

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 20, 2009**

**SEVENTY-FIFTH SESSION DAY**

**ONE HUNDRED SEVENTY-FIRST 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 20, 2009

The Assembly met at 7 a.m.  
Hon. Bonnie Lowenthal, Assembly Member, 54th 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—74:

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

Quorum present.

**At 2:21 p.m., Hon. V. Manuel Pérez, 80th 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 Blakeslee, Eng, Krekorian, and Nava.*

*On personal business, and waiving per diem: Assembly Member Saldaña.*

*Because of illness in his family: Assembly Member Fletcher.*

**EXPLANATIONS OF ABSENCE**

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

May 20, 2009

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

Dear Speaker Bass: The purpose of this letter is to respectfully request to be excused from check-in session on Wednesday, May 20, 2009, due to legislative meetings.

Thank you for your consideration. Please contact me at (916) 319-2033 with any questions.

Sincerely,

SAM BLAKESLEE, Assembly Member  
Thirty-third District

May 14, 2009

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

Dear Speaker Bass: I respectfully request to be excused from check-in session on May 20, 2009, so that I can attend to legislative business matters in my district.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please feel free to contact me or my scheduler Tahiza Landeros de Reilly at 319.2049.

Kind regards,

MIKE ENG, Assembly Member  
Forty-ninth District

May 15, 2009

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

Dear Mme. Speaker: I respectfully request permission to be excused from Check in Session on Wednesday, May 20, 2009, due to legislative business. Thank you for your consideration.

Sincerely,

PEDRO NAVA, Assembly Member  
Thirty-fifth District

(NOTE: For letter explaining the absence of Assembly Member Krekorian on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Regular Session for Tuesday, May 19, 2009.)

**COMMUNICATIONS**

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

May 20, 2009

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

Dear Dotson: Please be advised that I have appointed the following membership to the Select Committee on Alcohol and Drug Abuse for the 2009–10 Regular Session:

Assemblymember Jim Beall, Jr.  
 Assemblymember Tom Ammiano  
 Assemblymember Charles Calderon  
 Assemblymember Kevin de León  
 Assemblymember Bonnie Lowenthal  
 Assemblymember Steve Knight  
 Assemblymember Lori Saldaña

Sincerely,

KAREN BASS  
 Speaker of the Assembly

May 19, 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 appointed Assemblymember Mike Duvall to replace Assemblymember Chuck DeVore on the Joint Legislative Audit Committee for the Wednesday, May 27, hearing.

Sincerely,

KAREN BASS  
 Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Select Committee on Community Colleges, Friday, June 26, 2009, from 10 a.m. to 12 noon, at Mission College, Santa Clara.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 20, 2009

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

Assembly Bill No. 331  
 Assembly Bill No. 524  
 Assembly Bill No. 603  
 Assembly Bill No. 655

Assembly Bill No. 680  
 Assembly Bill No. 952  
 Assembly Bill No. 1409

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 20, 2009

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

Assembly Bill No. 417

Assembly Bill No. 672

Assembly Bill No. 581

Assembly Bill No. 1016

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 20, 2009

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

Assembly Concurrent Resolution No. 49

Assembly Concurrent Resolution No. 64

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered returned to second reading file.

Assembly Chamber, May 20, 2009

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

Assembly Concurrent Resolution No. 38

Assembly Concurrent Resolution No. 39

Assembly Concurrent Resolution No. 40

Assembly Concurrent Resolution No. 45

Assembly Concurrent Resolution No. 47

Assembly Concurrent Resolution No. 53

Assembly Concurrent Resolution No. 57

Assembly Concurrent Resolution No. 58

Assembly Concurrent Resolution No. 59

And reports the same correctly enrolled, and presented to the Secretary of State on the 20th day of May, 2009, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

## REPORTS

The following reports were presented by the Chief Clerk:

**Reading First  
(Pursuant to Item 6110-126-0890, Provisions 2-4  
Budget Act of 2008-09)**

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.

**Intercity Rail Program Proposition 1B  
Bond Fund Allocation Activities Report  
(Pursuant to Items 2660-304-6059 and 2660-492  
Budget Act of 2008)**

Above transmitted report, together with letter of transmittal from Will Kempton, Director, Department of Transportation, dated May 19, 2009, stating availability of report at <http://www.dot.ca.gov/reports-legislature.htm> referred by the Speaker to the Committee on Transportation.

**Proposition 1B Public Transportation Modernization, Improvement,  
and Service Enhancement Account (PTMISEA)  
Project Status  
(Pursuant to Government Code Section 16724.4)**

Above transmitted report, together with letter of transmittal from Will Kempton, Director, Department of Transportation, dated May 19, 2009, stating availability of report at <http://www.dot.ca.gov/reports-legislature.htm> referred by the Speaker to the Committee on Transportation.

**AUTHOR'S AMENDMENTS  
Committee on Education**

May 20, 2009

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

Senate Bill No. 315

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

BROWNLEY, Chair

**SENATE BILL NO. 315**—An act to add Article 1.5 (commencing with Section 49310) to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil safety.

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 Aging and Long-Term Care**

May 20, 2009

Mme. Speaker: The Chair of your Committee on Aging and Long-Term Care reports:

Senate Joint Resolution No. 4

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

LOWENTHAL, Chair

**SENATE JOINT RESOLUTION NO. 4**—Relative to Alzheimer's disease.

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 Revenue and Taxation**

Date of Hearing: May 18, 2009

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

Assembly Bill No. 15

Assembly Bill No. 1028

Assembly Bill No. 79

Assembly Bill No. 1265

Assembly Bill No. 676

Assembly Bill No. 1486

Assembly Bill No. 765

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.

**Committee on Local Government**

May 20, 2009

Mme. Speaker: Your Committee on Local Government reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 251

CABALLERO, Chair

Above bill ordered filed with the Chief Clerk.

**Committee on Appropriations**

Date of Hearing: May 20, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1361

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.

DE LEÓN, 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. 524, 1409, 331, 603, and 680**, ordered to third reading;

**Assembly Bills Nos. 655 and 952**, ordered to the Consent Calendar.

(NOTE: Later this day Assembly Bill No. 952 was re-referred to the Committee on Appropriations.)

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 267**—An act to amend Section 50079 of the Government Code, relating to taxation.

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

**ASSEMBLY BILL NO. 1020**—An act to add Section 116064.1 to the Health and Safety Code, relating to swimming pools, 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. 653**—An act to add Article 5.5 (commencing with Section 988) to Chapter 4 of Division 8 of the Evidence Code, relating to evidence.

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. 806**—An act to amend Section 1016.5 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. 157**—An act to amend Section 69 of 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. 1508**—An act to add and repeal Sections 17052.55 and 23655 of 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.

#### **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 Bill No. 952 and Assembly Concurrent Resolution No. 49.**

#### **ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 9:30 a.m., Thursday, May 21, 2009.

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KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 20, 2009**

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

**AB RN**  
157 0914729  
267 0914753  
653 0914643  
806 0914621  
1020 0915075  
1508 0914765

**SB RN**  
315 0914818

**SJR RN**  
4 0914558

**Daily Total: 8**  
**Cumulative Total: 1534**

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