

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 13, 2009**

**SEVENTY-FIRST SESSION DAY**

**ONE HUNDRED SIXTY-FOURTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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, May 13, 2009

The Assembly met at 7 a.m.  
Hon. William W. Monning, Assembly Member, 27th 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—76:

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

Quorum present.

**At 2:30 p.m., Assistant Speaker pro Tempore 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 Fuentes and Mendoza.*

*On personal business, and waiving per diem: Assembly Members Buchanan and Lieu.*

**EXPLANATIONS OF ABSENCE**

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

May 12, 2009

*The Honorable Karen Bass  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mme. Speaker: This letter is to respectfully request your approval to be excused from Check-in Session on Wednesday, May 13, 2009, for legislative business.

Your favorable consideration in this matter would be greatly appreciated. If you have any questions, please do not hesitate to contact me.

Respectfully yours,

FELIPE FUENTES, Assembly Member  
Thirty-ninth District

May 13, 2009

*The Honorable Karen Bass  
Speaker of the Assembly  
State Capitol, Room 319  
Sacramento, California*

Dear Mme. Speaker: I am respectfully requesting your permission to be excused from check-in on Wednesday, May 13, 2009 for legislative business in my district.

Thank you in advance for your consideration of this request.

Sincerely,

TONY MENDOZA, Assembly Member  
Fifty-sixth District

**COMMUNICATIONS**

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

May 13, 2009

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

Dear Dotson: This is to advise you that I have created the Select Committee on Regional Approaches to Addressing the State's Water Crisis for the 2009–10 Regular Session and have appointed Assemblymember Jose Solorio as chair.

Sincerely,

KAREN BASS  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Public Employees, Retirement and Social Security, Wednesday, May 27, 2009, at 9 a.m., in Room 444;

Select Committee on Alcohol and Drug Abuse, Tuesday, May 26, 2009, at 2 p.m. or upon adjournment of Floor Session.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 13, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Joint Resolution No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 13, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 70

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, May 13, 2009

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

Assembly Bill No. 1110

Assembly Bill No. 1185

Assembly Bill No. 1186

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, May 13, 2009

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

Assembly Bill No. 278

Assembly Bill No. 1553

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

Assembly Chamber, May 13, 2009

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

Assembly Bill No. 328

Assembly Bill No. 632

Assembly Bill No. 690

Assembly Bill No. 742

Assembly Bill No. 802

Assembly Bill No. 866

Assembly Bill No. 1090

Assembly Bill No. 1215

Assembly Bill No. 1228

Assembly Bill No. 1312

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 13, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 55  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, May 13, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 92  
Assembly Bill No. 340  
Assembly Bill No. 770  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

### RESOLUTIONS

The following resolution was offered:

**HOUSE RESOLUTION NO. 16**—Nava and Eng. Relative to hate crimes.

### 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. 690, 328, 632, 802, 742, 1228, and 1090**, ordered to third reading;

**Assembly Bills Nos. 866, 1312, and 1215**, ordered to the Consent Calendar.

(NOTE: Later this day Assembly Bill No. 866 was re-referred to the Committee on Appropriations.)

### SECOND READING OF ASSEMBLY BILLS

**ASSEMBLY BILL NO. 278**—An act to amend Section 18639 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 697**—An act to amend Section 19136.8 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1341**—An act to amend Section 276 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1545**—An act to amend Sections 16361 and 16374 of, and to add Section 16361.1 to, the Probate Code, relating to the Uniform Principal and Income Act.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1186**—An act to add Section 43846 to the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1272**—An act to amend Sections 1797.222 and 1798.169 of the Health and Safety Code, and to amend Sections 21661.5 and 21662.1 of the Public Utilities Code, relating to public health.

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. 1457**—An act to amend Section 1599.64 of the Health and Safety Code, relating to long-term health care facilities.

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. 1140**—An act to amend Section 655.8 of the Business and Professions Code, relating to healing arts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 792**—An act to amend Sections 17514 and 17592 of the Business and Professions Code, relating to business.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1185**—An act to amend Section 103425 of the Health and Safety Code, relating to birth certificates.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 85**—An act to amend Section (21606.5 of, and to repeal and amend Section 21608.5 of,) the Business and Professions Code, relating to junk dealers and recyclers.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1143**—An act to amend Section 306.5 of the Family Code, relating to vital records.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1233**—An act to amend Sections 5047, 5047.5, 5062, 5063.5, 5132, 5150, 5151, 5211, 5212, 5213, 5220, 5222, 5231, 6610, 7132, 7150, 7151, 7211, 7212, 7213, 7220, 7222, 7231, 8610, 9132, 9151, 9211, 9212, 9213, 9220, 9222, 9241, 9680, 9916, 12233, 12241, 12242.5, 12330, 12331, 12351, 12352, 12353, 12360, 12362, 12371, 12630, 12694, 18360, and 24001.5 of, to add Sections 5039.5 and 12228.5 to, and to add Article 6 (commencing with Section 9260) to Chapter 2 of Part 4 of Division 2 of Title 1 of, the Corporations Code, relating to corporations.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1246**—An act to amend Section 11003.4 of the Business and Professions Code, and to amend Section 33007.5 of, to add Sections 33007.6 and 33007.7 to, and to add Article 4 (commencing with Section 33520) to Chapter 5 of Part 1 of Division 24 of, the Health and Safety Code, relating to housing.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 465**—An act to add Section 11505.5 to the Education Code, relating to 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. 769**—An act to amend Section 8236 of, and to add Section 8235.5 to, the Education Code, relating to state preschool.

