

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 27, 2010

TWO HUNDRED NINTH SESSION DAY

FIVE HUNDRED FORTY-THIRD 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
Thursday, May 27, 2010

The Assembly met at 7 a.m.

Hon. Mike Eng, Assembly Member, 49th 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—61:

Adams	Cook	Garrick	Niello
Ammiano	Coto	Gilmore	Norby
Anderson	Davis	Hagman	Ruskin
Arambula	De La Torre	Hayashi	Saldaña
Beall	DeVore	Hernandez	Silva
Berryhill, Bill	Emmerson	Hill	Smyth
Blakeslee	Eng	Huber	Solorio
Block	Evans	Huffman	Swanson
Bradford	Feuer	Jeffries	Torlakson
Brownley	Fletcher	Jones	Torrico
Buchanan	Fong	Knight	Villines
Caballero	Fuentes	Logue	Yamada
Calderon	Fuller	Lowenthal	Mr. Speaker
Carter	Furutani	Ma	
Chesbro	Gaines	Miller	
Conway	Galgiani	Nestande	

Quorum present.

At 2:44 p.m., Hon. Mike Davis, 48th 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, Tom Berryhill, Blumenfeld, De León, Mendoza, Monning, Nielsen, V. Manuel Pérez, Portantino, Skinner, Strickland, Torres, and Tran.

On personal business, and waiving per diem: Assembly Members Lieu, Nava, and Salas.

Because of illness: Assembly Members Hall and Harkey.

EXPLANATIONS OF ABSENCE

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

May 27, 2010

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

Dear Speaker Pérez: I respectfully request to be excused from Check in Session on Thursday, May 27, 2010. I will be conducting legislative business in my district.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please contact my Chief of Staff, Nolice Edwards at 319-2047.

Sincerely,

KAREN BASS
Speaker Emeritus

May 25, 2010

Speaker John Pérez
State Capitol, Room 219
Sacramento, California

Dear Speaker Pérez,

I respectfully request your permission to be excused from Check-In Session on Thursday, May 27, 2010, as I will be in my district for legislative business.

Please contact my office with any questions. Thank you in advance for your consideration of my request.

Sincerely,

TOM BERRYHILL, Assembly Member
Twenty-fifth District

May 18, 2010

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

Dear Speaker Pérez: I respectfully request to be excused from Check-In Session on Thursday, May 27, 2010 due to legislative business in my district.

Thank you for your consideration of this request. Please contact me should you have any questions.

Sincerely,

BOB BLUMENFIELD, Assembly Member
Fortieth District

May 24, 2010

The Honorable John Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker: I respectfully request to be excused from check-in session on Thursday, May 27, 2010. I will be in my district attending legislative meetings.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2045.

Sincerely,

KEVIN DE LEÓN, Assembly Member
Forty-fifth District

May 12, 2010

The Honorable John Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am respectfully requesting permission to be excused from check-in on Thursday, May 27, for legislative business in my district.

I want to thank you in advance for your consideration of this request and if you should have any questions please feel free to contact me at 916-319-2056.

Sincerely,

TONY MENDOZA, Assembly Member
Fifty-sixth District

April 15, 2010

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

Dear Speaker Pérez: I respectfully request permission to be excused from Session on Thursday, May 27, 2010 to participate in legislative business.

If you should have any questions, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

WILLIAM W. MONNING, Assembly Member
Twenty-seventh District

May 26, 2010

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

Dear Mr. Speaker: I am writing to request an excused absence for check in session, on legislative business, on Thursday, May 27, 2010 due to an event in the district.

Should you have any questions regarding this request, please contact David Reade in my office at 319-2002.

Sincerely,

JIM NIELSEN, Assembly Member
Second District

May 27, 2010

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

Dear Speaker Pérez: I respectfully request to be excused from check-in session, on legislative business, Thursday, May 27, 2010. I have business outside of Sacramento that requires my attention.

Thank you for your consideration of this request. Please contact Jose Carmona in my office if you have any questions.

Sincerely,

V. MANUEL PÉREZ, Assembly Member
Eightieth District

May 27, 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 Thursday, May 27, 2010 due to legislative business in my district.

