

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 19, 2009

**SEVENTY-FOURTH SESSION DAY
ONE HUNDRED SEVENTIETH 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
Tuesday, May 19, 2009

The Assembly met at 7 a.m.

Hon. Marty Block, Assembly Member, 78th 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—73:

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

Quorum present.

At 2:54 p.m., Hon. Tom Torlakson, 11th 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 Calderon, Davis, Krekorian, and Portantino.

On personal business, and waiving per diem: Assembly Members Eng, Price, and Saldaña.

EXPLANATIONS OF ABSENCE

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

May 18, 2009

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

Dear Mme. Speaker: I respectfully request to be excused from Legislative Session on Tuesday, May 19, 2009, due to legislative business. Thank you for your consideration of this request.

Sincerely,

CHARLES M. CALDERON, Assembly Member
Fifty-eighth District

May 18, 2009

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

Dear Mme. Speaker: Please excuse me from Check-in Session on Tuesday May 19, 2009. I will be in the District on legislative business and voting in the local election.

Sincerely,

MIKE DAVIS, Assembly Member
Forty-eighth District

May 19, 2009

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

Dear Mme. Speaker Bass: I am requesting an excused absence from check-in on Tuesday, May 19–Wednesday, May 20, 2009 due to legislative business.

If you have any questions or concerns please contact Veronica Ortiz-Torres in my Capitol Office at 916-319-2043.

Sincerely,

PAUL KREKORIAN, Assembly Member
Forty-third District

May 19, 2009

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

Dear Mme. Speaker: I respectfully request to be excused from check in on Tuesday, May 19, 2009, I have a legislative business meeting in my district office.

Thank you for your consideration of this request.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member
Fourth-fourth District

(NOTE: For letter explaining the absence of Assembly Member Saldaña on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for Monday, May 18, 2009.)

COMMUNICATIONS

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

May 19, 2009

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

Dear Dotson: Please be advised that I am authorizing the Assembly Budget Committee to submit a File Notice for the Conference Committee to meet on Thursday, May 21 and Friday, May 22, 2009, pending referral of SB 61 (Budget Committee) and the appointment of conferees.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Accountability and Administrative Review, Wednesday, May 27, 2009, at 9 a.m., in Room 437.

REPORTS

The following reports were presented by the Chief Clerk:

**Lottery Revenue Budget Receipts and Expenditures Report
FY 2007–08
(Pursuant to Section 24.60, Budget Act of 2008–09)**

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated May 14, 2009, referred by the Speaker to the Committee on Budget.

**General Enrollment Goal and Nursing Enrollments
(Pursuant to Item 6610-001-0001, Provision 6, Budget Act of 2008–09)**

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated May 14, 2009, referred by the Speaker to the Committee on Budget.

**State General Obligation Bond Measure
for the School Facility Program
(Pursuant to Government Code Section 16724.4)**

Above transmitted report, together with letter of transmittal from William C. Bush, Director, Department of General Services, dated May 8, 2009, stating availability of report at <http://www.legi.dgs.ca.gov/Publications/2009LegislativeReports.htm>, referred by the Speaker to the Committee on Education.

**Incentives for Child Development Staff Retention, 2009–10
(Pursuant to Education Code Section 8279.7(f))**

Above transmitted report, together with letter of transmittal from Jack O’Connell, State Superintendent of Public Instruction, Department of Education, dated May 12, 2009, referred by the Speaker to the Committee on Education.

**Emergency Medical Services Fund (EMS)
(Pursuant to Health and Safety Code Section 1797.98a) from:**

San Bernardino County, Alma A. Sandoval, Healthcare Analyst, dated May 15, 2009.

Referred by the Speaker to the Committee on Health.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 19, 2009

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

Assembly Bill No. 120
Assembly Bill No. 234
Assembly Bill No. 389
Assembly Bill No. 815
Assembly Bill No. 853

Assembly Bill No. 988
Assembly Bill No. 1025
Assembly Bill No. 1152
Assembly Bill No. 1235
Assembly Bill No. 1281

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 19, 2009

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

Assembly Bill No. 1086

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, May 19, 2009

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

Assembly Bill No. 446
Assembly Bill No. 979

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 19, 2009

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

Assembly Bill No. 1569

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

Assembly Chamber, May 19, 2009

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

Assembly Bill No. 342

Assembly Bill No. 474

And reports the same correctly engrossed.

