

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, June 8, 2009

**EIGHTY-FOURTH SESSION DAY
ONE HUNDRED NINETIETH 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
Monday, June 8, 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—73:

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

Quorum present.

At 2:07 p.m., Hon. Wesley Chesbro, 1st 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 Fletcher, Hall, and Silva.

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

Because of illness: Assembly Member Garrick.

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 1, 2009

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

Speaker Bass: I respectfully request an excuse from session Monday, June 8, 2009, due to extended legislative business in my district. 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 8, 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 Monday, June 8, 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 Speaker Bass: I am writing this letter to request to be excused from Assembly Check-In Session on Monday, June 8, 2009. I have meetings to attend in my district.

Please contact me or my chief of staff, Paul Dress, at 916-319-2067 if there is anything else you or your staff need from me regarding this request.

Sincerely,

JIM SILVA, Assembly Member
Sixty-seventh District

COMMUNICATIONS

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

June 8, 2009

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

Dear Mme. Speaker: As a result of my election to the unexpired term of office for the 26th Senatorial District, I hereby respectfully submit my resignation as State Assemblymember of the 51st Assembly District. My resignation is effective upon taking the oath of office for the 26th Senate District on June 8, 2009.

Respectfully,

CURREN D. PRICE, JR., Assembly Member
Fifty-first District

June 8, 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 made changes to the following committees, effective immediately:

Appropriations

I have appointed Assemblymember Joe Coto to replace Assemblymember Curren Price on the Assembly Appropriations Committee.

Arts, Entertainment, Sports, Tourism, and Internet Media

I have removed Assemblymember Curren Price from the Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee creating a Democratic vacancy.

Business and Professions

I have removed Assemblymember Curren Price from the Assembly Business and Professions Committee creating a Democratic vacancy.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 8, 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 made changes to the following committees, effective immediately:

Budget

I have appointed Assemblymember Tom Ammiano to replace Assemblymember Juan Arambula on the Assembly Budget Committee.

Budget Subcommittee No. 4 on State Administration

I have appointed Assemblymember Tom Ammiano to replace Assemblymember Juan Arambula as chair of the Assembly Budget Subcommittee No. 4 on State Administration.

Governmental Organization

I have appointed Assemblymember Joe Coto to replace Assembly Member Curren Price as chair of the Assembly Governmental Organization Committee and have removed Assemblymember Price from the Committee. Assemblymember V. Manuel Pérez has been appointed to the committee.

Insurance

I have appointed Assemblymember Jose Solorio to replace Assemblymember Joe Coto as chair of the Assembly Insurance Committee.

Public Safety

I have appointed Assemblymember Juan Arambula to replace Assemblymember Jose Solorio as chair of the Assembly Public Safety Committee. I have appointed Assemblymember Tom Ammiano to replace Assemblymember Nancy Skinner on the committee.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 8, 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 Assemblymembers Fiona Ma and Nancy Skinner to the Select Committee on Alcohol and Drug Abuse for the 2009–10 Regular Session.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 8, 2009

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

Dear Dotson: Please be advised I have appointed the following membership to the Select Committee on Workforce Development within the Developmentally Disabled Community for the 2009–10 Regular Session:

Assemblymember Tom Ammiano, Chair
Assemblymember Jim Beall, Jr.
Assemblymember Wes Chesbro
Assemblymember Connie Conway
Assemblymember Nathan Fletcher
Assemblymember Cathleen Galgiani
Assemblymember Paul Krekorian
Assemblymember Ted Lieu
Assemblymember Tom Torlakson

Sincerely,

KAREN BASS
Speaker of the Assembly

June 8, 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 created a vacancy for the Chair of the Select Committee on Procurement for the 2009–10 Regular Session.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 5, 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 Joel Anderson to replace Assemblymember Nathan Fletcher on the Assembly Housing and Community Development Committee for the Monday, June 8 hearing only.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 6, 2009

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

RE: Reappointment of William Burke
to South Coast Air Quality Management District Board

Dear Mr. Wilson: Please be advised I have reappointed Dr. William Burke to the South Coast Air Quality Management District Board. This is a term appointment starting January 15, 2010 and the expiration date is January 15, 2014.