Sincerely,

ANTHONY PORTANTINO, Assembly Member
Forty-fourth District

May 24, 2010

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

Dear Speaker Pérez: I respectfully request permission to be excused from Check-In session on Thursday, May 27, 2010 for legislative business I have in my district on that day.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

NANCY SKINNER, Assembly Member
 Fourteenth District

May 26, 2010

The Honorable John Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Pérez,

This letter is a request to be excused from Check-In Session for Thursday, May 27, 2010 due to legislative business.

Thank you for your consideration of this matter.

Sincerely,

VAN TRAN, Assembly Member
 Sixty-eighth District

(NOTE: For letters explaining the absence of Assembly Members Strickland and Torres on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Wednesday, May 26, 2010.)

COMMUNICATIONS

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

May 27, 2010

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 Consumer Financial Protection for the 2009–10 Regular Session:

Assemblymember Ted Lieu, Chair
 Assemblymember Joel Anderson, Vice Chair
 Assemblymember Mary Hayashi
 Assemblymember Bonnie Lowenthal

Sincerely,

JOHN A. PÉREZ
 Speaker of the Assembly

May 27, 2010

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 Julia Brownley to the Select Committee on Ports for the remainder of the 2009–10 Regular Session.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 27, 2010

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 Nancy Skinner as Chair of the Select Committee on Renewable Energy for the remainder of the 2009–10 Regular Session.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 26, 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 Jerry Hill to replace Assemblymember Hector De La Torre on the Assembly Budget Subcommittee No. 1 on Health and Human Services for the Thursday, May 27 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 27, 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 Ira Ruskin to replace Assemblymember Isadore Hall on the Assembly Appropriations Committee for the Friday, May 28 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 27, 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 Jerry Hill to replace Assemblymember Isadore Hall on the Assembly Rules Committee for the Friday, May 28 hearing only.

Sincerely,

JOHN A. PÉREZ
 Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

The California State University Annual Report of Exemptions from the Bidding Process Due to Unexpected Causes January 1, 2009 through December 31, 2009 (Pursuant to Public Contract Code Section 10722 Education Code Section 90105)

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated February 3, 2010, referred by the Speaker to the Committee on Higher Education.

The California State University Report on Seismic Safety Retrofit Goals and Information on Emergency Response (Pursuant to Supplemental Report Language of the 1990 Budget Act)

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated February 9, 2010, referred by the Speaker to the Committee on Higher Education.

Report on Proposed Mitigation Agreements for Off-Campus Impacts (Pursuant to Supplemental Report Language of the 2007–08 Budget Act)

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated March 1, 2010, referred by the Speaker to the Committee on Higher Education.

Report—Meeting 2009–10 Enrollment Goal (Pursuant to Budget Act of 2009–10)

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated March 15, 2010, referred by the Speaker to the Committee on Higher Education.

2009–10 Budget Reductions to Outreach Programs (Pursuant to Item 6610-001-0001, Provision 13, Budget Act 2009–10)

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated April 2, 2010, referred by the Speaker to the Committee on Higher Education.

**Reading, Writing, and Mathematics Proficiency of All First-time Freshmen
(Pursuant to Supplemental Report to the 2001 Budget Act)**

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated April 22, 2010, referred by the Speaker to the Committee on Higher Education.

**California State University Mathematics and Science Teacher Initiative
(Pursuant to Provision 5, Budget Act of 2009)**

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated April 29, 2010, referred by the Speaker to the Committee on Higher Education.

**Best Value Pilot Program
(Pursuant to Senate Bill 667, Chapter 367, Statutes of 2006)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated February 9, 2010, referred by the Speaker to the Committee on Higher Education.

**Mitigation of Off-Campus Impacts-Current Projects
(Pursuant to Education Code Section 67504)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated February 16, 2010, referred by the Speaker to the Committee on Higher Education.

**Entry Level Writing Requirement (Subject A)
(Pursuant to Education Code Section 66015.10)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated February 18, 2010, referred by the Speaker to the Committee on Higher Education.

**UC-Mexico Research and Academic Programs for 2008–09
(Pursuant to Education Code Section 92830)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated March 15, 2010, referred by the Speaker to the Committee on Higher Education.