Assembly Bill No. 1136

Assembly Bill No. 1400

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 75—V. Manuel Pérez and Ammiano (Principal coauthor: Senator Padilla) (Coauthors: Arambula, Block, Caballero, Conway, Coto, De La Torre, and Swanson). Relative to promotores and community health workers.

AUTHOR'S AMENDMENTS

Committee on Utilities and Commerce

May 19, 2009

Mme. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 1016

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

FUENTES, Chair

ASSEMBLY BILL NO. 1016—An act to amend Section 1250.310 of the Code of Civil Procedure, to amend Section 14074 of the Corporations Code, to amend Sections 17910.1, 17911.2, 17911.3, 17911.4, 17911.6, 17912, 17912.2, 17925, and 41304 of the Education Code, to amend Sections 32320, 32321, 32322, 32940, and 32942 of, and to repeal Section 32208 of, the Financial Code, to amend Sections 9100 and 9101 of the Fish and Game Code, to amend Sections 11553, 12802.5, 12805, 14450, 14684, 14684.1, 15814.22, 15814.23, 15814.30, 15814.34, 66645, and 66646 of, and to amend and renumber Section 15814.25 of, the Government Code, to amend Sections 3808, 3810, 3822, 3822.1, 3822.2, 4799.16, 6815.2, 14584, 21080, 25104, 25106, 25110, 25112, 25123, 25205, 25207, 25212, 25214, 25216.5, 25217.1, 25218, 25219, 25220, 25221, 25222, 25223, 25224, 25225, 25226, 25301, 25302, 25303, 25304, 25305, 25305.5, 25306, 25320, 25321, 25322, 25323, 25324, 25354, 25356, 25357, 25358, 25362, 25364, 25366, 25400, 25401, 25401.2, 25401.5, 25401.6, 25401.7, 25402, 25402.1, 25402.3, 25402.6, 25402.9, 25403, 25403.5, 25403.8, 25404, 25410.5, 25410.6, 25411, 25412, 25413, 25414, 25415, 25416, 25417, 25417.5, 25419, 25420, 25421, 25426, 25433.5, 25434, 25434.5, 25435, 25436, 25441, 25442, 25442.5, 25442.7, 25443, 25443.5, 25445, 25449, 25449.1, 25449.3, 25449.4, 25494, 25496, 25500, 25500.5, 25501, 25501.7, 25508, 25517, 25518, 25519, 25520, 25522, 25523, 25524.1, 25524.2, 25525, 25526, 25527, 25528, 25529, 25530, 25531, 25534, 25534.1, 25538, 25539, 25540, 25540.1, 25540.2, 25540.3, 25541, 25541.1, 25541.5, 25542, 25543, 25601, 25602, 25603, 25603.5, 25608, 25610, 25616, 25617, 25618, 25620, 25620.1, 25620.2, 25620.3, 25620.4, 25620.5, 25620.6, 25620.7, 25620.8, 25620.11, 25630, 25678, 25679, 25696, 25696.5, 25697, 25700, 25701, 25702, 25703, 25704, 25705, 25720, 25721, 25722, 25722.5, 25723, 25741, 25742, 25743, 25744, 25747, 25748, 25751, 25771, 25772, 25773, 25802, 25803, 25900, 25901, 25902, 25911, 25912, 25942, 25967, 25968, 26004, 26011.5, 26011.6, and 30404 of, to amend the heading of Chapter 3 (commencing with Section 25200) of Division 15 of, to add Sections 3806.5, 25104.1, 25104.2, 25205.5, 25207.5, 25208, 25544, and 25545 to, to add Chapter 3.5 (commencing with Section 25227) to Division 15 of, to repeal Sections 3805.5, 25113, 25217, 21217.5, 25449.2, 25502, 25503, 25504, 25504.5, 25505, 25506, 25506.5, 25507, 25509, 25509.5, 25510, 25511, 25512, 25513, 25514, 25514.3, 25514.5, 25515, 25516, 25516.1, 25516.5, 25516.6, 25520.5, 25524.5, 25540.4, and 25540.6 of, and to repeal and add Sections 25107, 25120, 25200, 25201, 25202, 25203,