Sincerely,

KAREN BASS
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 8, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1204

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly</i>		
<i>Bill No.</i>		<i>Committee</i>
1584	-----	P.E.,R. & S.S.

<i>Assembly Concurrent</i>		
<i>Resolution No.</i>		<i>Committee</i>
76	-----	Jud.
77	-----	J., E.D., & E.
78	-----	Trans.
79	-----	Trans.
80	-----	Hum. S.

<i>Assembly Joint</i>		
<i>Resolution No.</i>		<i>Committee</i>
20	-----	B. & F.

<i>Senate</i>		
<i>Bill No.</i>		<i>Committee</i>
2	-----	Agri.
17	-----	U. & C.
19	-----	Ed.
36	-----	B. & F. and B. & P.
38	-----	Pub. S.
41	-----	Pub. S.
52	-----	Pub. S.
54	-----	Health and Jud.
60	-----	Trans.
94	-----	B. & F. and Jud.
99	-----	L. Gov.

104	-----	Nat. Res.
124	-----	Trans.
126	-----	G.O.
130	-----	Ed.
132	-----	B. & P.
135	-----	Pub. S. and Agri.
141	-----	Hum. S.
142	-----	Hum. S.
143	-----	E.S. & T.M. and Jud.
145	-----	Ins.
148	-----	Health
149	-----	Appr.
154	-----	Pub. S.
156	-----	Ins. and Jud.
161	-----	Health
172	-----	E. & R.
174	-----	Pub. S.
175	-----	Pub. S.
183	-----	H. & C.D. and Jud.
190	-----	Health
196	-----	Health
217	-----	Higher Ed.
219	-----	Jud.
223	-----	Ed.
231	-----	E.S. & T.M.
239	-----	Pub. S.
247	-----	Ed.
254	-----	G.O. and Jud.
262	-----	Nat. Res.
273	-----	Health
283	-----	W.,P. & W.
300	-----	Trans.
305	-----	Ed.
313	-----	Ins.
321	-----	L. Gov. and E. & R.
331	-----	Ed.
337	-----	Health
359	-----	G.O.
361	-----	Higher Ed. and V.A.
364	-----	Health
381	-----	Ed.
397	-----	Ins.
398	-----	H. & C.D.
404	-----	L. & E.
415	-----	G.O.
432	-----	Pub. S.
435	-----	Trans.
478	-----	L. & E.
483	-----	Jud.
488	-----	U. & C.
517	-----	G.O.
530	-----	L. Gov.
535	-----	Trans.
544	-----	Jud.

545 ----- Trans.
 546 ----- Nat. Res.
 552 ----- Ed.
 557 ----- Pub. S.
 581 ----- U. & C. and Nat. Res.
 605 ----- Nat. Res.
 623 ----- P.E.,R. & S.S.
 627 ----- B. & P.
 632 ----- Trans.
 633 ----- B. & F.
 635 ----- Jud.
 641 ----- Jud.
 649 ----- Trans.
 656 ----- P.E.,R. & S. S.
 670 ----- W.,P. & W.
 679 ----- W.,P. & W.
 683 ----- Ins.
 702 ----- Hum. S.
 716 ----- Trans.
 717 ----- W.,P. & W. and Pub. S.
 728 ----- Trans.
 748 ----- Pub. S. and Jud.
 761 ----- Health
 778 ----- W.,P. & W.
 782 ----- Jud.
 783 ----- Trans.
 786 ----- Jud.
 821 ----- B. & P.
 829 ----- G.O.
 832 ----- Nat. Res.
 833 ----- Nat. Res. and L. Gov.

Senate Concurrent

<i>Resolution No.</i>	<i>Committee</i>
20 -----	Jud.

