re-Entry, to convene an informational hearing, Friday, June 11, 2010, at 1 p.m., at Jacobs Center, San Diego.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 11, 2010

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

Assembly Bill No. 2077

Assembly Bill No. 2443

Assembly Bill No. 2181

Assembly Bill No. 2782

Assembly Bill No. 2241

Assembly Bill No. 2787

Assembly Bill No. 2426

Assembly Bill No. 2797

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 11, 2010

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

Assembly Concurrent Resolution No. 140

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered returned to second reading file.

Assembly Chamber, May 11, 2010

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

Assembly Bill No. 2059

Assembly Bill No. 2324

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, May 11, 2010

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

Assembly Bill No. 1647

Assembly Bill No. 2591

Assembly Bill No. 1743

Assembly Bill No. 2685

Assembly Bill No. 2502

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 11, 2010

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

Assembly Constitutional Amendment No. 4

Assembly Joint Resolution No. 41

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

May 11, 2010

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

Assembly Bill No. 2230

Assembly Bill No. 2249

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

FUENTES, Chair

ASSEMBLY BILL NO. 2230—An act to add Section 19196 to the Revenue and Taxation Code, relating to taxation.

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. 2249—An act to add Section 14840 to the Government Code, relating to state government.

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 11, 2010

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

Assembly Bill No. 1993

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

FUENTES, Chair

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.

AUTHOR'S AMENDMENTS
Committee on Rules

May 11, 2010

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

Senate Concurrent Resolution No. 73

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

SKINNER, Chair

SENATE CONCURRENT RESOLUTION NO. 73—Relative to the California Task Force on Youth and Workplace Wellness.

Resolution read; 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 Revenue and Taxation

May 11, 2010

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

Assembly Bill No. 2041

Assembly Bill No. 2278

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

PORTANTINO, Chair

ASSEMBLY BILL NO. 2041—An act to amend Sections 17072 and 17215 of, and to add Sections 17138.5, 17138.6, 17216 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. 2278—An act to amend Sections 17052.12 and 23609 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.

REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation

Date of Hearing: May 10, 2010

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

Assembly Bill No. 1687

Assembly Bill No. 1936

Assembly Bill No. 1690

Assembly Bill No. 2136

Assembly Bill No. 1766

Assembly Bill No. 2735

Assembly Bill No. 1935

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.

Date of Hearing: May 10, 2010

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

Assembly Bill No. 2788

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

PORTANTINO, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing: May 4, 2010

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2110

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

MONNING, Chair

Above bill ordered to second reading.

Committee on Education

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 2694

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.

BROWNLEY, Chair

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: May 11, 2010

Mr. Speaker: Your Committee on Human Services reports:

Assembly Concurrent Resolution No. 151

With amendments with the recommendation: Amend, and be adopted as amended.

BEALL, Chair

Above resolution ordered to second reading.

Date of Hearing: May 11, 2010

Mr. Speaker: Your Committee on Human Services reports:

Assembly Concurrent Resolution No. 162

With the recommendation: Be adopted.

BEALL, Chair

Above resolution ordered to third reading.

Date of Hearing: May 11, 2010

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 654

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: May 11, 2010

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 2322

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.

Committee on Education

Date of Hearing: May 5, 2010

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 1854

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

BROWNLEY, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 10, 2010

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

Assembly Bill No. 1973

Assembly Bill No. 2665

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.

**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. 2181, 2443, 2077, and 2241, ordered to third reading;

Assembly Bills Nos. 2782, 2787, 2426, and 2797, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 2026—An act to add Section 99155 to the Education Code, relating to postsecondary education.

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. 2764—An act to amend Section 6140 of the Business and Professions Code, relating to the State Bar Act.

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. 2025—An act to amend Section 14166.2 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

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 BILL NO. 2743—An act to add Section 1942.7 to the Civil Code, relating to rental property.