**2009–10 Academic Year Enrollment Goals
(Pursuant to Item 6440-001-0001, Provision 10, Budget Act 2009)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated March 22, 2010, referred by the Speaker to the Committee on Higher Education.

**Unique Statewide Pupil Identifier
(Pursuant to Education Code Section 10803)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated April 12, 2010, referred by the Speaker to the Committee on Higher Education.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 169—Carter. Relative to Hearing Aid Awareness Month.

AUTHOR'S AMENDMENTS**Committee on Local Government**

May 27, 2010

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

Senate Bill No. 454

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

SMYTH, Chair

SENATE BILL NO. 454—An act to amend Sections 65863.10, 65863.11, and 65863.13 of the Government Code, relating to land use.

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 Banking and Finance**

May 27, 2010

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Senate Bill No. 1223

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

ENG, Chair

SENATE BILL NO. 1223—An act to add Section 17412 to the Financial Code, relating to escrow agents.

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 Appropriations**

May 25, 2010

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

Assembly Bill No. 1968

FUENTES, Chair

Above bill ordered filed with the Chief Clerk.

MESSAGES FROM THE SENATE

Senate Chamber, May 27, 2010

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 190

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, May 27, 2010

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

- Assembly Concurrent Resolution No. 122
- Assembly Concurrent Resolution No. 131
- Assembly Concurrent Resolution No. 136

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

Above resolutions ordered enrolled.

Senate Chamber, May 27, 2010

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

- Assembly Concurrent Resolution No. 109
- Assembly Concurrent Resolution No. 106

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

Above resolutions ordered to unfinished business file.

Senate Chamber, May 27, 2010

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

- | | |
|----------------------|----------------------|
| Senate Bill No. 906 | Senate Bill No. 1255 |
| Senate Bill No. 957 | Senate Bill No. 1298 |
| Senate Bill No. 1076 | Senate Bill No. 1350 |
| Senate Bill No. 1131 | Senate Bill No. 1434 |
| Senate Bill No. 1173 | Senate Bill No. 1472 |

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

Senate Chamber, May 27, 2010

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

- | | |
|-------------------------------------|--------------------------------------|
| Senate Concurrent Resolution No. 88 | Senate Concurrent Resolution No. 100 |
| Senate Concurrent Resolution No. 89 | Senate Joint Resolution No. 24 |

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 906—An act to amend Sections 300, 400, 402, 420, 421, 422, 423, 425, and 426 of the Family Code, relating to marriage.

SENATE BILL NO. 957—An act to amend Section 69439 of the Education Code, relating to student financial aid.

SENATE BILL NO. 1076—An act to add and repeal Article 19 (commencing with Section 18891) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

SENATE BILL NO. 1131—An act to add Section 11082 to the Government Code, relating to state government.

SENATE BILL NO. 1173—An act to amend Sections 13550, 13551, 13552.2, and 13552.6 of, and to add Section 13052 to, the Water Code, relating to recycled water.

SENATE BILL NO. 1255—An act to amend, repeal, and add Section 49431.5 of the Education Code, relating to schools.

SENATE BILL NO. 1298—An act to amend Section 42605 of the Education Code, relating to categorical education programs.

SENATE BILL NO. 1350—An act to amend Section 11011.13 of, and to add Section 11011.19 to, the Government Code, and to add Section 6009 to the Public Resources Code, relating to public lands.

SENATE BILL NO. 1434—An act to amend Section 2154 of the Elections Code, relating to voter registration.

SENATE BILL NO. 1472—An act to add Section 1279.7 to the Unemployment Insurance Code, relating to unemployment insurance.

The following resolutions were read:

SENATE CONCURRENT RESOLUTION NO. 88—Relative to the Officer Larry Lasater Memorial Overcrossing.

SENATE CONCURRENT RESOLUTION NO. 89—Relative to the Nguyen Ngoc Phu Human Rights Memorial Interchange.

SENATE CONCURRENT RESOLUTION NO. 100—Relative to transportation.

SENATE JOINT RESOLUTION NO. 24—Relative to violence against women.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Friday, May 28, 2010.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 27, 2010**

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

SB	RN	
454	1014321	
1223	1014821	
Daily Total:		2
Cumulative Total:		4012

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