Senate Joint

<i>Resolution No.</i>	<i>Committee</i>
7 -----	Health

**AUTHOR'S AMENDMENTS
Committee on Banking and Finance**

June 8, 2009

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

Senate Bill No. 204

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

NAVA, Chair

SENATE BILL NO. 204—An act to amend Sections 17405, 17600, 50123, and 50124 of, and to amend and repeal Section 17207 of, the Financial Code, relating to financial transactions.

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 Environmental Safety and Toxic Materials**

June 8, 2009

Mme. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 614

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

CHESBRO, Chair

SENATE BILL NO. 614—An act to amend Sections 72410 and 72441 of the Public Resources Code, relating to vessels.

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 8, 2009

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

Senate Bill No. 434

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

SOLORIO, Chair

SENATE BILL NO. 434—An act to add Section 4576 to the Penal Code, relating to correctional facilities.

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 8, 2009

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

Senate Bill No. 211

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

CABALLERO, Chair

SENATE BILL NO. 211—An act to amend Section 5514 of, and to add Section 5506.14 to, the Public Resources Code, relating to parks and recreation.

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 Business and Professions**

June 8, 2009

Mme. Speaker: The Chair of your Committee on Business and Professions reports:

Senate Bill No. 33

Senate Bill No. 109

Senate Bill No. 294

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

HAYASHI, Chair

SENATE BILL NO. 33—An act to amend Sections 28, 4980.02, 4980.03, 4980.35, 4980.38, 4980.40, 4980.43, 4980.44, 4980.50, and 4980.54 of, to amend and repeal Sections 4980.37, 4980.39, 4980.41, 4980.80, and 4980.90 of, and to add Sections 4980.36, 4980.72, 4980.74, 4980.76, and 4980.78 to, the Business and Professions Code, to amend Section 1010 of the Evidence Code, to amend Sections 6924 and 6929 of the Family Code, and to amend Sections 1277 and 123115 of the Health and Safety Code, relating to marriage and family therapy.

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. 109—An act to amend Sections 1812.601 and 1812.607 of the Civil Code, relating to auctioneers.

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. 294—An act to add Section 2835.7 to the Business and Professions Code, relating to nurse practitioners.

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

June 8, 2009

Mme. Speaker: The Chair of your Committee on Judiciary reports:
Senate Bill No. 781

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

FEUER, Chair

SENATE BILL NO. 781—An act to add Section 1569.683 to the Health and Safety Code, relating to residential care facilities for the elderly.

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 Banking and Finance

Date of Hearing: June 8, 2009

Mme. Speaker: Your Committee on Banking and Finance reports:
Assembly Bill No. 1160

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

NAVA, Chair

Above bill ordered to second reading.

Date of Hearing: June 8, 2009

Mme. Speaker: Your Committee on Banking and Finance reports:
Senate Bill No. 116

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

NAVA, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Rules

Date of Hearing: June 8, 2009

Mme. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 12

With the recommendation: That the resolution be re-referred to the Committee on Revenue and Taxation.

LIEU, Chair

Above resolution re-referred to the Committee on Revenue and Taxation.

Date of Hearing: June 8, 2009

Mme. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 31

Senate Concurrent Resolution No. 39

Senate Concurrent Resolution No. 45

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

LIEU, Chair

Above resolutions ordered to the Consent Calendar.

Date of Hearing: June 8, 2009

Mme. Speaker: Your Committee on Rules reports:

House Resolution No. 17

With the recommendation: Be adopted.

LIEU, Chair

Above resolution ordered to third reading.

MESSAGES FROM THE SENATE

Senate Chamber, June 8, 2008

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

Assembly Concurrent Resolution No. 64

Assembly Concurrent Resolution No. 73

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Above resolutions ordered enrolled.

Senate Chamber, June 8, 2009

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

Senate Concurrent Resolution No. 14

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary**FIRST READING OF SENATE BILLS**

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 14—Relative to Prostate Cancer Awareness Month.

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned until 9 a.m., Thursday, June 11, 2009.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 8, 2009**

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

SB	RN
33	0915985
109	0916259
204	0915939
211	0916252
294	0915963
434	0916186
614	0916257
781	0915907

Daily Total:	8
Cumulative Total:	1771

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