

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, June 4, 2009**

**EIGHTY-THIRD SESSION DAY**

**ONE HUNDRED EIGHTY-SIXTH 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.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, June 4, 2009

The Assembly met at 7 a.m.  
Hon. Danny D. Gilmore, Assembly Member, 30th 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 León	Huber	Price
Ammiano	Duvall	Huffman	Ruskin
Anderson	Emmerson	Jeffries	Salas
Arambula	Eng	Jones	Saldaña
Beall	Evans	Knight	Silva
Berryhill, Bill	Feuer	Krekorian	Skinner
Berryhill, Tom	Fong	Lieu	Smyth
Blakeslee	Fuentes	Lowenthal	Solorio
Blumenfield	Fuller	Ma	Strickland
Brownley	Furutani	Mendoza	Swanson
Buchanan	Gaines	Miller	Torlakson
Caballero	Galgiani	Monning	Torres
Calderon	Garrick	Nava	Torrico
Carter	Gilmore	Nestande	Tran
Chesbro	Hagman	Niello	Villines
Conway	Harkey	Nielsen	Yamada
Cook	Hayashi	Pérez, John	Mme. Speaker
Coto	Hernandez	Pérez, V. Manuel	
De La Torre	Hill	Portantino	

Quorum present.

**At 3:09 p.m., Hon. Jim Nielsen, 2nd 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 Davis, DeVore, Fletcher, Hall, and Logue.*

*Because of a death in his family: Assembly Member Block.*

**EXPLANATIONS OF ABSENCE**

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

June 4, 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 Thursday June 4, 2009. I will be in the District on legislative business.

Sincerely,

MIKE DAVIS, Assembly Member  
Forty-eighth District

June 2, 2009

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

Mme. Speaker: This letter is to respectfully request that I be excused from check-in on Thursday, June 4, 2009. I have legislative business in my district.

Thank you for your consideration. If you have any questions, please do not hesitate to contact my Chief of Staff Leisa Brug Kline at (949) 863-7070.

All the best,

CHUCK DE VORE, Assembly Member  
Seventieth District

June 4, 2009

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

Speaker Bass: I respectfully request an excuse from session check-in on Thursday, June 4, 2009, due to legislative business. If there are any questions regarding this request please contact my Capitol Office at (916) 319-2075.

Thank you for your prompt attention to this request.

Sincerely,

NATHAN FLETCHER, Assembly Member  
Seventy-fifth District

June 2, 2009

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

Dear Speaker Bass: I am writing to respectfully request to be excused from check in session on Thursday, June 4, 2009 to attend legislative business.

Thank you for your prompt attention to this matter.

Sincerely,

ISADORE HALL III, Assembly Member  
Fifty-second District

June 4, 2009

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

Dear Mme. Speaker: This letter is to respectfully request that I be excused from Assembly Session on June 4, 2009, as I have business in the district to attend to. If you have any questions, please contact Stephanie Steele 319-2003.

Thank you for your consideration of this request.

Sincerely,

DAN LOGUE, Assembly Member  
Third District

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 4, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 42  
Assembly Joint Resolution No. 12

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, June 3, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 650

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Governor's Office of Gang and Youth Violence Policy  
First Year Report**

Above transmitted report, together with letter of transmittal from Gary Cooper, Director, Department of Justice, dated May 29, 2009, referred by the Speaker to the Committee on Public Safety.

**Annual Report, 2008  
(Pursuant to Government Code Section 12930, Subdivision (k))**

Above transmitted report, together with letter of transmittal from Phyllis W. Cheng, Director, Department of Fair Employment and Housing, dated May 29, 2009, stating availability of report at <http://www.dfeh.ca.gov/DFEH/default/>, referred by the Speaker to the Committee on Housing and Community Development.

**California Hydrogen Highway Network Report, 2008  
(Pursuant to Chapter 91, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from James W. Goldstene, Executive Officer, Air Resources Board, dated May 27, 2009, stating availability of report at <http://hydrogenhighway.ca.gov>, referred by the Speaker to the Committee on Transportation.

**California Highway Patrol Enhanced Radio System, 2008-09  
(Pursuant to AB 1801, Item 2720-001-0044, Budget Act of 2006)**

Above transmitted report, together with letter of transmittal from J. A. Farrow, Commissioner, California Highway Patrol, dated May 18, 2009, referred by the Speaker to the Committee on Transportation.

**Limited Scope Audit Reports  
(Pursuant to Budget Act of 2007-08, Item 6110-156-0890, Provision 2(b))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated May 4, 2009, referred by the Speaker to the Committee on Education.

**Quarterly Provisional Expenditures  
(Pursuant to Provision 14(a), Budget Act of 2008)**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated May 15, 2009, referred by the Speaker to the Committee on Budget.

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

San Francisco County, Leo Levenson, Director of Budget and Analysis, dated May 19, 2009.

Referred by the Speaker to the Committee on Public Safety.

**AUTHOR'S AMENDMENTS****Committee on Public Employees, Retirement and Social Security**

June 4, 2009

Mme. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 345

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

HERNANDEZ, Chair

**SENATE BILL NO. 345**—An act to add Section 31787.65 to the Government Code, relating to death benefits

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 Public Employees, Retirement and Social Security**

June 4, 2009

Mme. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 634

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

HERNANDEZ, Chair

**SENATE BILL NO. 634**—An act to amend Sections 22115, 22515, 22661, 22713, 22801, 22802, 22803, 22805, 22820, 22821, 22822, 22823, 22826, 23200, 23201, 23859, 24001, 24101, 24216, 24216.5, 24216.6, 24301, 24309, 25007, 25010, 25011.1, 25017, and 25020 of, to amend the heading of Part 14 (commencing with Section 26000) of Division 1 of Title 1 of, and to add Section 25008.5 to, the Education Code, relating to teachers' retirement.

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 Public Safety**

June 4, 2009

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

Senate Bill No. 431

Senate Bill No. 490

Senate Bill No. 449

Senate Bill No. 678

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

SOLORIO, Chair

**SENATE BILL NO. 431**—An act to amend Section 1203.9 of the Penal Code, relating to probation.

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.

**SENATE BILL NO. 449**—An act to amend Sections 21628 and 21628.1 of, and to add Section 21628.2 to, the Business and Professions Code, and to amend Section 12071 of the Penal Code, relating to firearms.

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.

**SENATE BILL NO. 490**—An act to amend Section 830.1 of the Penal Code, relating to peace officers.

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.

**SENATE BILL NO. 678**—An act to add Chapter 3 (commencing with Section 1228) to Title 8 of Part 2 of the Penal Code, relating to probation, 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.

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

June 4, 2009

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

Assembly Bill No. 1204

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

CABALLERO, Chair

**SENATE BILL NO. 1204**—An act to amend Section 67951 of 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.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 7 a.m., Monday, June 8, 2009.

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KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 4, 2009**

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

<b>AB</b>	<b>RN</b>
1204	0916233

<b>SB</b>	<b>RN</b>
345	0915969
431	0915951
449	0915953
490	0915910
634	0915920
678	0916028

<b>Daily Total:</b>	<b>7</b>
<b>Cumulative Total:</b>	<b>1763</b>

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