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. 2408—An act to amend Sections 8592.1, 8592.5, 8592.7, 11532, 11534, 11535, 11537, 11539, 11540, 11541, 11541.5, 11542, 11543, 11544, 11546.5, 11549, 11549.1, 11549.3, 11549.5, 12804, 14995, 15251, 15253, 15254, 15275, 15277, 53108.5, 53113, 53114, 53114.1, 53114.2, 53115, 53115.1, 53115.2, 53115.3, 53116, 53119, 53120, 53126.5, and 53127 of, to amend the headings of Article 2 (commencing with Section 11534) and Article 3 (commencing with Section 11544) of Chapter 5.5 of Part 1 of Division 3 of Title 2 of, to amend the heading of Chapter 5.7 (commencing with Section 11549) of Part 1 of Division 3 of Title 2 of, to amend and renumber Section 11549.6 of, to add Sections 11549.7 and 11549.8 to, to add the headings of Article 1 (commencing with Section 11549) and Article 2 (commencing with Section 11549.5) to Chapter 5.7 of Part 1 of Division 3 of Title 2 of, and to repeal

Sections 11548.5 and 11549.2 of, the Government Code, to amend Sections 12100.7, 12101, 12103, 12104, 12105, 12120, and 12121 of the Public Contract Code, to amend Sections 41030, 41031, 41032, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, and to amend Section 16501.7 of the Welfare and Institutions Code, relating to state government information technology.

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, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 2378—An act to amend Section 25741 to the Public Resources Code, relating to energy.

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

ASSEMBLY BILL NO. 1847—An act to amend Section 1202.42 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.

ASSEMBLY BILL NO. 1824—An act to amend Section 25210 of the Health and Safety Code, relating to hazardous materials.

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. 1871—An act to add Section 11580.24 to the Insurance Code, relating to motor vehicle insurance coverage.

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

ASSEMBLY BILL NO. 1731—An act to amend Section 1936 of the Civil Code, relating to vehicle rental agreements.

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. 2216—An act to amend Section 7108.5 of the Business and Professions Code, to amend Section 3252 of the Civil Code, and to amend Sections 10262 and 10262.5 of the Public Contract Code, relating to works of improvement.

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. 2479—An act to amend Sections 1708.7 and 1708.8 of the Civil Code, relating to stalking.

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. 2475—An act to add Section 43.94 to the Civil Code, relating to immunity.

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. 1696—An act to amend Section 4703.5 of the Labor Code, relating to workers' compensation.

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

ASSEMBLY BILL NO. 2022—An act to amend Sections 10102 and 10103.5 of the Insurance Code, relating to property insurance.

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

ASSEMBLY BILL NO. 2778—An act to add and repeal Section 3254.1 of the Unemployment Insurance Code, relating to unemployment insurance.

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

ASSEMBLY BILL NO. 2386—An act to add Section 714 to the Business and Professions Code, relating to the Armed Forces.

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

ASSEMBLY BILL NO. 1641—An act to amend Sections 33020, 33030, 33320.1 and 33320.2 of the Health and Safety Code, relating to redevelopment.

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

ASSEMBLY BILL NO. 1775—An act to amend Section 37222 of the Education Code, and to add Section 6722 to the Government Code, relating to public schools.

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. 1982—An act to amend Sections 47602 and 47605 of, and to add Section 47604.2 to, the Education Code, relating to charter schools.

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. 2370—An act to amend Sections 48306 and 48307 of, and to add Section 48311.5 to, the Education Code, relating to school districts.

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. 2412—An act to amend Section 37222 of the Education Code, and to add Section 6722 to the Government Code, relating to Ronald Reagan Day.

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. 2444—An act to amend Section 46600 of the Education Code, relating to school districts.

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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 12, 2010.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 11, 2010**

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

AB	RN
1641	1011798
1696	1011800
1731	1011725
1775	1011851
1824	1011835
1847	1011691
1871	1011861
1982	1011844
1993	1011920
2022	1011799
2025	1011838
2026	1011717
2041	1010959
2216	1011862
2230	1011863
2249	1011938
2278	1011448
2370	1011846
2378	1011676
2386	1011742
2408	1011832
2412	1011850
2444	1011847
2475	1011914
2479	1011712
2743	1011935
2764	1011713
2778	1011801

SCR	RN
73	1012042

Daily Total:	29
Cumulative Total:	3929