

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, May 27, 2009

SEVENTY-EIGHTH SESSION DAY

ONE HUNDRED SEVENTY-EIGHTH 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
Wednesday, May 27, 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	Davis	Hall	Pérez, John
Ammiano	De La Torre	Harkey	Pérez, V. Manuel
Anderson	De León	Hayashi	Portantino
Arambula	DeVore	Hernandez	Price
Beall	Duvall	Hill	Ruskin
Berryhill, Bill	Emmerson	Huber	Salas
Berryhill, Tom	Eng	Huffman	Saldaña
Blakeslee	Evans	Jeffries	Silva
Block	Feuer	Knight	Skinner
Blumenfield	Fletcher	Krekorian	Smyth
Brownley	Fong	Lieu	Solorio
Buchanan	Fuentes	Logue	Strickland
Caballero	Fuller	Lowenthal	Swanson
Calderon	Furutani	Ma	Torlakson
Carter	Gaines	Miller	Torres
Chesbro	Galgiani	Monning	Torrico
Conway	Garrick	Nestande	Tran
Cook	Gilmore	Niello	Villines
Coto	Hagman	Nielsen	Yamada

Quorum present.

At 12:12 p.m., Hon. Bill Emmerson, 63rd 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, Mendoza, and Nava.

On legislative business, per diem waived for the 2009–2010 Session (See Assembly Journal, pages 59 and 78): Assembly Member Jones.

EXPLANATIONS OF ABSENCE

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

May 26, 2009

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

Dear Dotson: This is to advise you that I will not be in attendance for Check-in Session on Wednesday, May 27, 2009, due to legislative business.

Sincerely,

KAREN BASS
Speaker of the Assembly

May 26, 2009

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

Dear Mme. Speaker: Please excuse me from Check-in Session on Wednesday, May 27, 2009. I will be on legislative business. I do not take per diem.

Sincerely,

**DAVE JONES, Assembly Member
Ninth District**

May 14, 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 27, 2009, so that I may attend to legislative business in my district.

Thank you in advance for your consideration of this request.

Sincerely,

**TONY MENDOZA, Assembly Member
Fifty-sixth 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 May 27, 2009, for legislative business in my district. Thank you for your consideration.

Sincerely,

**PEDRO NAVA, Assembly Member
Thirty-fifth District**

COMMUNICATIONS

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

May 26, 2009

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

Dear Dotson: Please be advised that I have appointed Assemblymember Paul Krekorian to fill the Democratic vacancy on the Assembly Appropriations Committee for the Thursday, May 28 hearing only.

Sincerely,

KAREN BASS
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 27, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 74
Assembly Bill No. 1427

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 27, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 496
Assembly Bill No. 501
Assembly Bill No. 899
Assembly Bill No. 1015

Assembly Bill No. 1094
Assembly Bill No. 1288
Assembly Bill No. 1319

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, May 27, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Joint Resolution No. 12

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, May 27, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 233
Assembly Bill No. 829

Assembly Bill No. 1474
Assembly Bill No. 1523

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 27, 2009

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

Assembly Bill No. 243

Assembly Bill No. 921

Assembly Bill No. 296

Assembly Bill No. 1083

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2008-002

May 27, 2009

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by California Government Code, Section 8546 et seq., the Bureau of State Audits presents its audit report concerning our review of the State of California's internal controls and compliance with state and federal laws and regulations for the year ended June 30, 2008.

This report concludes that the State did not materially comply with certain requirements for 20 of its federal programs or clusters of programs. Additionally, we were unable to obtain sufficient documentation to determine whether the State complied with relevant federal requirements for nine programs or clusters of programs. Further, the State continues to experience certain deficiencies in its accounting and administrative practices that affect its internal controls over financial reporting and over compliance with federal requirements. Although none of the deficiencies we identified are material to the State's financial statements, deficiencies in the State's internal control system could adversely affect its ability to provide accurate financial information and to administer federal programs in compliance with applicable requirements.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above letter of transmittal referred to the Committee on Budget.

The following reports were presented by the Chief Clerk and ordered printed in the Journal:

**Annual Report on the Erosion of
Purchasing Power of State Teachers' Retirement Allowances
(Pursuant to Education Code Section 24400)**

Above transmitted report, together with letter of transmittal from Dana Dillon, Chair, Teachers' Retirement Board, California State Teachers' Retirement System, dated May 22, 2009, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Annual DNA Identification Fund
(Pursuant to Government Code Section 76104.6) from:**

Tuolumne County, Deborah Russell, Auditor-Controller, dated March 11, 2009.

Referred by the Speaker to the Committee on Public Safety.

**AUTHOR'S AMENDMENTS
Committee on Public Safety**

May 27, 2009

Mme. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 1211

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

SOLORIO, Chair

ASSEMBLY BILL NO. 1211—An act to amend Section 272 of the Penal Code, relating to crimes.

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 Judiciary**

May 27, 2009

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

Assembly Joint Resolution No. 15

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

FEUER, Chair

ASSEMBLY JOINT RESOLUTION NO. 15—Relative to the Uniting American Families Act.

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 Public Safety**

May 27, 2009

Mme. Speaker: The Chair of your Committee on Public Safety reports:

Senate Bill No. 169

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

SOLORIO, Chair

SENATE BILL NO. 169—An act to amend Section 538d of the Penal Code, relating to crime.

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 Housing and Community Development

May 27, 2009

Mme. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 224

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

TORRES, Chair

SENATE BILL NO. 224—An act to amend Sections 50650.3 and 50650.4 of the Health and Safety Code, relating to housing.

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 Local Government

May 27, 2009

Mme. Speaker: The Chair of your Committee on Local Government reports:

Senate Bill No. 279

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

CABALLERO, Chair

SENATE BILL NO. 279—An act to amend Sections 53313.5 and 53324 of, and to add Sections 53328.1, 53329.6, 53355.5, and 53355.7 to, the Government Code, relating to local 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 Rules

May 27, 2009

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

Senate Concurrent Resolution No. 46

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

LIEU, Chair

SENATE CONCURRENT RESOLUTION NO. 46—Relative to Aquatics Safety Month.

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

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. 296, 243, 921, and 1083, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 671—An act to add Chapter 9.9 (commencing with Section 3410) to Division 4 of Title 1 of the Government Code, relating to the Golden Shield Award.

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.

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned until 9 a.m., Thursday, May 28, 2009.

LORI SALDAÑA, Speaker pro Tempore

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 27, 2009**

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

AB RN
671 0915375
1211 0915111

AJR RN
15 0915459

SB RN
169 0914749
224 0915419
279 0913894

SCR RN
46 0915680

Daily Total: 7
Cumulative Total: 1576

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