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. 1538**—An act to add Chapter 5.6 (commencing with Section 56526) to Part 30 of Division 4 of Title 2 of, the Education Code, relating to pupil discipline.

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. 1542**—An act to add Part 3.6 (commencing with Section 15950) to Division 9 of the Welfare and Institutions Code, relating to health care services.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 863**—An act to amend Section 11887.1 of the Public Utilities Code, relating to municipal utility districts.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1184**—An act to amend Section 2872 of the Public Utilities Code, relating to telecommunications.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1553**—An act to amend Section 44273 of the Health and Safety Code, to amend Sections 25620.1, 25620.2, 25620.6, 25620.7, and 25620.15 of the Public Resources Code, and to amend Sections 381, 384, 399, 890, and 895 of the Public Utilities Code, relating to energy.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1110**—An act to amend Section 216.6 of the Public Utilities Code, relating to energy.

Bill read second time, and ordered to third reading.

#### **RE-REFERENCE OF BILLS PURSUANT TO THE RULES**

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

**Assembly Bill No. 866.**

#### **AUTHOR'S AMENDMENTS Committee on Revenue and Taxation**

May 13, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 1028

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

CALDERON, Chair

**ASSEMBLY BILL NO. 1028**—An act to add and repeal Section 6398 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 Appropriations**

May 13, 2009

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

Assembly Bill No. 495

Assembly Bill No. 1316

Assembly Bill No. 544

Assembly Bill No. 1361

Assembly Bill No. 665

Assembly Bill No. 1541

Assembly Bill No. 1111

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

DE LEÓN, Chair

**ASSEMBLY BILL NO. 495**—An act to add Article 14 (commencing with Section 32436) to Chapter 3 of Part 19 of Division 1 of Title 1 of the Education Code, relating to preschool.

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. 544**—An act to add Section 44262.5 to the Education Code, relating to teacher credentialing.

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. 665**—An act to amend Section 16131.5 of the Welfare and Institutions Code, relating to children, 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.

**ASSEMBLY BILL NO. 1111**—An act to amend Section 26003 of, and to add Section 26029.2 to, the Public Resources Code, relating to energy.

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. 1316**—An act to amend Sections 382 and 382.1 of the Public Utilities Code, relating to public utilities.

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. 1361**—An act to amend Section 35780 of, and to add Section 35655.6 to, the Vehicle Code, relating to vehicles, 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. 1541**—An act to amend Sections 1357 and 1357.50 of the Health and Safety Code, and to amend Sections 10198.6 and 10700 of 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 Elections and Redistricting**

May 13, 2009

Mme. Speaker: The Chair of your Committee on Elections and Redistricting reports: Assembly Bill No. 1334

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

FONG, Chair

**ASSEMBLY BILL NO. 1334**—An act to amend Sections 82039, 86100, 86101, 86103, 86106, 86107, 86108, 86113, and 86117 of, and to add Section 86206 to, the Government Code, relating to the Political Reform Act of 1974.

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 13, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports: Assembly Bill No. 765

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

CALDERON, Chair

**ASSEMBLY BILL NO. 765**—An act to amend Section 17059 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 Rules**

May 13, 2009

Mme. Speaker: The Chair of your Committee on Rules reports: Assembly Concurrent Resolution No. 68

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

LIEU, Chair

**ASSEMBLY CONCURRENT RESOLUTION NO. 68**—Relative to Public Service Recognition Week.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Natural Resources**

Date of Hearing: May 11, 2009

Mme. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 1318

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

SKINNER, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: May 5, 2009

Mme. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 957

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

FEUER, Chair

Above bill ordered to second reading.

**REPORTS OF STANDING COMMITTEES****Committee on Public Safety**

Date of Hearing: May 12, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1129

Assembly Bill No. 1286

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.

SOLORIO, Chair

Above bills ordered to second reading.

Date of Hearing: May 12, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 250

Assembly Bill No. 1209

Assembly Bill No. 358

Assembly Bill No. 1487

Assembly Bill No. 532

Assembly Bill No. 1516

Assembly Bill No. 789

With the recommendation: Do pass.

SOLORIO, Chair

Above bills ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing: May 11, 2009

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

Assembly Bill No. 1332

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

CALDERON, Chair

Above bill ordered to second reading.

**Committee on Education**

Date of Hearing: May 6, 2009

Mme. Speaker: Your Committee on Education reports:

Assembly Bill No. 1080

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

BROWNLEY, Chair

Above bill ordered to second reading.

**Committee on Housing and Community Development**

Date of Hearing: May 13, 2009

Mme. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 761

Assembly Bill No. 899

Assembly Bill No. 1422

With the recommendation: Do pass.

TORRES, Chair

Above bills ordered to second reading.

Date of Hearing: May 13, 2009

Mme. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 720

Assembly Bill No. 1328

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

TORRES, Chair

Above bills ordered to second reading.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 9 a.m., Thursday, May 14, 2009.

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KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 13, 2009**

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

**AB RN**

465	0914350
495	0914476
544	0914540
665	0914470
765	0914591
769	0914359
1028	0914600
1111	0914548
1272	0914067
1316	0914657
1334	0912945
1361	0914605
1457	0914328
1538	0914353
1541	0914434

**ACR RN**

68	0914538
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<b>Daily Total:</b>	<b>16</b>
<b>Cumulative Total:</b>	<b>1467</b>

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