25204, and 25206 of, the Public Resources Code, to amend Sections 332.1, 346, 348, 350, 352, 353.7, 360, 365, 366.1, 366.2, 384, 398.2, 398.3, 398.5, 399.25, 399.8, 399.11, 399.12, 399.13, 399.15, 399.16, 454.5, 464, 848.1, 1001, 1731, 1768, 1822, 2774.6, 2826.5, 2827, 3302, 3310, 3320, 3330, 3341, 3341.1, 3341.2, 3345, 3370, and 9502 of, to add Sections 322, 345.1, 345.2, and 411 to, to repeal Sections 3325, 3326, and 3327 of, to repeal Article 2 (commencing with Section 334) of Chapter 2.3 of Part 1 of Division 1 of, and to repeal and add Section 3340 of, the Public Utilities Code, and to amend Section 80000 of, and to add Sections 80001 and 80001.5 to, the Water 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

May 19, 2009

Mme. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 581

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

DE LEÓN, Chair

ASSEMBLY BILL NO. 581—An act to amend Section 84362 of the Education Code, relating to community colleges.

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 19, 2009

Mme. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 417

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

DE LEÓN, Chair

ASSEMBLY BILL NO. 417—An act to amend Sections 11758.42, 11758.46, and 11839.2 of the Health and Safety Code, relating to Medi-Cal.

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 19, 2009

Mme. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 672

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

DE LEÓN, Chair

ASSEMBLY BILL NO. 672—An act to add Section 8879.501 to the Government Code, relating to transportation.

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 11, 2009

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

Assembly Bill No. 267

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

CALDERON, Chair

Above bill ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: May 18, 2009

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

Assembly Bill No. 1318

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

FUENTES, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing: May 5, 2009

Mme. Speaker: Your Committee on Health reports:

Assembly Bill No. 1020

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

JONES, Chair

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: May 12, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 653

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.

SOLORIO, Chair

Above bill ordered to second reading.

Date of Hearing: May 12, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 806

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

SOLORIO, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 18, 2009

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

Assembly Bill No. 157

Assembly Bill No. 1508

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

CALDERON, Chair

Above bills ordered to second reading.

Date of Hearing: May 18, 2009

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

Assembly Bill No. 50

Assembly Bill No. 1087

Assembly Bill No. 103

Assembly Bill No. 1304

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

CALDERON, Chair

Above bills re-referred to the Committee on Appropriations.

**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. 706, 1281, 988, 1235, 1025, 120, 1152, 815, and 853, ordered to third reading.

(NOTE: Later this day Assembly Bill No. 1235 was re-referred to the Committee on Appropriations.)

Assembly Bills Nos. 234 and 389, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 655—An act to amend Sections 21702.5, 21705, 21707, 21708, 21709, and 21713.5 of, and to repeal Sections 21706 and 21710 of, the Business and Professions Code, relating to self-service storage facilities.

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. 524—An act to amend Section 1708.8 of the Civil Code, relating to privacy.

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 CONCURRENT RESOLUTION NO. 49—Relative to the California Law Revision Commission.

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

ASSEMBLY BILL NO. 1409—An act to amend Section 20395 of the Public Contract Code, relating to public contracts.

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 CONCURRENT RESOLUTION NO. 64—Relative to Hepatitis B Awareness Month.

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

ASSEMBLY BILL NO. 1569—An act to amend Sections 68074 and 68075 of the Education Code, relating to student tuition.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 952—An act to amend Sections 56.10, 56.104, and 56.11 of, and to add Chapter 2.7 (commencing with Section 56.19) to Part 2.6 of Division 1 of, the Civil Code, relating to health information.

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. 331—An act to add Section 1940.95 to the Civil Code, relating to real 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. 603—An act to add and repeal Sections 1940.97 and 2924.9 of the Civil Code, relating to mortgages.

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. 680—An act to amend Sections 26720.9, 26726, 26731, 26736, 26738, 26744.5, 26746, 26746.1 of, and to repeal Section 26744 of, the Government Code, relating to local government.

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.

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 bills were ordered re-referred to the Committee on Appropriations:

Assembly Bills Nos. 1136 and 1235.

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 20, 2009.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 19, 2009**

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

AB RN

331 0914641
417 0914836
524 0914638
581 0914832
603 0914636
655 0914634
672 0914952
680 0914662
952 0914645
1016 0914646
1409 0914789

ACR RN

49 0914635
64 0914788

Daily Total: 13
Cumulative Total: 1526

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